



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/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

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

NOTICE OF ADOPTED AMENDMENT

June 12, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Coquille 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: June 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
John Higgins, City of Coquille

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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

JUN 08 2006

(See reverse side for submittal requirements)

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: City of Coquille Local File No.: None
(If no number, use none)

Date of Adoption: June 5, 2006 Date Mailed: June 6, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: March 9, 2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: inclusion in UGB and Annexation
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write see Attached.≡

Include the remaining Southern 0.12 acres of a .18 acre parcel within the UGB
and annex the same. The North .06 acre portion of the parcel was within the
City limits.

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 AN/A.≡

Same

Plan Map Changed from : RR-2 to (R) Residential

Zone Map Changed from: RR-2 Coos County to R Residential, City of Coquille

Location: T28S. R.12WWM Section 6CC #1900 Acres Involved: .12 acres

Specify Density: Previous: 2 acre parcel New: 5,000 sq. ft. per SFD

Applicable Statewide Planning Goals: Goal 14 urbanization

Was an Exception Adopted? Yes: No:

DLCD File No.: 001-06(15072)

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: xx 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: Coos County, Coquille Rural Fire Protection Dist.
Local Contact: John Higgins Area Code + Phone Number: (541) 396-2115 209
Address: 99 E. 2nd St. City: Coquille
Zip Code+4: 97423-1848 Email Address: jhiggins@cityofcoquille.org

ADOPTION SUBMITTAL REQUIREMENTS

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

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

**BEFORE THE COMMON COUNCIL
OF THE CITY OF COQUILLE, COUNTY OF COOS
STATE OF OREGON**

**In the matter of application for approval of inclusion in UGB and
annexation, Joel and Linda Fisher, applicant)**

**Final ORDER and
Findings of Fact**

ORDER approving an application for inclusion in the UGB and annexation of the Southerly .18 acres of Tax lot as follows: Assessor's Map Township 28, Range 12 W.W.M., Section 6CC, Tax Lot #1900, a portion of which is outside of the City's urban growth boundary, the tax lot is located with the Northerly portion of the tax lot inside the City Limits and the Southerly portion of the tax lot lying outside of the UGB and City Limits, which make the parcel contiguous to the City limits.

WHEREAS:

1. The Coquille Planning Commission duly considered the application on the agenda of its regularly scheduled public hearing on May 8, 2006. Attachment A
2. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report and by oral presentation, and evidence and testimony was presented by the applicant and the public at the public hearing; and
3. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Report and recommended that the Common Council approve the request for a Comprehensive Plan amendment, Comprehensive Plan Map amendment and annexation; and
4. The Coquille Common Council duly considered the above described application in a public hearing at a regularly scheduled public hearing held on June 5, 2006, and is a matter of record; and
5. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Common Council, upon a motion duly seconded, accepted the Planning Commission's recommendation and approved the request for Comprehensive Plan Amendment, Comprehensive Plan Map Amendment and Annexation; and

THEREFORE, LET IT BE HEREBY ORDERED that the application for an annexation of the subject parcel is approved. This approval is supported by the following findings and conclusions:

FINDINGS

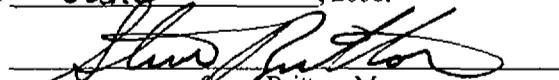
The applicant's findings are the primary findings in this matter and are attached to and hereby made a part of this Final Order. The following are general findings and together show that all of the criteria have been met.

1. The applicant has submitted findings addressing the pertinent goals of the City's Comprehensive Plan.
2. The applicant has submitted findings addressing the pertinent criteria in State Planning Goals.

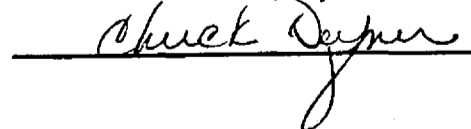
CONCLUSIONS

The materials submitted by the applicant are complete and satisfy all of the criteria presented to justify the proposed Comprehensive Plan Amendment, Comprehensive Plan Map Amendment and Annexation.

Dated this 5th day of June, 2006.


Steve Britton, Mayor

ATTEST: Chuck Dufner, City Recorder



**CITY OF COQUILLE
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Coquille will hold 2 separate public hearings on a request for annexation.

The Coquille Planning Commission will hold the first public hearing on the request for annexation on May 8, 2006 at 7:00 p.m. or as soon as possible thereafter. The public hearing will be held in the Coquille City Hall Council Chambers, 99 E. 2nd. St., Coquille, OR 97423.

The Common Council of the City of Coquille will hold the 2nd public hearing on June 5, 2006, at 7:00 p.m. or as soon as possible thereafter. The Public Hearing will be held in the Coquille City Hall Council Chambers, 99 E. 2nd. St., Coquille, OR 97423.

The Purpose of the Public Hearings is for considering a request for the following: Application by owners Joel and Linda Fisher, for a Comprehensive Plan Map Amendment, a Zone Map Amendment and Annexation of the Southerly portion of a parcel of land totaling 0.18 acres. 0.06 acres of the parcel is presently within the City Limits of Coquille. The remaining 0.12 acres is located outside of the Coquille Urban Growth Boundary and City limits of Coquille. The parcel is under one ownership. The parcel proposed for annexation is the South .12 acres identified on the Coos County Assessor's Map as Tax Lot #1900 in Township 28S Range 12 W.W.M. SW ¼ SW ¼ Section 6, Coos County, Oregon. The Southern portion of the parcel is presently zoned Rural Residential-2, (RR-2) by Coos County and proposed to be zoned (R), Residential, which matches the North portion of the lot that is within the City Limits of Coquille. The Applicant/owner is Joel and Linda Fisher. The public hearing to be held on May 8, 2006 is a quasi-judicial hearing and the Planning Commission will make a recommendation to the City Council on this request. The public hearing to be held on June 5, 2006 is a quasi-judicial hearing on the annexation request before the Coquille City Council.

A copy of the application, staff report, all documents and evidence submitted by or on behalf of the applicant and applicable criteria will be available for inspection at no cost at least 7 days prior to the hearing, and copies will be provided at a reasonable cost. The hearing will be conducted pursuant to rules and procedures set out in Coquille Municipal Code, Section 17.04.210 as follows: The Hearings Officer will commence the hearing and call for abstentions, objections to jurisdiction, staff report, proponent's case, cross examination of proponents, opponents case, cross examination of opponents, public agency comments, rebuttal evidence, closure of the hearing, and finding of fact. Any person wishing to submit testimony may do so in writing or orally at the hearing. Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, precludes appeal on that issue.

Please contact John Higgins, Public Works Director/Planner, at (541) 396-2115 ext. 209 or City Hall, 99 E. 2nd. St., Coquille, OR 97423, for questions pertaining to this matter.

Publish: Coquille Valley Sentinel April 5, 2006 and on May 3, 2006.

ORDINANCE NO. 1459

AN ORDINANCE DECLARING THE ANNEXATION OF CERTAIN REAL PROPERTY TO THE CITY OF COQUILLE, OREGON.

WHEREAS, the Common Council of the City of Coquille has deemed it to be in the best interest of the City that the territory described herein be annexed to the City of Coquille, Oregon;

WHEREAS, Joel and Linda Fisher, the sole owner, and not less than 50 percent of the electors residing in the territory proposed to be annexed have consented to the proposed annexation with the City of Coquille and have filed a statement, Exhibit "C" of their consent with the City of Coquille, authorizing the Common Council to annex the territory by proclamation pursuant to ORS 222.125;

The City of Coquille ordains as follows:

Section 1. DECLARATION OF ANNEXATION. The Common Council of the City of Coquille hereby declares that the property described below which is contiguous to the city limits of the City of Coquille, is hereby included in the UGB and annexed to the City of Coquille pursuant to ORS 222.125:

See Exhibit "A" attached hereto and by this reference incorporated herein.

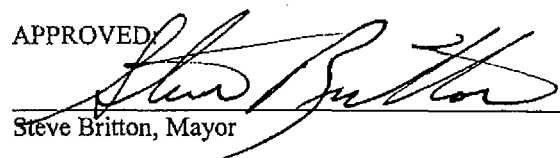
Section 2. NOTICE OF ANNEXATION. The City Recorder of the City of Coquille is hereby directed to submit to the Secretary of the State of Oregon a copy of this Ordinance. The City Recorder shall also send a description of the new boundary, (exhibit "A"), of the area annexed to the Coos County Assessor and the Coos County Clerk.

Section 3. WITHDRAWAL FROM RURAL FIRE PROTECTION DISTRICT. The territory described in exhibit "A" is hereby withdrawn from the Coquille Rural Fire Protection District.

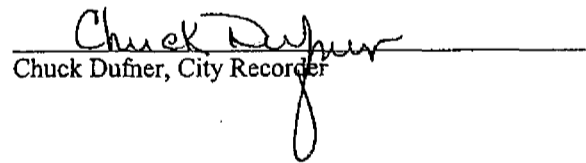
Section 4. ZONING. Concurrent with the annexation, the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby rezoned from Urban Residential-2 (UR-2) Coos County zoning classification to Residential (R) City of Coquille.

Adopted by a majority vote of the Common Council taken by ayes and nays this 5th day of June, 2006.

APPROVED


Steve Britton, Mayor

ATTEST:


Chuck Dufner, City Recorder

Property Location: 495 South Henry, Coquille, Oregon

EXHIBIT A

Beginning at the Southwest corner of Lot 6 of Block 4 in Coquille Heights Addition to the City of Coquille, Coos County, Oregon; thence South 50.5 feet; thence East 127.2 feet, more or less, to the West line of Fairview Street in said addition; thence along the West line of Fairview street 50.5 feet, more or less, to the Southeast corner of said Lot 6, Block 4 above mentioned; thence West 127.2 feet, more or less, to the place of beginning.

ALSO the South 10 feet of Lot 6, Block 4, in Coquille Heights Addition to the City of Coquille, Coos County, Oregon.

Saving and excepting there from any portion thereof lying within the Platt of the Coquille Heights Addition to the City of Coquille.

Description of property to be annexed from Coos County to the City of Coquille:

Property Location: 495 South Henry, Coquille, Oregon

Beginning at a point 5.05 feet South of the Southeast corner of Lot 6, Block 4, Coquille Heights Addition, Coquille, Coos County, Oregon; thence 45.55 feet South to the Southeast corner located in Coos County, Oregon; thence West 127.2 feet, more or less, to the Southwest corner located in Coos County, Oregon; thence North 26.4 feet to a point 24.1 feet South of the Southwest corner of Lot 6, Block 4, Coquille Heights Addition, Coquille, Oregon; thence Northeasterly to the point of beginning.

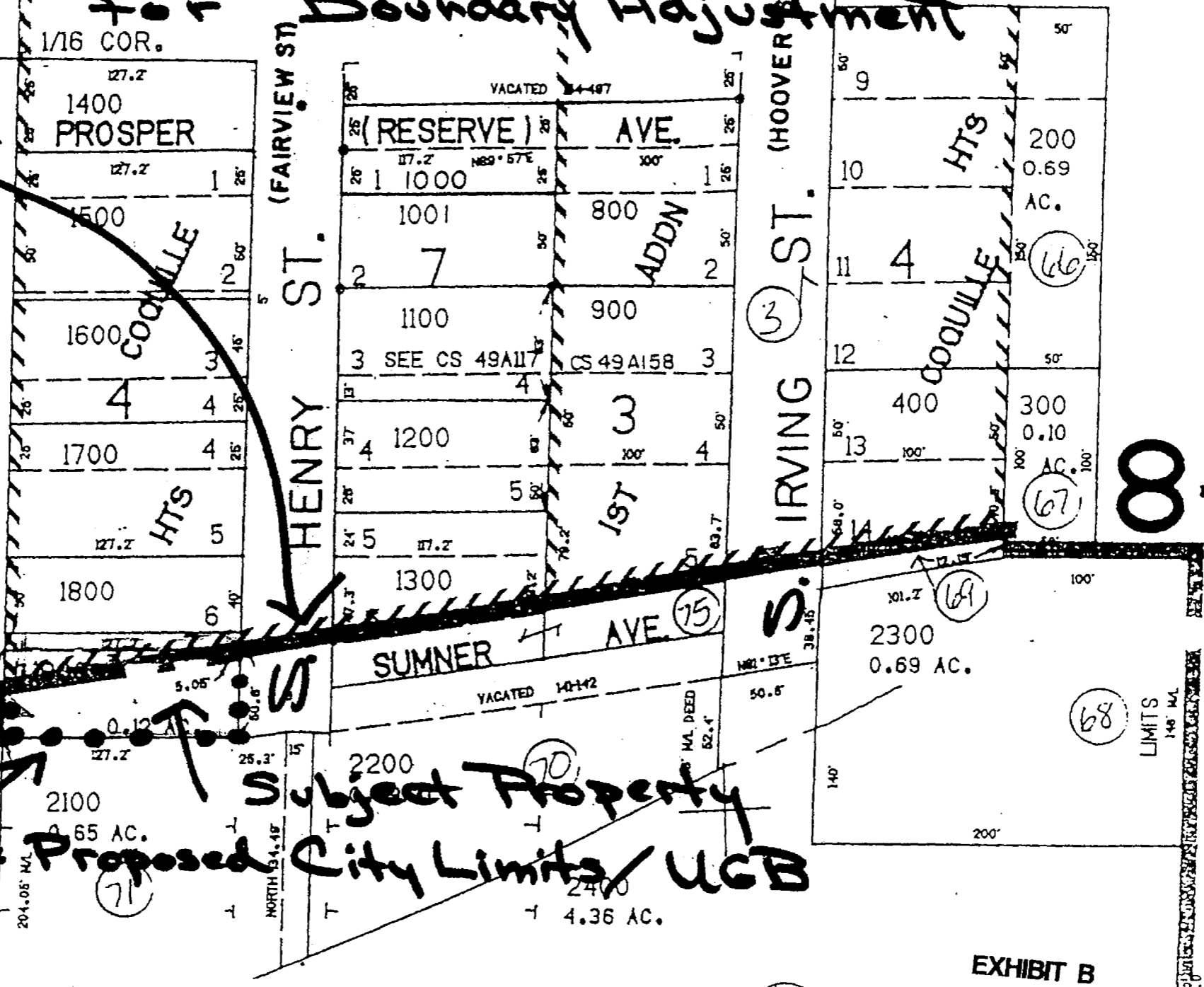
Owners: Joel and Linda Fisher

Proposal for Boundary Adjustment

SEE MAP 28 12 6CB

Current City Limits UGB

Scale 1" = 100'



Subject Property Proposed City Limits/UGB

EXHIBIT B

8

REQUEST FOR ANNEXATION

LETTER OF CONSENT

DATE: 2-28-06

I, Joel A. & Linda R. Fisher, owner(s) of
Property at 495 S. Henry, Coquille, OR

(description of property)	TWNSHP	Range	Sec	Tax Lot	ACCOUNT #
	28	12	6CC	1900	32630.00
	28	12	6CC	1900	32630.90

request that the City of Coquille consider annexation of the above property for the following reasons:

1. Subject property is partially in the city limits and partially in the County. Annexation would resolve confusion over whose jurisdiction subject property is in. Bldg. Permits, Fire Protection + tax lots would all be simplified by having them all dealt with by the City of Coquille only + permits wouldn't overlap.
2. OWNERS wish to have a new home built on this lot which previously had a home partially in the City limits and partially in the County. Dal Klime of DEQ approved a repair. However, a repair would have to meet new regulations and area needed for this repair required using portions of the City limits part of the property. Owners of subject property cannot repair or install a new one due to Coquille Municipal Code, Title 13 Public Services, Chapter 13.08, Sewer Service System, Section 13.08.020 Sewer Connections B.

In accordance with ORS. 222.170, I hereby state that I am the sole owner of the territory proposed to be annexed, and hereby authorize NA (name)

NA (address) to act as my agent for the purpose of this annexation request.

Joel A. Fisher / Joel A. Fisher
Signature of owner(s)

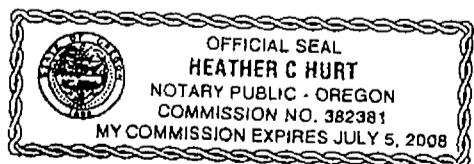
- Attach to this letter of consent:
1. Legal description
 2. Proof of ownership

State of OREGON
County of COOS

This instrument was acknowledged before me on February 28th 2006 by Joel A. Fisher

[Signature]
Notary Public - State of Oregon

My commission expires: July 5, 2008



CITY OF COQUILLE

PLANNING COMMISSION AGENDA

MAY 08, 2006 7:00P.M.

CITY HALL COUNCIL CHAMBERS 99 E. 2ND. ST.
COQUILLE, OR 97423

1. CALL TO ORDER AND APPROVAL OF MINUTES

Minutes of February 13, 2006 meeting attached for your approval.

2. PUBLIC HEARING, REQUEST FOR CONSECUTIVE, INCLUSION IN UGB AND ANNEXATION:

Joel and Linda Fisher owners of tax lot 28 12 6CC #1900, more easily located as the vacant lot at the South end of S. Henry St. between 499 and 473 S. Henry St. in Coquille.

3. PUBLIC HEARING, REQUEST FOR CONDITIONAL USE PERMIT:

Mike and Anna Chavez represented by Yvonne Savino are requesting a Conditional Use Permit for the purpose of having a residence on the 2nd. story of the sentinel building located at 141 N. Central tax lot 28 13 01 AC #3000. This parcel is located in the C-1 Downtown Business District.

4. AUDIENCE, COMMISSION AND STAFF COMMENTS:

5. ADJOURNMENT:

Time _____

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Please contact John Higgins, Public Works Director/Planner, at (541) 396-2115 ext. 209 or City Hall, 99 E. 2nd. St., Coquille, OR 97423, for questions pertaining to this matter.

Publish: Coquille Valley Sentinel April 5, 2006 and on May 3, 2006.

CITY OF COQUILLE

APPLICATION

REQUEST FOR ANNEXATION

Oregon law considers an annexation request to be a land use decision (OAR 660-10-060), and requires that the statewide goals be applied when considering annexation if the local jurisdiction does not have an acknowledged comprehensive plan.

Please answer the following questions as completely and specifically as possible. Indicate those questions which may not apply to this applicant.

APPLICANT.

1. Name Joel A. & Linda R. Fisher Telephone 541-396-4359
2. Address 56631 Levi Bunch Rd Coquille, OR, 97423

As applicant, I am (check one):

- the owner of the property;
- the purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application;
- a lessee in possession of the property who has the written consent of the owner to make such applications;
- the agent of any of the foregoing who states on the application that he is the duly authorized agent and who submits evidence of being duly authorized in writing by his principal.

If other than the owner, please give the owners name and address:

NA / / / /

DESCRIPTION OF PROPERTY:

City	Township	Range	Section	Tax Acc#
	<u>28</u>	<u>12</u>	<u>6CC</u>	<u>32630.00</u>
County				Tax Lot
	<u>28</u>	<u>12</u>	<u>6CC</u>	<u>1900</u>
				TAX Acc#
				<u>32630.90</u>
				TAX Lot
				<u>1900</u>

City 0.06
county Lot Size 0.12 Zoning District City - R
RR-2

(acres or square feet)
Existing Use Single Family dwelling

3. Current zoning. City^(R) and RR-2

Current use. Vacant lot - old house removed due^{to} termites & other age related problems.

Proposed zoning after annexation. City - Residential

4. Why is the annexation being requested? City wont allow a repair or New System (septic) on any portion of there part of this Homesite. Consequently, there is Not enough Remaining room to build a Replacement home & New system (septic) on County side of this Homesite.

5. What is the current use of the land and what is the character of the surrounding property?

Currently property is just vacant land - Directly North of Subject property there are Many City lots (Part of Coquille Heights Subdivision) 127' x 40-50'. ON the South side of Subject property exist one Single family dwelling on about 1/2 acre

6. Describe the public improvements associated with the property.

Streets and condition. S. Henry St. Gravel - Fair Condition

Sanitary sewer. Old Septic & drainfield / Within 50' of City sewer Line

Storm sewer. None

Water. City Water Meter - used about 50 years

Fire protection. City of Coquille

Schools. Coquille

Where is the closest location of city sewer and water lines and the closest improved street (paved, width, curb and gutter, sidewalk).

Water line & Meter (City) to existing property for past 50 years
City sewer line less than 50' from Subject property.

S. Henry St goes to South end of Subject property but there ARE NO paved Streets with Curbs, Sidewalks & gutters.

7. What is the scenic or natural resources associated with the property?

Subject property is Not Scenic or Natural resource property.
It is part of a city subdivision lot (Coguille Heights) It is
Partially in the city & partially in the County because of a
previous vacation of a portion of Coguille Heights Subdivision.

8. What impacts on air, land, or water would be created or alleviated by the annexation approval?

There will be less Negative impacts on air, land and
water by going on city sewer. More potential Negative
impacts would exist with a Repair of old System.

9. Are there problems associated with any of the following: flooding (stream, and ocean), erosion, soils, high groundwater.

Subject property sits way above Flood plain &
There are no problems with flooding, high groundwater,
or erosion of soils.

10. Is the property suitable for economic development-, Why?

Subject property was a single family dwelling for 50+ years.
Property has city water meter. Subject property is ideal for
the replacement home that will be built. Subject property is
close to shopping, schools & Government & County offices.
We will comply with all City Regulations for building and setbacks.
A City St. (S. Henry) provides access to this property.

11. How will this property promote housing opportunities in the city?

It previously was a homesite & by replacing the old home with
a new one it will help maintain housing opportunities.

12. Explain how the annexation might contribute to recreation opportunities, conserve energy resources, or affect transportation.

City subdivision lots should be used because they are already served by the transportation system, public works, etc.
If annexed, a new home on this lot would increase the tax base for the County & City of Coquille and provide more potential for recreation such as cost of operating the parks & swimming pool.

Signature of Applicant Jaël A. Fisher

Filing Fee \$150.00 Receipt Number 1459444 Date 3/7/06

VERIFICATION.

Date 3/7/06 Signature Zoning Officer John Higgins

PUBLIC HEARING. Date May 23 & June 5, 2006

REQUEST FOR ANNEXATION

LETTER OF CONSENT

DATE: 2-28-06

I, Joel A. & Linda R. Fisher, owner(s) of
Property at 495 S. Henry, Coquille, OR

(description of property)	Township	Range	Sec	Tax Lot	ACCOUNT #
	28	12	6CC	1900	32630.00
	28	12	6CC	1900	32630.90

request that the City of Coquille consider annexation of the above property for the following reasons:

1. Subject property is partially in the city limits and partially in the County. Annexation would resolve confusion over whose jurisdiction subject property is in. Bldg. Permits, Fire Protection + tax lots would all be simplified by having them all dealt with by the City of Coquille only. Permits would not overlap.
2. Owners wish to have a new home built on this lot which previously had a home partially in the City limit and partially in the County. Dal Kline of DEQ approved a repair. However, a repair would have to meet new regulations and area needed for this repair required using portions of the City limits part of the property. Owners of subject property cannot repair or install a new one due to Coquille Municipal Code, Title 13 Public Services, Chapter 13.08, Sewer Service System, Section 13.08.020 Sewer Connections B.

In accordance with ORS. 222.170, I hereby state that I am the sole owner of the territory proposed to be annexed, and hereby authorize NA (name)

NA (address) to act as my agent for the purpose of this

annexation request.

Joel A. Fisher / Joel A. Fisher
Signature of owner(s)

- Attach to this letter of consent:
1. Legal description
 2. Proof of ownership

State of OREGON
County of COOS

This instrument was acknowledged before me on February 28th 2006 by

Joel A. Fisher

[Signature]
Notary Public - State of Oregon

My commission expires: July 5, 2008



CITY OF COQUILLE
99 E. 2ND STREET
COQUILLE, OR 97423
(541) 396-2115

COMPREHENSIVE PLAN AMENDMENT APPLICATION

Revisions or amendments to the Comprehensive Plan may be made in order to ensure the Coquille Comprehensive Plan remains current with the City's long range policies and whenever public necessity, convenience, and welfare require them. Ordinance amendments are subject to a public hearing before the Planning Commission or Council and are solely within the authority of the Council to enact.

1. Applicant: Joel A. & Linda R. Fisher
Address: 56631 Levi Bunch Rd. Coquille, OR 97423

2. What portion(s) of the Comprehensive Plan do you propose to revise/amend?

The map. See Attached proposal to move the boundary of the City Limits and UGB to include subject property.

3. How would the proposed revision/amendment change the above referenced portion(s) of the plan?

See Attached Supplementary Analysis.

4. Identify any new planning problems and issues which make this change necessary.

See Supplementary Analysis.

5. List, reference or attach any inventories or factual information and analysis in support of your proposed revision/change.

See Supplementary Analysis.

6. What alternative courses of action and policy choices have been evaluated prior to selecting your proposed change?

We have contacted DEQ to propose repair of the existing Septic System. This was denied by the City because a portion of the lot is not in the City limit

7. If a policy revision or amendment is proposed, how is it approximate based upon a consideration of the social, economic, energy and environmental needs for the City of Coquille?

See Supplementary Analysis.

8. Have you identified any goal issues or exceptions which of this application must be addressed prior to your proposal's enactment? Explain.

No

The above and attached statements are true to the best of my belief and knowledge. As applicant, I understand that the City Council requests the attendance of myself or my representative at the meeting(s) where this request is scheduled for consideration.

Signature of Applicant Joel A. Fisher Date 2-28-06

VERIFICATION:

_____, Zoning Officer Date _____

Date referred to City Council _____

Public Hearing Date _____

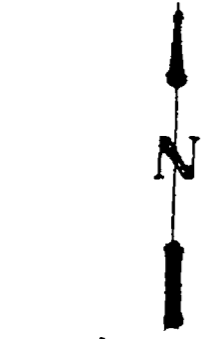
Filing Fee: \$125.00

Date 3/1/06

Joel A. Fisher has # 1050000

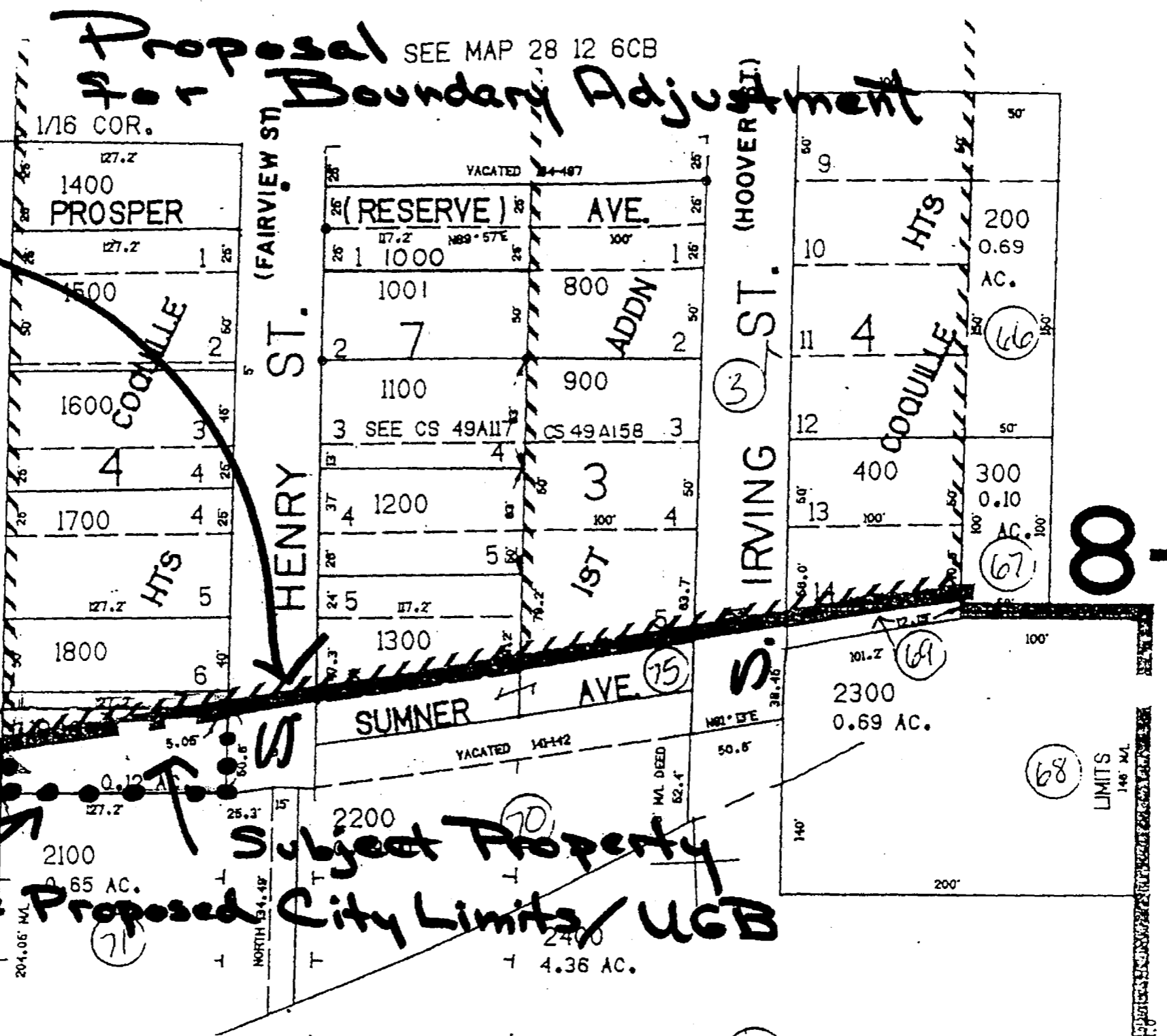
Proposal SEE MAP 28 12 6CB
Boundary Adjustment

Current
City
Limits
UGB



Scale
1" = 100'

Subject Property
 Proposed City Limits/UGB



8

Findings of Fact

**Application to the City of Coquille
for
Annexation, Urban Growth Boundary Amendment
and Change to a City Zone**

Property Owners and Applicants
Joel A. And Linda R. Fisher

February 28, 2006

Prepared by:

Shoji Planning and Development, LLC
P.O. Box 462
Coos Bay, OR 97420

Phone: 541-267-2491
shoji@uci.net

Subject: Urban Growth Boundary (UGB) amendment and annexation analysis and findings relative to specific property in the City of Coquille (City).

Subject Property: Specific property includes the southern portion of property described as T28, R12, Section 6CC, Tax Lot 1900 that lies within the jurisdiction of Coos County (County) and adjacent to the City of Coquille (subject property). Another portion of subject property with the same description lies adjacent and to the north of subject property. The full lot is 60.5 ft. wide and 127.2 feet long, or 7,695.6 sq. ft. Subject property slopes away from Henry Street at an approximate 3 - 5% grade. See tax lot map, Attachment A, and aerial photo, Attachment B.

Access: Subject property is accessed by South Henry Street which terminates at the south end of subject property. Henry Street is directly in front of and on the east side of subject property. South Henry Street is graveled with no sidewalks.

Neighborhood Uses: South Henry Street is a developed residential area that is platted as Coquille Heights Subdivision. The street has a mix of older homes built beginning in the 1930's with a few built in the 1960's and 1970's. To the south and outside the City limits is a single family dwelling on approximately one-half acre and south of the dwelling there is a drop into a ravine. To the north within the City limits there is another single family dwelling on a 40 ft. X 127 ft. lot. To the west and directly behind subject property there is vacant land sloping to the south 200 - 300 ft. to Highway 42 with an approximate 20 degree slope.

Sewer and Water: Subject property has a City water main and an old septic system. The house just north of subject property is on City sewer. The City of Coquille has informed the applicant that the City cannot repair any part of the septic system or allow a new septic system on subject property that is split into two tax accounts with half of the lot in Coos County and half of it in the City.

Proposal: A house used to exist on subject property, and the applicant is seeking to replace the dwelling on the property. At the current time, there is no dwelling and the applicant cannot rebuild because he cannot connect to the City sewer system, or replace the old septic system. In order to build the new house, the applicant is seeking annexation. Because the City can only annex property that

is within the Urban Growth Boundary (UGB), this application is to address both the annexation and the UGB adjustment.

Criteria to be Addressed for UGB Amendment

The purpose of this report is not to address land needs for the UGB, but rather to clear up an apparent error in identifying and mapping the UGB. The UGB was developed to address future land needs of the City in the early 1980's. The UGB was adopted along the same line as the City limits on subject property, but it does not appear that there was a conscious decision to split the specific lot involved because the following conditions already existed:

- Subject property was already developed for residential use.
- Subject was not suitable or viable for farm use.
- Subject property was a city-sized lot committed to urban use due to its location within a fully developed urban neighborhood, also within a City subdivision.

The criteria to be addressed in order to amend the Coquille UGB and to annex property to the City of Coquille is found in the City's comprehensive Plan and Zoning Ordinance because the City of Coquille's Comprehensive Plan has been acknowledged by the Oregon Department of Land Conservation and Development.

Within this report, the criteria presented in italics have been quoted directly from the sources and sections within the headings that are listed. Paraphrased information along with analysis and findings to justify the annexation and the UGB adjustment are also included. Findings and analysis that respond to the City's acknowledged criteria are presented in regular typeface following the italicized information that is City policy.

Finding: Developed property that is not suitable for farm use and is committed to urban use should not have been split with half in and half outside the UGB. Such a split does not represent a decision based upon analysis of land needs of the City, but rather an action which identified the UGB as the City Limits on subject property because it provided for convenience in mapping.

City of Coquille Comprehensive Plan (Policies, Goals, Objectives, Strategies)

Public Facilities

Goal. The timely, orderly and efficient development of quality public facilities and services in keeping with the best environmental and socio-economic interests of the city.

Objectives.

- (1) *Timing of Development. To insure realization of the appropriate development potential of Coquille by timing the extension of water, street, and sewerage services so as to encourage such orderly development.*

Finding: The annexation and UGB amendment that is proposed will correct an error in the UGB because subject property has been developed to City standards for many decades, though it is half within the City and half outside of the City.

Finding: Coquille Heights subdivision was platted to city standards with approximate 50 by 127 ft. lots in 1915. It appears that subject property was taken into Coos County as part of a vacation of lots of Coquille Heights, Blocks 5 and 6, and that this vacation action led to the split lot with part of the lot in the City and part of the lot in the County. It appears that there were vacations of portions of the plat in 1939, 1941, 1975, and 1977. See Plat of Coquille Heights, Attachment C.

Finding: It also appears that there was a planned road (Sumner Ave.) that was to go through the lot, but this is also now vacated.

Finding: Extension of the UGB and annexation to the city is appropriate for subject property because a portion of the property is already in the city and subject property is a portion of a city lot in Coquille Heights Subdivision.

- (7) *Water Facilities. To provide safe drinking water to the residents of Coquille; to extend such services in accordance with the land use plan; and to provide new services only to residents of the city.*

Finding: A city water line has served subject property for over 50 years. There is a City water meter.

Policies. In order to achieve the above goals and objectives, it shall be the policy of the city to:

- (1) *Develop a program which outlines the conditions to which each public facility will be improved or extended and the apportionment of costs for such development among those who will be served.*

Finding: Public sewer is less than 50 feet from the property line of subject property, according to City officials and measurements by the property owner. The cost of service is proposed to be borne by the applicant.

(2) Limit all public facilities extensions to the corporate boundaries of the city.

Finding: The annexation and UGB amendment is being proposed in order to comply with this provision.

(7) As part of development approval, the city shall ensure that adequate public facilities are available or ensure that adequate public facilities will be available concurrent with development.

Finding: Adequate public facilities are available to subject property, but the hookup to public sewer cannot occur until the UGB is adjusted to include subject property, and the annexation is completed.

Strategies for Implementation.

(5) Provide opportunities for urbanizing areas adjacent to the city to become part of the city.

Finding: The proposal is to allow an area that is already urbanized and partially within the City to be annexed. The adjustment that will amend the UGB concurrent with annexation will provide for orderly development and comply with the Comprehensive Plan because it will clear up a problem where an area was allowed to urbanize, but the property was split and a portion of the property did not become part of the City.

Urbanization

Goal. *An orderly transition of rural to urban land uses.*

Objectives.

(Sequence of numbers reflects that information that is omitted because it is not pertinent to this application.)

(1) To encourage the development of buildable lands within the city, where feasible, prior to seeking new lands outside of the city for development.

(4) To provide for a coordinated and orderly extension of public services to areas within the city which do not have such services.

Finding: Subject property has been developed in the past, and it is connected to the city street system. It is a buildable land where new development should be encouraged, but it is not entirely within the city so does not represent for orderly development at this time. The annexation and UGB amendment will provide for orderly extension of public services.

Policies.

- (1) *It shall be the policy of the city to extend public services only to areas within the incorporated city limits.*

Finding: The applicant would like to use the City sewer which is within 50 ft. of his property line, but the City requires annexation prior to utilization of the sewer service.

- (2) *Annex only lands contiguous to the city's incorporated boundaries. Annexation of lands within the Urban Growth Boundary shall be consistent with the City/County Management Agreement and the following factors shall be considered as a basis for annexation:*

- (A) *orderly, economic provision for public facilities and services.*
- (B) *availability of sufficient land for the various uses, to insure choices in the market place;*
- (C) *Comprehensive Plan goals and policies.*
- (D) *Encouragement of development within urban areas before conversion of urbanizable areas.*

Finding: Subject property is split by the City limits so a portion of the property is in Coos County, and a portion is within the City of Coquille. Subject property had a house and a septic tank in the past, but the house has been removed. It now appears that it is the best option for the new house to be connected to the City sewer system.

Strategies for Implementation.

- (3) *The urban growth boundary shall be considered during each review, update, or revision of the 1995 Comprehensive Plan to determine its continued appropriateness and its provision of lands needed for and suitable to urban development.*

Finding: The City of Coquille Comprehensive Plan was adopted in April of 1982 and acknowledged in August of 1982. It was revised in December 1982, and through periodic review in January, 1989. The UGB determination was made in 1982, but it does not appear that it has been changed since that time. This application for review of a specific portion of the UGB is in order because no analysis of the UGB has recently been completed.

- (4) *Consider the compatibility of uses when annexing urban growth boundary areas*

to the city as open space, recreation, and public facilities land use may be associated with urbanizing areas.

Finding: The use that is being proposed is residential (R) because the remainder of the property and adjacent properties are all residential. The City's adjacent zoning is Residential (R), and the County's zoning on subject property and adjacent properties is residential, RR2.

Residential zoning is the appropriate zoning to be applied because of the proposed use, and the adjacent residentially zoned properties.

Finding: Subject property is a portion of a lot in the Coquille Heights subdivision that was dedicated in 1915. An existing City water main is on the lot (City portion) and City sewer is available within approximately 50 ft. Subject property fronts on Henry Street. See Attachment C.

Appendices, (C) Prospects

Public Facilities. Extension of public services such as streets, water and sewer lines outside of Coquille's corporate limits is against current city policy. This serves as a disincentive to leap frog development. However, it also provides incentives for those areas adjacent to the city and with city services to ask for annexation

In addition, given the limited number of sites available for new commercial and industrial development, most of the development in the urban growth boundary and newly annexed areas will be residential. Therefore, future tax burdens can be expected to fall primarily on home owners. This will also tend to make it difficult for the city to finance expansion of public services.

Finding: The policies and concerns that were set out at the time of the development of the Comprehensive Plan are relevant today. Leap frog development continues to be undesirable, and tax burdens continue to fall primarily on home owners. The annexation of subject property is not leap frog development, and the annexation will benefit the city because tax revenues will increase as a result of the annexation because the lot is now vacant, and a new residence will be built.

Statement of Direction

Density Patterns. Another factor affecting density levels in the city is the cost feasibility of both development and the provisions of full city services. Lot size requirements through zoning ordinances and the ability of the city to extend services are the tools available for the city to ensure development at density levels commensurate with the land's ability to support such development.

Finding: Rebuilding a house on subject property and bringing the property into the City will encourage higher density development and allow the extension of sewer service to a lot that should be in the UGB and the City because it is a lot in a platted subdivision with lots that are sized to City densities. The proposed new residence is shown on Attachment D.

Finding: Other lots in Coquille Heights subdivision to the north are within the City Limits.

City of Coquille 1995 Comprehensive Plan Inventory

Urban Management Agreements:

The agreement between Coos County and the City of Coquille delineates areas of responsibility as to decisions respective to land use actions of the county within the UGB and the review rights of the city. It also clearly gives to the city the responsibility of public facilities planning.

Finding: The agreement of November 1995 provides notice requirements between Coos County and the City of Coquille that are applicable to this application.

Urbanization, Introduction

An Urban Growth Boundary is one tool for providing an orderly transition of land from rural to urban uses. It separates lands suitable, necessary, or intended for urban sparse development and settlement. Included within an Urban Growth Boundary are lands that (1) are determined to be necessary and suitable for urban use, (2) can be served by urban services and facilities, and (3) are needed for expansion of the urban area.

Finding: The Comprehensive Plan Inventory sets forth the above definition and also explains the process that was used to develop the City's UGB. The process of determining the UGB was based upon Goal 14, and it involved determining population projections, analysis of housing and housing needs, buildable lands analysis and other analysis and justification.

Goal 14

Goal 14 (Urbanization) lists the following factors for determining the location and size of the UGB :

- (1) *Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;*
- (2) *Need for housing, employment opportunities, and livability;*
- (3) *Orderly and economic provision for public facilities and services;*
- (4) *Maximum efficiency of land uses within and on the fringe of the existing urban area;*

- (5) *Environmental, energy, economic and social consequences;*
- (6) *Retention of agricultural land as defined with Class 1 being the highest priority for retention and Class VI the lowest priority; and,*
- (7) *Compatibility of the proposed urban uses with nearby agricultural activities.*

Finding: It is probable that the division of the subject property that included half of the City subdivision lot (subject property) within the City Limits and half outside of the City Limits was because the existing home was on a septic tank. However the existence and use of the septic tank with the former residence on subject property is a reason for not annexing subject property, but it is not a reason for leaving it out of the UGB.

Finding: It appears that the UGB was based upon the city limits as it applies to subject property, but the City limits was not specifically reviewed to determine conformance with the Goal 14 requirements.

Finding: Including subject property in the UGB will allow for orderly and economic provision for public facilities and services, for maximum efficiency of land uses within and on the fringe of the existing urban area, and for the retention of agricultural lands because it is already partially a city lot, it is a small lot, and it is the southernmost lot in Coquille Heights Subdivision. Property lying to the south has a larger lot size and provides for a transition from City lots to rural lots.

Finding: Subject property complies with all Goal 14 criteria for inclusion in the UGB, and no further analysis of Goal 14 is necessary. Subject property should have been included in the UGB because it had a residence and it was already developed to City standards.

Finding: Inclusion of subject property in the UGB will provide an opportunity to bring the entire lot into the City. Adjusting the UGB to include subject property will clear up the mistake that divided the 7,695.6 sq. ft. lot leaving one portion of the lot in the City Limits/ UGB and one portion outside the City Limits/ UGB.



Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality

Western Region Coos Bay Office

381 N Second Street

Coos Bay, OR 97420

(541) 269-2721

FAX (541) 269-7984

Joel Fisher
56631 Levi Bunch Rd.
Coquille, OR 97423

March 17, 2006

IMPORTANT DOCUMENT – PLEASE READ CAREFULLY

-This is not a construction permit-

RE: Repair Permit Site Evaluation Results – Initial Site Not Approved – 605-292
Township/Range/Section: 28-12-06CC, Tax Lot Number: 1900 Tax Account Number: 32630.00,
Coos County

Dear Mr. Fisher:

Your site was evaluated for a major repair of the existing on-site sewage disposal system on the following date(s): 09/21/2005. Unfortunately, the portion of your site where the test pits were located is not acceptable for a standard or alternative on-site sewage disposal system based on Oregon Administrative Rules Chapter 340, Division 071. Your Repair Permit cannot be approved at this time.

The area evaluated did not meet rules for on-site sewage disposal systems. Your property is both located in the City and the County. The City of Coquille would not allow any part of an on-site septic system to be installed on any part of the property located within the city limits. Therefore, there is insufficient area available for installation on any kind of on-site septic system to serve your proposed dwelling.

If you have any questions please feel free to call me at (541) 269-2721, ext. 25.

Sincerely,

Del Cline, R.S. *gls*
On-Site Wastewater Specialist

Enclosure



STAFF REPORT

TO: COQUILLE PLANNING COMMISSION
FROM: PUBLIC WORKS DIRECTOR/PLANNER, JOHN HIGGINS
SUBJECT: REQUEST FOR INCLUSION IN URBAN GROWTH
BOUNDARY AND ANNEXATION
DATE: MAY 2, 2006

SITUATION AND FACTS

APPLICANT: JOEL AND LINDA FISHER
LOCATION: 495 S. HENRY ST., COQUILLE, OR 97423
COOS COUNTY ASSESSORS MAP 28 12 6CC TAX LOT
#1900, MORE EASILY LOCATED AS THE VACANT LOT AT
THE SOUTH END OF S. HENRY ST. BETWEEN 499 AND 473
S. HENRY ST.
ZONE: RESIDENTIAL-R, (COQUILLE ZONNING)
RURAL RESIDENTIAL – 2 ACRE, RR-2 (COOS COUNTY
ZONNING)
ACCESS: SOUTH HENRY ST.

STAFF ANALYSIS OF SITE

The above referenced lot had a single family dwelling on the site until late 2005. The owners purchased the home and made the decision to razz the house with the idea of constructing a new home on the site. The lot is located so that the North ½ of the 7,840 sq. ft. lot is within the City limits of Coquille and the South ½ of the lot is outside of the City Limits of Coquille and the Urban Growth Boundary, and actually falls under county jurisdiction as far as zoning and uses. As the lot is split in the middle by jurisdiction, the City will not allow a new home to be built on the lot without connecting to City sewer, the City will not allow the owners to connect to an on site disposal system as they are located within 300' of a municipal sewer system and the City will not allow the owners to connect to City sewer if the entire lot is not within the City limits. If the lot were located entirely within the County, the owners could get DEQ approval for an on site sewer disposal system and the City of Coquille would have no jurisdiction. However, with ½ in the City and ½ in the County, the City is involved.

This lot is an unusual situation that somehow was not included in the Urban Growth Boundary or annexed in its entirety at the time the North half was annexed. The lot is large enough to accommodate a duplex dwelling but could not be split into 2 lots by City standards, as the minimum sq ft. for a single-family dwelling is 5,000 sq. ft. The lot was previously served by an onsite sewer system and City water. The lot is located on a dead end street and is accessed only by a City street system, protected by City Fire Department and City Police Department. The lot and the surrounding properties cannot meet the County zone requirements of 2 acres per lot and are developed lots per City ordinance requirements. The property is committed to city development standards, as it cannot meet the County zoning requirements.

STAFF RECOMMENDATION

Coquille Comprehensive Plan Goals and Goal 14, Urbanization have been adequately addressed by the applicant. Staff recommends the Planning Commission recommend that the City Council approve the application, fact and findings as presented by the applicant and the applicant's consultant and consecutively include the South ½ of this lot in the UGB and Annex the same, withdrawing the same property from the Rural Fire District and Coos County zoning, designate the property R-residential per City zoning and amend the comprehensive plan and comprehensive plan map to reflect this decision.