



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

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



NOTICE OF ADOPTED AMENDMENT

November 17, 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 003-06

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 4, 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
Laura Barron, City of Coos Bay

<paa> ya/



FORM 2

DLCD 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

NOV 14 2006

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Coos Bay Local File No.: ZON 2006-0008 (If no number, use none)

Date of Adoption: November 7, 2006 (Must be filled in) Date Mailed: November 13, 2006 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: August 22, 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."

The redesignation of approx 32 acres to allow a variety of residential home types. "Qualified" - a condition was added to require a traffic study prior to development + review by Commission of subdivision, PUD, or Site Plan Review.

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 - except for condition added regarding traffic study and site plan review.

Plan Map Changed from: Residential low-density to Residential High-Density

Zone Map Changed from: Residential Certified Factory-built Home Park (RS) to Qualified Multiple Residential

Location: T. 25, R. 13, S. 21C, TL 900 Acres Involved: approx 32 acres (Q-R-3)

Specify Density: Previous: New:

Applicable Statewide Planning Goals: 10, 12

Was an Exception Adopted? Yes: No: [checked]

DLCD File No.: 003-06 (15487)

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: NORTH BEAD
ODOT

Local Contact: LAURA BARRON Area Code + Phone Number: (541) 269-8918

Address: 500 CENTRAL

City: COOS BAY Zip Code+4: 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 - 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>

November 13, 2006

FINAL ORDER

AMENDMENT TO THE COOS BAY COMPREHENSIVE PLAN AND LAND DEVELOPMENT ORDINANCE

APPLICATION: ZON2006-00081
APPLICANTS/OWNERS: Powder River Corporation
3140 Juanipero Way, Suite 201, Medford, OR 97504

SUBJECT PROPERTY: T. 25, R. 13, S. 21C, Tax Lot 900
REQUEST: Redesignate the subject property from "Residential Certified
Factory-built Home Park (R-5)" to "Multiple Residential (R-3)"
zoning and from "Residential Low-density (R-L)" to "Residential
High-density (R-H)" plan map designation.

ORDER: Tuesday, November 7, 2006, City Council approved, with a
condition, the zone change and plan map amendment and
enacted Ordinance Nos. 389 and 390, respectively.
City Council Final Vote:
Yea: Mayor Joe Benetti, Councilors Jeff McKeown,
Roger Gould, John Eck, John Muenchrath, Cindi
Miller and Kevin Stufflebean
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 applicant's submitted evidence at Attachment A, the City Council enacted Ordinance Nos. 389 and 390, approving the zone change and plan map amendment (ZON2006-00081) redesignating the subject property from "Residential Certified Factory-built Home Park (R-5)" to "**Qualified** Multiple Residential (**Q R-3**)" zoning and from "Residential Low-density (R-L)" to "Residential High-density (R-H)" plan map designation" with the following condition:

A traffic impact study must be completed and approved prior to development of the subject property. The Planning Commission must be given the opportunity

to review the layout and traffic circulation of the development of the property. This must be through a subdivision, planned unit development, or a Site Plan and Architectural Review process.

The decision to approve will become final at **5:00 PM on December 4, 2006** unless an appeal is filed.

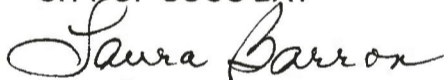
APPEAL PROVISION

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 December 4, 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 389 and 390, Attachment A

c: Powder River Corporation
Chris Hood, Stuntzner Engineering & Forestry
Tom Luther
Gerald Risberg
Tom Guevara, ODOT Region 3
Dave Perry, OR Dept. of Land Conservation & Development

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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.

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 since the property is adjacent to other lands that are zoned and developed for the R-5 zoning district.

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 Volume I, Chapter 7.6, Housing, plan policy H.1 states the following:

H.1 Coos Bay shall endeavor to provide a wide range of housing, available at varied price and rent ranges, by exercising zoning concepts that allow flexible site and architectural design and that permit a variety of housing types such as attached and detached single-family and duplex dwellings, row houses, apartments of varying densities, cluster housing, mobile homes, and condominiums, recognizing that the city should encourage a variety of housing to satisfy individual preferences and financial capabilities.

- 2b.** Volume I, Chapter 9.1 sets forth the objectives for residential development.

Objective 1 states that residential areas will be designated on the basis of dwelling unit densities. The strategy of this objective aims to lower housing costs, yet permit freedom of choice in housing types, and encourage energy conservation. The location of high-density residential land capitalizes on commercial and employment centers and has convenient vehicular access to major arterial streets.

Access is currently provided to the 30-acre subject property by way of Lindy Lane, a public right of way. Lindy Lane consists of a 50-foot-wide right of way as it extends south from Ocean Boulevard through a residential district and then expands to a 60-foot-wide right of way where it fronts the subject property. The roadway is currently improved with gravel and would require upgrading to city standards in conjunction with development of the subject property.

The applicant states it is likely that any residential development of this property will result in the need for a second access point to the arterial, Ocean Boulevard. The extension of a secondary access from Ocean Boulevard through the property will potentially provide needed access to residential lands lying west and south of the subject property.

The subject property is located in close proximity to commercial lands to the east as well as existing commercial uses along Ocean Boulevard. Ocean Boulevard also provides the necessary access to commercial, light industrial and employment centers throughout the area.

- 2c.** *Objective 2* bases the location of residential areas and their densities on an analysis of land characteristics and on the fiscal potential for extending access and public facilities to the site. The subject property is currently zoned for low-density residential development. Because the proposed zone change is from one residential district to another residential district, there should be no substantial change with regard to fiscal impacts outside of those onsite improvements that are the responsibility of the developer.

The subject property contains hilly areas and delineated wetlands. "Unusually high" construction costs to deal with these topographical issues recognizes the need to allow higher density development in these areas.

- 2d.** *Objective 3* requires the city to protect the integrity of established land use patterns. The proposed zone change is intended to replace one residential district with another; therefore, other than a potential density increase, there will be no change in the land use pattern of the area. Note the area being rezoned is a portion of a single ownership that also contains 40 acres to the south. Because that property is currently zoned R-3, this rezone will provide zone consistency within the single tract ownership and allow uniform development with regard to residential use types.
- 2e.** *Objective 4* stresses the importance of maintaining the natural character of the community. Although there is no guarantee what type of development will occur

if the zone change occurs, it is certain that the R-3 district allows more variety in the types of housing and development than the existing R-5 district which allows only residential certified factory-built manufactured home parks.

- 2f.** *Objective 5* addresses the need to maintain a sufficient amount of residential lands for growth. The R-3 zoning district allows for an increased density that may stimulate construction so that local developers can realize a satisfactory return on their investment to permit costly access and facility extensions to the growth areas. Topography and physical constraints will limit the development and at the same time stimulate well-planned cluster subdivisions and planned unit developments to maximize the buildable portions of the area.
- 2g.** The Transportation System Plan for the City of Coos Bay sets forth goals as brief guiding statements that describe a desired result. The policies accompanying each goal describe the actions needed to move the city toward the goal. Pertinent to the proposed zone change are the following policies:
1. Maintain the livability of Coos Bay through proper location and design of transportation facilities;
 2. Design streets to serve anticipated function and intended uses as determined by the Comprehensive Plan;
 3. Maintain levels of service consistent with the Oregon Transportation Plan. Reduce traffic congestion and enhance traffic flow through such measures as intersection improvements, intelligent transportation systems, signal synchronization, and other similar measures; and
 4. Require land use approval of proposals for new or improved transportation facilities. The approval process shall identify and consider the project's identified impacts.
- 2h.** The applicant states in his submitted information that it is likely that any residential development of the subject property will result in the need for a second access point to Ocean Boulevard. Future concurrent design and development to the subject property together with the 40-acre property to the south under the same ownership will allow flexibility in designing for a second access point to accommodate the additional traffic.
- 2i.** The applicant requests in their submitted information, in lieu of a traffic study at this time, a condition be imposed in the way of a "Qualified" zone change that will limit development density on the subject property under the proposed R-3 zoning. The condition will limit the amount of development to a level that will not exceed the ADT that could potentially occur under the existing R-5 zone district discussed in Finding 2j., below.
- 2j.** The applicant estimates that under the current R-5 zoning, 1,252 average daily vehicular trips (ADT) would result if the property was developed to the maximum potential density (6th Edition, Institute of Transportation Engineers).

The city finds that 1,252 ADT would be equivalent to approximately 130 single-family dwellings. A street such as Lindy Lane, when improved to 36-foot-wide

pavement, curb/gutter and sidewalk on both sides, typically carries less than 1,000 vehicles per day. Currently, there are 4 dwellings and a small commercial business on Lindy Lane which create a small amount of traffic. However, traffic generated from businesses on Ocean Boulevard and pass-through traffic should be considered when looking at impacts from development on the subject property. The intersection of Lindy Lane and Ocean Boulevard is of particular concern.

- 2k. It is required with any zone change that potential impacts that may result from the proposed zone change be addressed through a traffic study. It is clear that the proposed high-density R-3 zone has the potential to generate significantly more traffic than the existing low-density R-5 zoning.
- 2l. According to Coos Bay Land Development Ordinance (LDO) Chapter 3.11(2),(1)and (2), each proposed development that is proposed to generate 500 or more daily trip ends shall evaluate the transportation system impacts in a Transportation Impact Study (TIS). Projects that generate less than 500 daily trip ends may also be required when a capacity problem and/or safety concern is caused and/or is adversely impacted by the development.

CONCLUSION: The proposed rezone is intended to allow the continuation of residential use of the subject property while allowing a density level that will effectively offset the costs of extending services to and within a property with development constraints.

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 with the following condition:

CONDITION: A traffic impact study must be completed and approved prior to development of the subject property. The Planning Commission must be given the opportunity to review the layout and traffic circulation of the development of the property. This must be through a subdivision, planned unit development, or a Site Plan and Architectural Review process.

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 north and east of the subject property is zoned R-2 (Single-family and Duplex Residential) with limited residential development and some vacant land being utilized for excavation of fill sand. The property further north, along Lindy Lane and adjacent to Ocean Boulevard, is zoned C-2 (General Commercial) and is developed with RV sales and service, fleet storage and a barber shop. A portion of the northern boundary of the subject property is adjacent to a manufactured home park zoned R-5. Further east is commercially

zoned property with K-Mart. South of the subject property is 40 acres of undeveloped R-3 property also owned by the applicant. The area to the west of the subject property is also zoned R-5 and is undeveloped.

- 3b.** By definition the R-3 zoning district is intended to serve as a transition district between commercial and professional districts to lower density residential districts.

CONCLUSION: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts. 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.** As stated above in Finding 3b, the R-3 zoning district is intended to serve as a transition district between commercial/professional districts and lower density residential districts.

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 proposed zone change 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 applicant states and the city finds this is the appropriate time to permit the zone change. At the time the R-5 zone was created, manufactured homes were restricted within certain residential zoning districts and the intent of the district was to assist in satisfying a need for a type of housing. However, since that time, statutory changes preclude jurisdictions from restricting manufactured homes within residential districts, and as a result, the need and desire for manufactured home parks have diminished.

CONCLUSION: 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.

The existing Residential Low-density plan designation and R-5 zoning is limited in the variety of residential use types that may be permitted. The R-5 zoning allows a residential factory-built home park and various accessory uses, such as laundry facilities, recreational vehicles on 10% of the park area, and one single-family residence for occupancy by the manager of the park.

Conversely, the proposed Residential High-density plan designation and R-3 zoning may allow a planned unit development which in turn allows manufactured homes as single-family dwellings. The change in plan and zone designation is intended to provide uniformity with the adjacent 40-acre Residential High-density (R-3) parcel to the south of the subject property which is also owned by the applicant.

- A2.** At the time the R-5 zone was created, manufactured homes were restricted within certain residential zoning districts and the intent of the district was to assist in satisfying a need for a type of housing. However, since that time, statutory changes preclude jurisdictions from restricting manufactured homes within residential districts, and as a result, the need and desire for manufactured home parks has diminished.
- A3.** The 30-acre subject property is currently vacant and has historically been in forest use. The land gently slopes to the north towards a tributary to Pony Creek with 1.5 acres of delineated wetlands. The elevation of the property is 168 feet above sea level in the southeast corner, and 152 feet in the southwest corner dropping to 106 feet by a stream that runs east to west and then climbing back to 120 to 130 feet by the north boundary. The average slope of the property is 7%; however, there are substantial slopes existing throughout the property. It appears there are springs located along the northwest property line that drain to marginal wetlands. There is also a sediment control drainage pond that is fed by

runoff and two storm drain pipes 24 and 18 inches in diameter that transport flow from the neighboring property to the west into the pond and ultimately into a tributary to Pony Creek. The ground slopes steeply from the south in close proximity to the drainage pond, and along the north and west boundaries.

CONCLUSION: The development potential for the existing plan and zone designations is limited. In order to develop a variety of housing types and uniformity with the 40-acre parcel to the south of the subject property, a Residential High-density plan designation is appropriate. 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.** A review of the city zoning inventory shows that the majority of land designated R-5 is limited to the vicinity of the subject property. Since the R-5 district was originally established, statutory changes have occurred that now prohibit the restriction of manufactured homes from existing residential districts. That change has substantially reduced the need for manufactured home parks by increasing the inventory of land available for manufactured homes. Those available lands now assist in meeting the city's need for a variety of housing. The subject property and the property to the west zoned R-5 is the majority of property available for manufactured home parks and has remained undeveloped for close to 20 years.
- B2.** While there is considerable land devoted to R-3 zoning throughout the city, it is well known that a large portion of those lands currently contain developments that are inundated with single-family residential uses. In recent years, there has been a trend of allowing single-family residential development in R-3 districts as a conditional use. A considerable amount of the city's vacant R-3 inventory exists along the fringe of the city on severe slopes without direct access to major transportation corridors. Therefore, the development of those lands for high-density residential use is questionable.

CONCLUSION: Statutory changes have occurred that now prohibit the restriction of manufactured homes from existing residential districts. That change has substantially reduced the need for manufactured home parks by increasing the inventory of land available for manufactured homes. 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, "Residential Low-density (R-L)" 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 "Residential Low-density (R-L)" to "Residential High-density (R-H)." The proposed zone change to R-3 from R-5 will satisfy the need for a variety of housing types rather than limit the use of the subject property to manufactured home parks. This option, the preferred alternative, could be supported by Plan Strategy ED.5.
 - H.1** Coos Bay shall endeavor to provide a wide range of housing, available at varied price and rent ranges, by exercising zoning concepts that allow flexible site and architectural design and that permit a variety of housing types such as attached and detached single-family and duplex dwellings, row houses, apartments of varying densities, cluster housing mobile homes, and condominiums, recognizing that the city should encourage a variety of housing to satisfy individual preferences and financial capabilities.

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 apply to the requested change. The strategies most applicable to the request follow:
 - EC.1** Coos Bay shall exercise residential site development practices consistent with sound energy conservation design principles, including where appropriate, consideration of alternatives for cluster housing, for structural orientation and landscaping design to minimize surface heat loss...
 - EC.4** Coos Bay shall promote development along major transportation corridors by zoning lands adjacent to such corridors to allow commercial, industrial, and multi-family development except where such areas are irreversibly committed to low density residential development. However, ingress/egress to such development shall be designed so that it does not restrict traffic flow on the arterial streets. The city recognizes that intense development , along major transportation corridors conserves energy by

providing shorter, direct access to home and trade and service areas.

ED.10 Coos Bay shall allow limited and appropriate convenience shopping activities in planned unit developments, recognizing that such development result in energy conservation.

H.1 See Finding C2., above.

H.4 Coos Bay shall develop innovative regulations for planned unit development allowing flexibility in designing cluster housing, recognizing that such land development practices (1) result in lower costs per site than conventional subdivisions, (2) permit sound land economics, (3) enhance the environmental integrity of the land resources, (4) promote energy conservation, and (5) provide additional open space.

H.6 Coos Bay shall designate and maintain an adequate supply of land zoned for moderate and low density residential development recognizing that such action enhances freedom of choice.

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

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ORDINANCE NO. 389

AN ORDINANCE CHANGING THE ZONING DESIGNATION FOR CERTAIN REAL PROPERTY FROM "RESIDENTIAL CERTIFIED FACTORY-BUILT HOME PARK" TO "QUALIFIED MULTIPLE RESIDENTIAL"

The City of Coos Bay ordains as follows:

Section 1: Findings.

1. The applicant, Powder River Corporation, has filed an application, hereinafter referred to as the Application, to amend the Coos Bay Land Development Ordinance to redesignate certain real property from "Residential Factory-built Home Park (R-5)" to "Qualified Multiple Residential (Q R-3)" described as follows:

That portion of the following described parcel lying west of Lindy Lane Public Roadway: A tract of land situated in the southwest quarter of the southwest quarter, Section 21, Township 25 south, Range 13 west of the Willamette Meridian, Coos County, Oregon, described as follows: Beginning at a point on the north line of said southwest quarter of the southwest quarter 165 feet west from the northeast corner thereof; thence west along said north line 1155 feet, more or less, to the northwest corner of said southwest quarter of the southwest quarter; thence south along the west line of said subdivision 1320 feet, more or less, to the southwest corner thereof; thence east along the south line of said subdivision 1320 feet to the southeast corner thereof; thence north on the east line of said southwest quarter of the southwest quarter 792 feet, more or less, to a point 528 feet south from the northeast corner of said southwest quarter of the southwest quarter; thence west 165 feet; thence north 528 feet to the point of beginning;

EXCEPT the following described tract of land: Beginning at a point on the north line of said southwest quarter of the southwest quarter 225 feet west from the northeast corner thereof; thence west along said north line 550 feet; thence south 158.38 feet; thence east 550 feet; thence north 158.38 feet to the point of beginning.

ALSO EXCEPT that portion conveyed to Gurviest B. Langley, et ux by instrument recorded August 4, 1980, bearing Microfilm Reel Number 80-3-2338, Records of Coos County, Oregon.

ALSO EXCEPT any portion lying within Lindy Lane Public Roadway.

2. Notice that public hearing upon the Application would be held before the City of Coos Bay Planning Commission (the Commission) on October 10, 2006 and public hearing would be held before the Coos Bay City Council on November 7, 2006, was published in "The World," a newspaper of general circulation within Coos County, Oregon, on September 25, 2006.

3. Notice of the public hearings was mailed on September 12, 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 October 10, 2004, 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) is hereby changed from "Residential Certified Factory-built Home Park (R-5)" to "Qualified Multiple Residential (Q R-3)" with the following condition:

A traffic impact study must be completed and approved prior to development of the subject property. The Planning Commission must be given the opportunity to review the layout and traffic circulation of the development of the property. This must be through a subdivision, planned unit development, or a Site Plan and Architectural Review process.

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 7th day of November 2006, by the following vote:

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



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

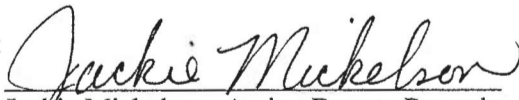
ATTEST: 
 Jackie Mickelson, Acting Deputy Recorder
 of the City of Coos Bay, Coos County, Oregon

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.

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 since the property is adjacent to other lands that are zoned and developed for the R-5 zoning district.

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 Volume I, Chapter 7.6, Housing, plan policy H.1 states the following:

H.1 Coos Bay shall endeavor to provide a wide range of housing, available at varied price and rent ranges, by exercising zoning concepts that allow flexible site and architectural design and that permit a variety of housing types such as attached and detached single-family and duplex dwellings, row houses, apartments of varying densities, cluster housing, mobile homes, and condominiums, recognizing that the city should encourage a variety of housing to satisfy individual preferences and financial capabilities.

- 2b.** Volume I, Chapter 9.1 sets forth the objectives for residential development. *Objective 1* states that residential areas will be designated on the basis of dwelling unit densities. The strategy of this objective aims to lower housing costs, yet permit freedom of choice in housing types,

and encourage energy conservation. The location of high-density residential land capitalizes on commercial and employment centers and has convenient vehicular access to major arterial streets.

Access is currently provided to the 30-acre subject property by way of Lindy Lane, a public right of way. Lindy Lane consists of a 50-foot-wide right of way as it extends south from Ocean Boulevard through a residential district and then expands to a 60-foot-wide right of way where it fronts the subject property. The roadway is currently improved with gravel and would require upgrading to city standards in conjunction with development of the subject property.

The applicant states it is likely that any residential development of this property will result in the need for a second access point to the arterial, Ocean Boulevard. The extension of a secondary access from Ocean Boulevard through the property will potentially provide needed access to residential lands lying west and south of the subject property.

The subject property is located in close proximity to commercial lands to the east as well as existing commercial uses along Ocean Boulevard. Ocean Boulevard also provides the necessary access to commercial, light industrial and employment centers throughout the area.

- 2c.** *Objective 2* bases the location of residential areas and their densities on an analysis of land characteristics and on the fiscal potential for extending access and public facilities to the site. The subject property is currently zoned for low-density residential development. Because the proposed zone change is from one residential district to another residential district, there should be no substantial change with regard to fiscal impacts outside of those onsite improvements that are the responsibility of the developer.

The subject property contains hilly areas and delineated wetlands. "Unusually high" construction costs to deal with these topographical issues recognize the need to allow higher density development in these areas.

- 2d.** *Objective 3* requires the city to protect the integrity of established land use patterns. The proposed zone change is intended to replace one residential district with another; therefore, other than a potential density increase, there will be no change in the land use pattern of the area. Note the area being rezoned is a portion of a single ownership that also contains 40 acres to the south. Because that property is currently zoned R-3, this rezone will provide zone consistency within the single tract ownership and allow uniform development with regard to residential use types.

- 2e.** *Objective 4* stresses the importance of maintaining the natural character of the community. Although there is no guarantee what type of development will occur if the zone change occurs, it is certain that the R-3 district allows more variety in the types of housing and development than

the existing R-5 district which allows only residential certified factory-built manufactured home parks.

- 2f.** *Objective 5* addresses the need to maintain a sufficient amount of residential lands for growth. The R-3 zoning district allows for an increased density that may stimulate construction so that local developers can realize a satisfactory return on their investment to permit costly access and facility extensions to the growth areas. Topography and physical constraints will limit the development and at the same time stimulate well-planned cluster subdivisions and planned unit developments to maximize the buildable portions of the area.
- 2g.** The Transportation System Plan for the City of Coos Bay sets forth goals as brief guiding statements that describe a desired result. The policies accompanying each goal describe the actions needed to move the city toward the goal. Pertinent to the proposed zone change are the following policies:
1. Maintain the livability of Coos Bay through proper location and design of transportation facilities;
 2. Design streets to serve anticipated function and intended uses as determined by the Comprehensive Plan;
 3. Maintain levels of service consistent with the Oregon Transportation Plan. Reduce traffic congestion and enhance traffic flow through such measures as intersection improvements, intelligent transportation systems, signal synchronization, and other similar measures; and
 4. Require land use approval of proposals for new or improved transportation facilities. The approval process shall identify and consider the project's identified impacts.
- 2h.** The applicant states in his submitted information that it is likely that any residential development of the subject property will result in the need for a second access point to Ocean Boulevard. Future concurrent design and development to the subject property together with the 40-acre property to the south under the same ownership will allow flexibility in designing for a second access point to accommodate the additional traffic.
- 2i.** The applicant requests in their submitted information, in lieu of a traffic study at this time, a condition be imposed in the way of a "Qualified" zone change that will limit development density on the subject property under the proposed R-3 zoning. The condition will limit the amount of development to a level that will not exceed the ADT that could potentially occur under the existing R-5 zone district discussed in Finding 2j below.
- 2j.** The applicant estimates that under the current R-5 zoning, 1,252 average daily vehicular trips (ADT) would result if the property was developed to the maximum potential density (6th Edition, Institute of Transportation Engineers).

The city finds that 1,252 ADT would be equivalent to approximately 130 single-family dwellings. A street such as Lindy Lane, when improved to 36-foot-wide pavement, curb/gutter and sidewalk on both sides, typically carries less than 1,000 vehicles per day. Currently, there are four dwellings and a small commercial business on Lindy Lane which create a small amount of traffic. However, traffic generated from businesses on Ocean Boulevard and pass-through traffic should be considered when looking at impacts from development on the subject property. The intersection of Lindy Lane and Ocean Boulevard is of particular concern.

- 2k. It is required with any zone change that potential impacts that may result from the proposed zone change be addressed through a traffic study. It is clear that the proposed high-density R-3 zone has the potential to generate significantly more traffic than the existing low-density R-5 zoning.
- 2l. According to Coos Bay Land Development Ordinance (LDO) Chapter 3.11(2),(1)and (2), each proposed development that is proposed to generate 500 or more daily trip ends shall evaluate the transportation system impacts in a Transportation Impact Study (TIS). Projects that generate less than 500 daily trip ends may also be required when a capacity problem and/or safety concern is caused and/or is adversely impacted by the development.

CONCLUSION: The proposed rezone is intended to allow the continuation of residential use of the subject property while allowing a density level that will effectively offset the costs of extending services to and within a property with development constraints.

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 with the following condition:

CONDITION: A traffic impact study and Site Plan and Architectural review must be approved prior to development of the subject property.

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 north and east of the subject property is zoned R-2 (Single-family and Duplex Residential) with limited residential development and some vacant land being utilized for excavation of fill sand. The property further north, along Lindy Lane and adjacent to Ocean Boulevard, is zoned C-2 (General Commercial) and is developed with RV sales and service, fleet storage, and a barber shop. A portion of the northern boundary of the subject property is adjacent to a manufactured home park zoned R-5. Further east is commercially zoned property with K-Mart. South of the subject property is 40 acres of

undeveloped R-3 property also owned by the applicant. The area to the west of the subject property is also zoned R-5 and is undeveloped.

- 3b.** By definition the R-3 zoning district is intended to serve as a transition district between commercial and professional districts to lower density residential districts.

CONCLUSION: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts. 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.** As stated above in Finding 3b, the R-3 zoning district is intended to serve as a transition district between commercial/professional districts and lower density residential districts.

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 proposed zone change 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 applicant states and the city finds this is the appropriate time to permit the zone change. At the time the R-5 zone was created, manufactured homes were restricted within certain residential zoning districts and the intent of the district was to assist in satisfying a need for a type of housing. However, since that time, statutory changes preclude jurisdictions from restricting manufactured homes within residential districts, and as a result, the need and desire for manufactured home parks have diminished.

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

ORDINANCE NO. 390

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

The City of Coos Bay ordains as follows:

Section 1: Findings.

1. The applicant, Powder River Corporation, has 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 "Residential Low-density (R-L)" to "Residential High-density (R-)" described as follows:

That portion of the following described parcel lying west of Lindy Lane Public Roadway: A tract of land situated in the southwest quarter of the southwest quarter, Section 21, Township 25 south, Range 13 west of the Willamette Meridian, Coos County, Oregon, described as follows: Beginning at a point on the north line of said southwest quarter of the southwest quarter 165 feet west from the northeast corner thereof; thence west along said north line 1155 feet, more or less, to the northwest corner of said southwest quarter of the southwest quarter; thence south along the west line of said subdivision 1320 feet, more or less, to the southwest corner thereof; thence east along the south line of said subdivision 1320 feet to the southeast corner thereof; thence north on the east line of said southwest quarter of the southwest quarter 792 feet, more or less, to a point 528 feet south from the northeast corner of said southwest quarter of the southwest quarter; thence west 165 feet; thence north 528 feet to the point of beginning;

EXCEPT the following described tract of land: Beginning at a point on the north line of said southwest quarter of the southwest quarter 225 feet west from the northeast corner thereof; thence west along said north line 550 feet; thence south 158.38 feet; thence east 550 feet; thence north 158.38 feet to the point of beginning.

ALSO EXCEPT that portion conveyed to Gurviest B. Langley, et ux by instrument recorded August 4, 1980, bearing Microfilm Reel Number 80-3-2338, Records of Coos County, Oregon.

ALSO EXCEPT any portion lying within Lindy Lane Public Roadway.

2. Notice that public hearing upon the Application would be held before the City of Coos Bay Planning Commission (the Commission) on October 10, 2006, and public hearing would be held before the Coos Bay City Council on November 7, 2006, was published in "The World," a newspaper of general circulation within Coos County, Oregon, on September 25, 2006.

3. Notice of the public hearings was mailed on September 12, 2006, to all landowners within 250 feet of the area being redesignated.

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 October 10, 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), is hereby changed from "Residential Low-density (R-L)" to "Residential High-density (R-H)."


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 7th day of November 2006, by the following vote.

Yes: Mayor Benetti and Councilors Roger Gould, Jon Eck, Cindi Miller, John Muenchrath, Kevin Stufflebean, and Jeff McKeown

No: None

Absent: None



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

ATTEST:

Jackie Mickelson, Acting 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.

The existing Residential Low-density plan designation and R-5 zoning is limited in the variety of residential use types that may be permitted. The R-5 zoning allows a residential factory-built home park and various accessory uses, such as laundry facilities, recreational vehicles on 10% of the park area, and one single-family residence for occupancy by the manager of the park.

Conversely, the proposed Residential High-density plan designation and R-3 zoning may allow a planned unit development which in turn allows manufactured homes as single-family dwellings. The change in plan and zone designation is intended to provide uniformity with the adjacent 40-acre Residential High-density (R-3) parcel to the south of the subject property which is also owned by the applicant.

- A2.** At the time the R-5 zone was created, manufactured homes were restricted within certain residential zoning districts and the intent of the district was to assist in satisfying a need for a type of housing. However, since that time, statutory changes preclude jurisdictions from restricting manufactured homes within residential districts; and as a result, the need and desire for manufactured home parks have diminished.
- A3.** The 30-acre subject property is currently vacant and has historically been in forest use. The land gently slopes to the north towards a tributary to Pony Creek with 1.5 acres of delineated wetlands. The elevation of the property is 168 feet above sea level in the southeast corner, and 152 feet in the southwest corner dropping to 106 feet by a stream that runs east to west and then climbing back to 120 to 130 feet by the north boundary. The average slope of the property is 7%; however, there are substantial

slopes existing throughout the property. It appears there are springs located along the northwest property line that drains to marginal wetlands. There is also a sediment control drainage pond that is fed by runoff and two storm drain pipes 24 and 18 inches in diameter that transport flow from the neighboring property to the west into the pond and ultimately into a tributary to Pony Creek. The ground slopes steeply from the south in close proximity to the drainage pond, and along the north and west boundaries.

CONCLUSION: The development potential for the existing plan and zone designations is limited. In order to develop a variety of housing types and uniformity with the 40-acre parcel to the south of the subject property, a Residential High-density plan designation is appropriate. 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.** A review of the city zoning inventory shows that the majority of land designated R-5 is limited to the vicinity of the subject property. Since the R-5 district was originally established, statutory changes have occurred that now prohibit the restriction of manufactured homes from existing residential districts. That change has substantially reduced the need for manufactured home parks by increasing the inventory of land available for manufactured homes. Those available lands now assist in meeting the city's need for a variety of housing. The subject property and the property to the west zoned R-5 is the majority of property available for manufactured home parks and has remained undeveloped for close to 20 years.
- B2.** While there is considerable land devoted to R-3 zoning throughout the city, it is well known that a large portion of those lands currently contain developments that are inundated with single-family residential uses. In recent years, there has been a trend of allowing single-family residential development in R-3 districts as a conditional use. A considerable amount of the city's vacant R-3 inventory exists along the fringe of the city on severe slopes without direct access to major transportation corridors. Therefore, the development of those lands for high-density residential use is questionable.

CONCLUSION: Statutory changes have occurred that now prohibit the restriction of manufactured homes from existing residential districts. That change has substantially reduced the need for manufactured home parks by increasing the inventory of land available for manufactured homes. 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, "Residential Low-density (R-L)" 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 "Residential Low-density (R-L)" to "Residential High-density (R-H)." The proposed zone change to R-3 from R-5 will satisfy the need for a variety of housing types rather than limit the use of the subject property to manufactured home parks. This option, the preferred alternative, could be supported by Plan Strategy ED.5.

H.1 Coos Bay shall endeavor to provide a wide range of housing, available at varied price and rent ranges, by exercising zoning concepts that allow flexible site and architectural design and that permit a variety of housing types such as attached and detached single-family and duplex dwellings, row houses, apartments of varying densities, cluster housing mobile homes, and condominiums, recognizing that the city should encourage a variety of housing to satisfy individual preferences and financial capabilities.

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 apply to the requested change. The strategies most applicable to the request follow:

EC.1 Coos Bay shall exercise residential site development practices consistent with sound energy conservation design principles, including where appropriate, consideration of alternatives for cluster housing; for structural orientation and landscaping design to minimize surface heat loss.

EC.4 Coos Bay shall promote development along major transportation corridors by zoning lands adjacent to such corridors to allow commercial, industrial, and multi-family development except where such areas are irreversibly committed to low density residential development. However, ingress/egress to such development shall be

designed so that it does not restrict traffic flow on the arterial streets. The city recognizes that intense development along major transportation corridors conserves energy by providing shorter, direct access to home and trade and service areas.

ED.10 Coos Bay shall allow limited and appropriate convenience shopping activities in planned unit developments, recognizing that such development result in energy conservation.

H.1 See Finding C2 above.

H.4 Coos Bay shall develop innovative regulations for planned unit development allowing flexibility in designing cluster housing, recognizing that such land development practices (1) result in lower costs per site than conventional subdivisions, (2) permit sound land economics, (3) enhance the environmental integrity of the land resources, (4) promote energy conservation, and (5) provide additional open space.

H.6 Coos Bay shall designate and maintain an adequate supply of land zoned for moderate and low density residential development recognizing that such action enhances freedom of choice.

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

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