



# 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](http://www.lcd.state.or.us)

## AMENDED NOTICE OF ADOPTED AMENDMENT

August 20, 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 002-07



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: August 31, 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

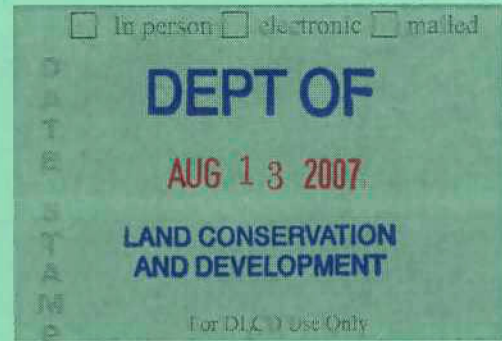
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FORM 2

# DLCD

## Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: *City of Coos Bay*  
Date of Adoption: *August 7, 2007*

Local file number: *ZON 2007-00049*  
Date Mailed: *MAY 15, 2007*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one**Date:

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

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

- 1) A legally established single-family dwelling/duplex, in R-3 zone, may be replaced, or repaired, if over 50% damaged;
- 2) Delete requirement that manufactured homes have a garage/carport based on the predominant use in the area; delete requirement siding/roof be same as home;
- 3) *Honoring*: change/update department name.

Does the Adoption differ from proposal? Please select one

*Same*

Plan Map Changed from: *NA* to:

Zone Map Changed from: *NA* to:

Location: *NA* Acres Involved:

Specify Density: Previous: New:

Applicable statewide planning goals:

- |                                     |                          |                          |                          |                          |                          |                          |                          |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | 2                        | 3                        | 4                        | 5                        | 6                        | 7                        | 8                        | 9                                   | 10                                  | 11                       | 12                       | 13                       | 14                       | 15                       | 16                       | 17                       | 18                       | 19                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment..

45-days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

DLCD file No. *002-07 (16105)*

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

- none

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Local Contact: *Laura Barron*

Phone: *(541) 269-8929* Extension:

Address: *500 Central*

Fax Number: *541-269-8916*

City: *Coos Bay* Zip: *97420*

E-mail Address: *lbarron@coosbay.org*

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### **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 Complete Copies (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also 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.

**ORDINANCE NO. 398**

**AN ORDINANCE AMENDING CHAPTER 2.3 and 3.22 OF ORDINANCE NO. 93, AND TO PERFORM HOUSEKEEPING MEASURES ON THE CITY OF COOS BAY'S LAND DEVELOPMENT ORDINANCE**

The City of Coos Bay ordains as follows:

**Section 1.** Chapter 2.3, Section 2(1), entitled "Multiple Residential District (R-3)," "Permitted Uses," is hereby amended to read as follows:

**Section 2. PERMITTED USES**

1. Residential Use Types

- Accessory building
- Cluster development (see Chapter 4.3)
- Group residential
- Multiple-family dwelling
- Zero-lot line development (see Chapter 3.5)
- A legally established single-family dwelling or duplex pre-existing the adoption of this ordinance:
  - A. In the event of damage to or destruction of such single-family dwelling or duplex, the structure must be rebuilt within 12 months of such event in order to continue the residential use
  - B. An extension of time beyond the 12 month period referenced in the preceding paragraph may be granted by the Planning Commission for good cause shown.

**Section 2.** Chapter 3.22(6), Manufactured Homes Special Siting Standards, Garages and Carports, is hereby deleted.

**Section 3.** "Housekeeping" throughout the Land Development Ordinance changing references from "Community Services Department" to "Public Works and Development Department."

**Section 4. Findings.**

1. Notice that public hearing would be held before the City of Coos Bay Planning Commission (the Commission) on July 10, 2007 and the public hearing would be held before the Coos Bay City Council on August 7, 2006 was published in "The World," newspaper of general circulation within Coos County, Oregon, on June 22, 2007.
2. Provisions in the Coos Bay Land Development Ordinance relating to notice have been complied with.
3. Public hearing was held on July 10, 2007 and after receiving evidence and hearing testimony, the Commission recommended approval.

4. The Commission's Findings and justifications supporting its recommended approval are attached hereto as "Exhibit A" and incorporated herein by reference.

5. The City Council of the City of Coos Bay, after considering the Commission's Findings and justification, hereby adopts the findings and justifications, and finds the proposed change should be granted.

**Section 5. 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.


**Section 6. Effective Date.** This Ordinance shall take effect 30 days after enactment by the Council and signature by the Mayor, whichever is later.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay the 7<sup>th</sup> day of August, 2007.

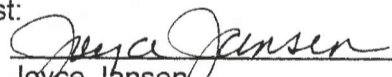
Yes: Mayor McKeown and Councilors Michele Burnette, Jon Eck, Roger Gould and Stephanie Kramer

No: None

Absent: Councilors Mark Daily and John Muenchrath

  
Jeff McKeown  
Mayor of the City of Coos Bay  
Coos County, Oregon

Attest:

  
Joyce Jansen  
Deputy Recorder of the City of Coos Bay  
Coos County, Oregon

## EXHIBIT A

### DECISION CRITERIA, FINDINGS AND CONCLUSIONS

The following is a list of the decision criteria applicable to the request as set forth in Land Development Ordinance Chapter 5.19(2). Findings and conclusions accompanying each of the criterion 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.

- I. **Amend Chapter 2.3(2), Multiple Residential (R-3), to allow the repair or replacement, within 12 months, of a legally established single-family dwelling or duplex.**

**DECISION CRITERIA #1: An acceptable rationale which supports the need for the amendment.**

#### STATEMENT OF FACT AND FINDINGS:

1. It is evident there are many existing single-family dwellings and duplexes in the R-3 zoning district that were legally established prior to the Land Development Ordinance (LDO).
1. Currently, the LDO considers these structures as nonconforming uses. LDO Chapter 1.5(4) states the following:

A structure housing a nonconforming use which is damaged by any cause to an extent of not more than 50% of the replacement value at that time may be restored and the same use or occupancy resumed, provided that this restoration is started within period of one-hundred twenty (120) days. This time limitation may be waived by the Zoning Officer should practical difficulties be evident.
3. The existing Ordinance language infers that if an existing, legally established single-family dwelling or duplex in the R-3 zone is damaged more than 50%, it cannot be restored.
4. The Department and Planning Commission have reviewed and approved several single-family dwellings that were replacement dwellings in the R-3 zone. These dwellings were very old and needed to be removed or destroyed. Regardless of the fact that the dwellings had been in place for 20-30 years, the landowners were required to obtain approval of a conditional use prior to the placement of the new dwelling.
5. City regulations require the replacement structure to be built to current building codes and land development standards.

**CONCLUSION:** The proposed amendment to the LDO will insure landowners with legally established single-family dwellings and duplexes in the R-3 zoning district that if the structure is damaged more than 50% of the replacement value, it may be repaired or replaced in accordance with the current building codes and the requirements set forth in the Coos Bay Land Development Ordinance. The decision criterion has been addressed and approval of the proposal can be supported.

**DECISION CRITERIA #2: The amendment complies with the applicable provisions of the comprehensive plan.**

**STATEMENT OF FACT AND FINDINGS:**

1. Volume I of the Comprehensive Plan, Plan Policies, Chapter 9.1, Coos Bay Land Use Plan 2000, Objective 3, states the following:

*The city shall protect the integrity of established land use patterns.*

The objective further states the residential designations of the 1974 plan were based on the premise that proper urban development occurs in a specified progression outward from the urban business core. This broad theory contends that certain definable zones emanate from the core in the matter of concentric rings. Although the historical development of Coos Bay and Empire exhibits some characteristics of this land use pattern, it has deviated in several substantial respects.

Objective 4 stresses the importance of maintaining the natural character of the community when planning for residential growth.

It appears to staff the nonconforming residential structures that are likely to be replaced fit into the existing neighborhood, or else when the structure was destroyed, the landowner would be willing to convert the land to a use that fit into the area.

2. Chapter 7.6, Housing, Strategy H.1, states the following:

*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....*

**CONCLUSION:** Allowing the repair or placement of a single-family dwelling or duplex that has been damaged to an extent greater than 50% of the replacement value allows the landowner the option of continuing the use or converting to a use that is permitted or conditionally permitted by the R-3 zoning district. The decision criterion has been addressed and approval of the proposal can be supported.

- II. **Amend Chapter 3.22(6), Manufactured Homes Special Siting Standards, Garages and Carports, to eliminate the requirement for a garage or carport when a manufactured home is sited and the requirement for specific siding and roofing when a garage or carport is sited in conjunction with a manufactured home.**

**DECISION CRITERIA #1: An acceptable rationale which supports the need for the amendment.**

**STATEMENT OF FACT AND FINDINGS:**

1. Land Development Ordinance (LDO) Chapter 3.22(6), Garages and Carports, states the following:
  1. An attached garage is required when the predominant construction of dwellings located within 250 feet of the external boundaries of the subject property provide attached garages. Likewise a detached or attached garage is required when detached garages are found to be predominant. At a minimum, a carport must be provided for the manufactured home.
  2. In all cases, the garage or carport must be constructed with roofing and siding which is the same as that used on the manufactured home.
2. The LDO contains no restrictions or requirements for a garage or carport when the dwelling structure is built on site.
3. The elimination of the requirement for a garage/carport when siting a manufactured home may result in the placement of the manufactured home to be more affordable.

**CONCLUSION:** By eliminating the requirement for a garage or carport to be sited, (with certain building materials) in conjunction with a manufactured home, there would be no difference in the requirements, with regard to a garage or carport and building materials, between a manufactured home or a site-built home. The decision criterion has been addressed and approval of the proposal can be supported.

**DECISION CRITERIA #2: The amendment complies with the applicable provisions of the comprehensive plan.**

**STATEMENT OF FACT AND FINDINGS:**

1. Comprehensive Plan, Volume 1, Plan Policies, Chapter 7.6 Housing, Strategy H.10 is applicable to the proposed ordinance amendment. The strategy states the following:

*Coos Bay shall continue to allow placement of mobile homes within the City limits, recognizing that mobile homes (1) are generally more affordable than conventional owner-occupied housing, and (2) satisfy the demand for a variety of housing types.*



2. Strategy H.1 states the following:

*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 proposed amendment complies with the applicable provisions of the comprehensive plan. The decision criterion has been addressed and approval of the proposal can be supported.

**III. Change references throughout the LDO from "Department of Community Services" to "Public Works and Development Department."**

**DECISION CRITERIA #1: An acceptable rationale which supports the need for the amendment.**

**STATEMENT OF FACT AND FINDINGS:**

1. The name of the Department has been changed to more closely fit the services provided to the public. Changing the references to the Department to the new title may avoid confusion.

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

**DECISION CRITERIA #2: The amendment complies with the applicable provisions of the comprehensive plan.**

**STATEMENT OF FACT AND FINDINGS:**

1. The LDO implements the provisions of the comprehensive plan. The amendment is a house-keeping measure to avoid confusion. The new title, "Public Works and Development Department," better describes the activities and services of the Department.

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

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# 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>

August 13, 2007

### **FINAL ORDER**

#### **AMENDMENTS TO THE TEXT OF THE COOS BAY LAND DEVELOPMENT ORDINANCE**

**APPLICATION:** ZON2007-00049  
**APPLICANT:** City of Coos Bay, 500 Central, Coos Bay, OR

**REQUEST:** Updates to Land Development Ordinance 93:  

- Chapter 2.3, Multiple Residential District (R-3)
- Chapter 3.22, Manufactured Homes Special Siting Standards
- Housekeeping

**ORDER:** Tuesday, August 7, 2007, City Council approved the amendments to the Land Development Ordinance and enacted Ordinance No. 398.

City Council Final Vote:  
**Yea:** Mayor Jeff McKeown, Councilors Roger Gould, Jon Eck, 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 1

#### **FINAL ACTION**

Based on the findings and conclusions at Exhibit 1, the City Council enacted Ordinance No. 398 amending the Land Development Ordinance (LDO) as follows:

- Chapter 2.3(2), a legally established single-family dwelling/duplex, in the "Multiple Residential (R-3)" zone, may be repaired if damaged over 50%, or replaced;
- Chapter 3.22, a manufactured home may be sited without a garage or carport. Remove requirements for specific siding and roofing materials if a garage or carport is sited.
- Change references from "Community Services" to "Public Works and Development Department."

The decision to approve will become final at **5:00 PM on September 4, 2007** unless an appeal is filed.

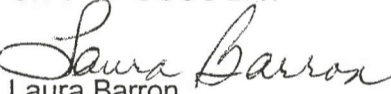
**APPEAL PROVISION**

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 5 PM on September 4, 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

Attachment: Exhibit 1, Ordinance No. 398

c: Dave Perry, DLCD

finalord\2007\FO07-049\do

**EXHIBIT 1**  
**DECISION CRITERIA, FINDINGS AND CONCLUSIONS**

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**DECISION CRITERIA #2: The amendment complies with the applicable provisions of the comprehensive plan.**

**STATEMENT OF FACT AND FINDINGS:**

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1. The name of the Department has been changed to more closely fit the services provided to the public. Changing the references to the Department to the new title may avoid confusion.

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**STATEMENT OF FACT AND FINDINGS:**

1. The LDO implements the provisions of the comprehensive plan. The amendment is a house-keeping measure to avoid confusion. The new title, "Public Works and Development Department," better describes the activities and services of the Department.

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