



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 12, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Coos Bay Plan Amendment
DLCD File Number 001-07

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 29, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Laura Barron, City of Coos Bay

<paa> ya

DEPT OF DLCD NOTICE OF ADOPTION

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

JUN 11 2007

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Coos Bay Local File No.: ZON 2007-00031 (If no number, use none)

Date of Adoption: June 5, 2007 (Must be filled in) Date Mailed: June 11, 2007 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: March 19, 2007

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
Other:

(Please Specify Type of Action)

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

The subject property has been rezoned from "Multiple Residential (R-3)" to "Residential Professional (R-4P)."

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from : to

Zone Map Changed from: Multiple Residential (R-3) to Residential Professional (R-4P)

Location: T. 25, R. 13, S. 2700, TL 11200 Acres Involved: .1

Specify Density: Previous: New:

Applicable Statewide Planning Goals: 10

Was an Exception Adopted? Yes: No: X

DLCD File No.: 001-07 (15965)

ORDINANCE NO. 395

AN ORDINANCE CHANGING THE ZONING DESIGNATION FOR CERTAIN REAL PROPERTY FROM "MULTIPLE RESIDENTIAL" TO "RESIDENTIAL PROFESSIONAL"

The City of Coos Bay ordains as follows:

Section 1: Findings.

1. The applicants, Mr. and Mrs. Steven Graham, have filed an application, hereinafter referred to as the Application, to amend the Coos Bay Land Development Ordinance to redesignate certain real property from "Multiple Residential (R-3)" to "Residential Professional (R-4P)" described as follows:

The east half of Lot 1 and the east half of the north half of Lot 2, Block E, Western Addition to Marshfield.

2. Notice of the public hearings was mailed on April 16, 2007 to all landowners within 250 feet of the area being rezoned.

3. Provisions in the Coos Bay Land Development Ordinance relating to notice have been complied with.

4. Public hearing was held on the Application on May 8, 2007, and after receiving evidence and hearing testimony, the Commission recommended approval of the Application.

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

6. 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 "Multiple Residential (R-3)" to "Residential Professional (R-4P)."

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 5th day of June 2007, by the following vote:

Yes: Councilors Stephanie Kramer, Mark Daily, Jon Eck, Michele Burnette, and Roger Gould

No: None

Absent: Mayor Jeff McKeown and Councilor John Muenchrath.



Jeff McKeown
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.

Staff has prepared the following information based on the applicant's submittal and information that is available in City Hall. This information may be used by the Commission to justify their final decision.

Rezone requests must be supported by criteria #1-- **OR**-- by criteria #2-5.

DECISION CRITERIA #1: The existing zone designation is the product of a mistake.

STATEMENTS OF FACT AND FINDINGS:

1a. It does not appear that the existing zone designation is the product of a mistake.

CONCLUSION: The decision criterion has not been addressed; therefore, Criteria #2 through #5 must be supported in order for the request to be approved.

DECISION CRITERIA #2: The change in zone will conform to the policies and objectives of the comprehensive plan.

STATEMENTS OF FACT AND FINDINGS:

2a. Comprehensive Plan Chapter 9.1 states the following for the R-4P zone:

The residential/professional office mix is planned for the immediate fringe of the central commercial core area where certain transitions can realistically be expected over the next 20 years. New high-density apartments are permitted in the residential/professional office mix areas up to 25 dwelling units per acre, and also when multiple story construction is deemed especially suited to exceed the 35-foot maximum height standard traditionally limiting apartment densities in Coos Bay.

2b. The eastern boundary of the subject property is adjacent to the existing R-4P zoning district. Both the R-4P and R-3 zoning districts have a plan designation of "Residential High-density." Therefore, there is no change proposed to the plan designation of the subject property.

- 2c. Plan Strategy (policy) ED.5 states that Coos Bay shall designate sufficient amounts of land appropriately located to provide for the full range of commercial trade and service activities needed by the community, while at the same time insuring that the central business district will remain the dominant commercial district within the city, recognizing that adequate land is essential to the success of Coos Bay's commercial economy and will prevent a "trade drain," whereby dollars earned locally are spent outside the area.
- 2d. The subject property contains approximately 4,687 square feet and an existing single-family dwelling. Changing the zone designation will expand the types of uses allowed. Multi-family dwellings will remain a permitted use in the R-4P zone, but additional professional and administrative uses may be permitted.

CONCLUSION: The change in zone designation will allow additional uses on the property while preserving the characteristics of the residential environment. The subject property will continue the buffer between commercial and residential zoning districts. The change in zone will conform to the policies and objectives of the comprehensive plan. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #3: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.

STATEMENTS OF FACT AND FINDINGS:

- 3a. The intent of the R-4P zoning district is to establish and reserve appropriately located areas for desirable mixtures of professional and administrative business offices and higher density multi-family residential uses. The subject property lies adjacent to the R-4P zoning district.
- 3b. Uses within 250 feet include a medical/dental building with multiple suites, single-family dwellings, multi-family dwellings, skateboard shop and a bed and breakfast.
- 3c. The property to the east of the subject property is zoned R-4P, while the property to the north, south and west is zoned R-3. It is not expected that the zone change would place any limitations on the surrounding property.
- 3d. The proposed R-4P zoning would allow uses like those currently located adjacent or near the subject property. The size of the property would limit potential uses.

CONCLUSION: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts. The proposed zone will allow uses similar to the existing uses in the immediate vicinity. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #4: The change will not prevent the use of other land in the vicinity.

STATEMENTS OF FACT AND FINDINGS:

4a. The area surrounding the subject property is developed with the exception of the property to the south which is vacant. Uses within 250 feet include a medical/dental building with multiple suites, single- family dwellings, multi-family dwellings, skateboard shop and a bed and breakfast.

4b. The subject property lies outside of the parking assessment district. Therefore, any use proposed will need to comply with the off-street parking requirements.

CONCLUSION: The proposed change will not prevent the use of other land in the vicinity. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #5: It is appropriate at this time to permit the specific type of development or change in zone of the area which had not previously existed.

STATEMENTS OF FACT AND FINDINGS:

5a. The Comprehensive Plan does not indicate an appropriate time for a change in zone.

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



City of Coos Bay

Public Works and Development Department

500 Central Avenue, Coos Bay, Oregon 97420 • Phone 541-269-8918

Fax 541-269-8916 • <http://www.coosbay.org>

June 11, 2007

FINAL ORDER

AMENDMENT TO THE COOS BAY LAND DEVELOPMENT ORDINANCE

APPLICATION: ZON2007-00031
APPLICANTS/OWNERS: Mr. and Mrs. Steven Graham
1295 Winsor Avenue, North Bend, OR 97459

SUBJECT PROPERTY: 845 W. Anderson Avenue
T. 25, R. 13, S. 27DD, Tax Lot 11200
The east half of Lot 1 and the east half of the north half of Lot 2,
Block E, Western Addition to Marshfield

REQUEST: Change the zone designate from "Multiple Residential (R-3)" to
"Residential Professional (R-4P)."

ORDER: Tuesday, June 5, 2007, City Council approved the zone change
and enacted Ordinance No. 395.

City Council Final Vote:
Yea: Councilors Roger Gould, John Eck, Mark Daily,
Stephanie Kramer and Michele Burnette
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 No. 395 approving the zone change (ZON2007-00031) redesignating the subject property from "Multiple Residential (R-3)" zoning to "Residential Professional (R-4P)" zoning.

The decision to approve will become final at **5:00 PM on July 2, 2007** 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 July 2, 2007**. 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
Ordinance 395
A – Applicants submitted information

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

finalord\2007\F007-031rz

EXHIBIT A
ZONE CHANGE

DECISION CRITERIA, JUSTIFICATION, FINDINGS & CONCLUSIONS

The following is a list of the decision criteria applicable to the request as set forth in Land Development Ordinance Chapter 5.14(5). Findings and conclusions accompanying each of the criteria may apply to more than one criterion and may be used to support the Council's final decision.

Rezone requests must be supported by criteria #1-- **OR**-- by criteria #2-5.

DECISION CRITERIA #1: The existing zone designation is the product of a mistake.

STATEMENTS OF FACT AND FINDINGS:

1a. It does not appear that the existing zone designation is the product of a mistake.

CONCLUSION: The decision criterion has not been addressed; therefore, Criteria #2 through #5 must be supported in order for the request to be approved.

DECISION CRITERIA #2: The change in zone will conform to the policies and objectives of the comprehensive plan.

STATEMENTS OF FACT AND FINDINGS:

2a. Comprehensive Plan Chapter 9.1 states the following for the R-4P zone:

The residential/professional office mix is planned for the immediate fringe of the central commercial core area where certain transitions can realistically be expected over the next 20 years. New high-density apartments are permitted in the residential/professional office mix areas up to 25 dwelling units per acre, and also when multiple story construction is deemed especially suited to exceed the 35-foot maximum height standard traditionally limiting apartment densities in Coos Bay.

2b. The eastern boundary of the subject property is adjacent to the existing R-4P zoning district. Both the R-4P and R-3 zoning districts have a plan designation of "Residential High-density." Therefore, there is no change proposed to the plan designation of the subject property.

2c. Plan Strategy (policy) ED.5 states that Coos Bay shall designate sufficient amounts of land appropriately located to provide for the full range of commercial trade and service activities needed by the community, while at the same time

insuring that the central business district will remain the dominant commercial district within the city, recognizing that adequate land is essential to the success of Coos Bay's commercial economy and will prevent a "trade drain," whereby dollars earned locally are spent outside the area.

- 2d. The subject property contains approximately 4,687 square feet and an existing single-family dwelling. Changing the zone designation will expand the types of uses allowed. Multi-family dwellings will remain a permitted use in the R-4P zone, but additional professional and administrative uses may be permitted.

CONCLUSION: The change in zone designation will allow additional uses on the property while preserving the characteristics of the residential environment. The subject property will continue the buffer between commercial and residential zoning districts. The change in zone will conform to the policies and objectives of the comprehensive plan. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #3: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.

STATEMENTS OF FACT AND FINDINGS:

- 3a. The intent of the R-4P zoning district is to establish and reserve appropriately located areas for desirable mixtures of professional and administrative business offices and higher density multi-family residential uses. The subject property lies adjacent to the R-4P zoning district.
- 3b. Uses within 250 feet include a medical/dental building with multiple suites, single-family dwellings, multi-family dwellings, skateboard shop and a bed and breakfast.
- 3c. The property to the east of the subject property is zoned R-4P, while the property to the north, south and west is zoned R-3. It is not expected that the zone change would place any limitations on the surrounding property.
- 3d. The proposed R-4P zoning would allow uses like those currently located adjacent or near the subject property. The size of the property would limit potential uses.

CONCLUSION: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts. The proposed zone will allow uses similar to the existing uses in the immediate vicinity. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #4: The change will not prevent the use of other land in the vicinity.

STATEMENTS OF FACT AND FINDINGS:

- 4a. The area surrounding the subject property is developed with the exception of the property to the south which is vacant. Uses within 250 feet include a medical/dental building with multiple suites, single- family dwellings, multi-family dwellings, skateboard shop and a bed and breakfast.
- 4b. The subject property lies outside of the parking assessment district. Therefore, any use proposed will need to comply with the off-street parking requirements.

CONCLUSION:

The proposed change will not prevent the use of other land in the vicinity. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #5: It is appropriate at this time to permit the specific type of development or change in zone of the area which had not previously existed.

STATEMENTS OF FACT AND FINDINGS:

- 5a. The Comprehensive Plan does not indicate an appropriate time for a change in zone.

CONCLUSION:

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

////

F:\COMMON\PLANNING\Staffreport\REZONE\2007Sr07-031