



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

4/20/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Coos Bay Plan Amendment
DLCD File Number 001-10

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: Monday, May 03, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Laura Barron, City of Coos Bay
Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Angela Lazarean, DLCD Urban Planner

<paa> YA

FORM 2

DLCD

Notice of Adoption

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

In person electronic mailed

DATE STAMP

DEPT OF

APR 13 2010

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: **City of Coos Bay**

Local file number: **ZOn2010-00001**

Date of Adoption: **4/6/2010**

Date Mailed: **4/12/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **1/1/2010**

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

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

The property, which has been used as commercial since 1980, was redesignated to commercial to resolve the nonconforming use issue.

Does the Adoption differ from proposal? **No, no explanation is necessary**

Plan Map Changed from: **Residential High-density** to: **Commercial**

Zone Map Changed from: **Residential Professional** to: **Central Commercial**

Location: **T. 25, R. 13, S. 27DD, TL 6400**

Acres Involved: **0**

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 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 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. 001-10 (18050) [16083]

DLCD file No. _____

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

Local Contact: Laura Barron

Phone: (541) 269-8929 Extension:

Address: 500 Central Avenue

Fax Number: 541-269-8916

City: Coos Bay

Zip: 97458-²⁰

E-mail Address: lbarron@coosbay.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 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. 424

AN ORDINANCE CHANGING THE ZONE DESIGNATION FOR CERTAIN REAL PROPERTY FROM "RESIDENTIAL PROFESSIONAL" TO "CENTRAL COMMERCIAL"

WHEREAS, the applicant, Paul Jackson, has filed an application, hereinafter referred to as the Application, to amend the Coos Bay Municipal Code to redesignate certain real property from "Residential Professional (R-4P)" to "Central Commercial (C-1)" described as Block F, Lots 7-8, Western Addition to Marshfield, Coos County, Oregon;

WHEREAS, notice that public hearing upon the Application would be held before the City of Coos Bay Planning Commission (the Commission) on March 9, 2010 and public hearing would be held before the Coos Bay City Council on April 6, 2010, was published in "The World," a newspaper of general circulation within Coos County, Oregon, on February 25, 2010;

WHEREAS, notice of public hearings was mailed on February 12, 2010 to all landowners within 250 feet of the designated area;

WHEREAS, provisions in the Coos Bay Municipal Code relating to notice have been complied with; and,

WHEREAS, at the Commission hearing on March 9, 2010, and after receiving evidence and hearing testimony, the Commission recommended approval of the Application.

NOW THEREFORE, the City Council of the City of Coos Bay ordains as follows:

Section 1. The Commission's Findings and Conclusions supporting its recommended approval are attached hereto as "Exhibit A" and included herein by reference.

Section 2. The City Council of the City of Coos Bay, after considering the Commission's Findings and Conclusions, hereby adopts the Findings and Conclusions, and finds the Application should be granted.

Section 3. The designation in the Coos Bay Municipal Code of certain real property located within the corporate limits of the city of Coos Bay as described above is hereby changed from "Residential Professional (R-4P)" to "Central Commercial (C-1)."

Section 4. 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.

EXHIBIT A ZONE CHANGE

DECISION CRITERIA, JUSTIFICATION, FINDINGS & CONCLUSIONS

The following is the decision criteria applicable to the request as set forth in Coos Bay Municipal Code Chapter 17.360.050(2). Findings and conclusions accompanying the criteria 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 criterion #1 -- **OR** -- by criteria #2-6. In this case all of the criteria has been addressed.

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

STATEMENTS OF FACT AND FINDINGS:

- 1a.** The subject property lies in the "Residential Professional (R-4P)" zoning district. An existing structure, along with a drive-thru window, parking lot, and pole sign occupy the subject property. Access is off of Central Avenue and S. 8th Street.

A restaurant has occupied the existing building most of the time. A restaurant is not a permitted use in the current zone.
- 1b.** The applicant's submitted information indicates the property was first taxed as improved commercial land, specifically a restaurant use, in 1979. The applicant states building plans were submitted in 1974 and construction was completed until 1978.
- 1c.** The tax assessor bases the rate of taxes on the use of the property rather than the zoning.
- 1d.** See Part II, Finding B2, below, for a brief history on the zoning of the subject property and property to the north and east.
- 1e.** The restaurant use was discontinued in 2006. After 12 months the "nonconforming use" status of the property should have expired, but instead, in 2008, a business license was issued in error for a retail use (Pirate's Skate Shop) in the existing building. This business closed in late 2008 and the building was left unutilized until January, 2010 when a restaurant opened in the building.

The landowner was informed about the loss of his "nonconforming use" status and encouraged to rezone the property in order to continue commercial use of the property.

- 1f. The Land Development Ordinance, which implemented the Coos Bay Comprehensive Plan acknowledged in October, 1983, did not list "restaurant" as a permitted or conditionally permitted use in the R-4P zoning district.
- 1g. The restaurant use on the subject property is considered a nonconforming use per Coos Bay Municipal Code Chapter 17.25.030. Discontinuation of a Nonconforming Use, states:

Whenever a nonconforming use has been discontinued for a continuous period of 12 months, or whenever there is a clear intent on the part of the owner to abandon a nonconforming use, this use shall not be re-established and further use of the premises shall be in conformity with the regulations of the district.

- 1h. Rezoning the property will allow any commercial use on the property. The issues of a nonconforming use will no longer applicable.

CONCLUSION: The decision criterion has been addressed; although the use was discontinued for about a year, the subject property maintains the characteristics of a commercial property, namely, the structure with drive-thru window, sign, parking lot and access off of an arterial street.

----- OR -----

All of the following criteria must be satisfied:

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

STATEMENTS OF FACT AND FINDINGS:

- 2a. Part II, Decision Criteria C and D, set forth Plan policies that are pertinent to the proposed zone change. One of the objectives for the designation of commercial areas is to protect the integrity of established land use patterns to facilitate continued and compatible development.

The subject property was developed in the late 1970s as a restaurant. It is proposed to change the zone from R-4P to C-1. The location of the property along an arterial street is conducive to the commercial use. Commercial development to the north and east have established the pattern of development.

No additional impacts to the function, capacity or level of service to Central Avenue or S. 8th Street are expected as a result of the change in

zone designation.

CONCLUSION: The proposed zone, C-1, for the subject property conforms to the policies and objectives of the comprehensive plan.

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 commercial use of the property was established in the late 1970s. The city has received no complaints that indicate the use is not compatible with the adjacent residential, professional and commercial districts.

CONCLUSION: Commercial uses of the property listed in the "Central Commercial (C-1) zone are compatible with the development authorized in the surrounding districts.

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

STATEMENT OF FACT AND FINDINGS:

4a. The area surrounding the subject property is developed. To the south is a community garden, established through a conditional use permit; to the west is a bed and breakfast; to the north is an electronics repair shop and to the east is a supermarket.

CONCLUSION: The change of zoning to C-1 will not prevent the use of other land in the vicinity.

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

STATEMENT OF FACT AND FINDINGS:

5a. It is the appropriate time to permit the change in zone. The commercial use of the property was initially established in the late 1970s. Commercial zoning lies to the north and east of the subject property and commercial use of these areas are not likely to change.

CONCLUSION: The commercial use on the subject property was established in the late 1970s. The zone change will bring the property into compliance with the Coos Bay Municipal Code to allow the commercial use to continue. The decision criteria is satisfied.

DECISION CRITERIA #6: The change will be consistent with the functions, capacities and levels of service of facilities identified in the adopted Coos Bay Transportation System Plan.

STATEMENT OF FACT AND FINDINGS:

6a. A commercial use was initially established about 30 years ago. It has been on the subject property for the last 30 years. No additional impacts to the function, capacity or level of service to Central Avenue or 8th Street is expected as a result of the change in zoning designation from Residential Professional (R-4P) to Central Commercial (C-1).

CONCLUSION: No change to the transportation system is expected as a result of the zone change. The decision criteria has been satisfied.

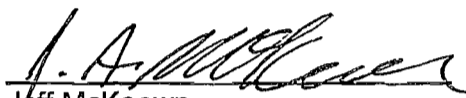
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The foregoing ordinance was enacted by the City Council of the City of Coos Bay the 6th day of April 2010.

Yes: Mayor Jeff McKeown and Councilors Mark Daily, Jon Eck, Joanie Johnson, Stephanie Kramer, Gene Melton, and John Pundt.

No: None

Absent: None


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

ATTEST: 

Rae Lea Cousens
City Recorder of the City of Coos Bay
Coos County, Oregon

ORDINANCE NO. 423

AN ORDINANCE CHANGING THE COOS BAY COMPREHENSIVE PLAN MAP DESIGNATION FOR CERTAIN REAL PROPERTY FROM "RESIDENTIAL HIGH DENSITY" TO "COMMERCIAL"

WHEREAS, the applicant, Paul Jackson, has filed an application, hereinafter referred to as the Application, to amend the Coos Bay Comprehensive Plan, Comprehensive Plan Map, Volume I, Plan Policy Document, Chapter 9, Map 9.11, Land Use Plan Map 2000, to redesignate certain real property from "Residential High density (RH)" to "Commercial (C)" described as Block F, Lots 7-8, Western Addition to Marshfield, Coos County, Oregon;

WHEREAS, notice that public hearing upon the Application would be held before the City of Coos Bay Planning Commission (the Commission) on March 9, 2010 and public hearing would be held before the Coos Bay City Council on April 6, 2010, was published in "The World," a newspaper of general circulation within Coos County, Oregon, on February 25, 2010;

WHEREAS, notice of public hearings was mailed on February 12, 2010 to all landowners within 250 feet of the designated area;

WHEREAS, provisions in the Coos Bay Municipal Code relating to notice have been complied with; and,

WHEREAS, at the Commission hearing on March 9, 2010, and after receiving evidence and hearing testimony, the Commission recommended approval of the Application.

NOW THEREFORE, the City Council of the City of Coos Bay ordains as follows:

Section 1. The Commission's Findings and Conclusions supporting its recommended approval are attached hereto as "Exhibit A" and included herein by reference.

Section 2. The City Council of the City of Coos Bay, after considering the Commission's Findings and Conclusions, hereby adopts the Findings and Conclusions, and finds the Application should be granted.

Section 3. The designation in the City of Coos Bay Comprehensive Plan, Volume I, Plan Policy Document, Chapter 9, Map 9.11, Land Use Plan Map 2000, of certain real property located within the corporate limits of the city of Coos Bay as described above are hereby changed from "Residential High-density (RH)" to "Commercial (C)."

Section 4. 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.

EXHIBIT A

PLAN MAP AMENDMENT

Below is the decision criteria specified in Coos Bay Municipal Code (CBMC) Chapter 17.380.040(2). Findings and conclusions accompanying each of the criteria may apply to more than one criterion and may be used to support the Commission's recommendation to the City Council.

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

STATEMENTS OF FACT AND FINDINGS:

- A1.** The subject property is located at the edge of the C-1 zoning district. Current zoning shows the property zoned R-4P. Property to the north, east and south is zoned C-1 and are developed with commercial uses and the community garden. Property to the west is zoned R-3 (Multiple Residential) and is developed with single and multi-family dwellings.
- A.2** A commercial use was established on the site in 1979 when the County Assessor indicates the property was taxed as having a commercial building on the property. In 2006 the commercial was discontinued. CBMC Chapter 17.25.030 states that a nonconforming use that is interrupted for 12 continuous months shall not be re-established and further use of the premises must be in conformity with the regulations of the current zoning district. However, in 2008 a commercial use occupied the existing building with a retail use.
- A3.** The subject property is developed with a commercial building with a drive-thru window, a pole sign, parking lot and access from two city streets.
- A4.** A map, dated September 1958, shows Zoning Ordinance No 1675. The map shows the property to be zoned C-1. Later maps show the property zoned R-4P, but city staff is unable to determine exactly when the change occurred.

CONCLUSION: The commercial, nonconforming use was interrupted for at least 12 months and technically the use of the property should revert to its current zoning which is R-4P. However, the use of the site has historically been commercial and the site is undoubtedly developed for commercial use. The decision criterion has been adequately addressed and approval of the proposal can be supported.

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

STATEMENTS OF FACT AND FINDINGS:

B1. Information from the Coos County Assessor's Office shows the property was assessed for taxing purposes as commercial in 1979. In 1980 the property was assessed as improved commercial and has been assessed as such since that time.

B2. A map (*Attachment B*) dated 1958, entitled Zoning Ordinance No 1675, shows the subject property and everything to the east zoned C-1.

The map at *Attachment C* is from Volume I, Part 1 of the Comprehensive Plan, Land Use Plan Alternatives. This map shows the City's existing plan map developed in 1974. Notice the area to the east of the subject property is also designated residential. This is the site of the McKays grocery store, which according to Coos County assessment records was built in 1965. Therefore, the store was built when the property was zoned commercial as shown in the 1958 map. However, the 1974 map shows it as residential.

Comprehensive Plan Map 2000 shows the zoning as it is today. The subject property as R-4P and the McKays property as C-1. Below is a chart to show some of the changes.

	Year Built	Year of Map			
		1958	1974	1979	1988
Subject property	1979	C	R	R	R
McKay's	1965	C	R	C	C
Convenience Store/Audio Visual	1976	C	R	C	C

C – Commercial R – Residential

From the information above, it appears there was confusion about zoning in the area. It appears the subject property may have been zoned residential when it was developed.

CONCLUSION: County Assessment information and historical maps available to staff indicate there was confusion in coordinating the zoning with development that occurred or was about to occur. There are gaps in the maps showing changes in the zoning. The area under discussion was in flux around the time the subject property was developed making it very likely errors occurred in the zoning. The decision criterion has been adequately addressed and approval of the proposal can be supported.

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

STATEMENTS OF FACT AND FINDINGS:

C1. The alternative course of action is to keep the zoning as it is, R-4P, and require the landowner to cease any unauthorized commercial use of the property which includes the restaurant activity on the site. It is unlikely this would be economically feasible since the building was used previously for a restaurant and contains all the equipment for a restaurant. Even when a small portion of the building was used for retail, the restaurant equipment remained in place.

C2. If granted, the site would continue as a commercial use. This is the preferred alternative.

Goal 4, Chapter 7.5, Economic Development, Volume I of the Coos Bay Comprehensive Plan, states:

Work to retain, expand and strengthen existing local businesses.

The structure has been on the property since 1979. It was a fast-food restaurant until 2006 then a portion of the building was used for retail sales for about a year. It was then unutilized for about a year before a small restaurant use reoccupied the site. The subject property is located on Central Avenue, an arterial, which is the proper place for this type of commercial use.

C3. If denied, the current commercial use would need to end. The building/land owner would need to find an occupant desiring a residential-professional use such as a professional or administrative service, financial, insurance, real estate office, etc.

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

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

STATEMENTS OF FACT AND FINDINGS:

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

(Energy) EC.4 Coos Bay shall promote development along major transportation corridors by zoning lands adjacent to such corridors to allow commercial, industrial, and multi-family development except where such areas are irreversibly committed to low density residential development. However, ingress/egress to such development shall be designed so that it does not restrict traffic flow on the arterial streets. The

city recognizes that intense development, along major transportation corridors conserves energy by providing shorter, direct access to home and trade and service areas.

(Economic) Goal 4: Work to retain, expand and strengthen existing local businesses.

(Environmental) Coos Bay shall continue to endorse existing applicable state and federal environmental quality statutes, rules, and standards with respect to the quality of air, land and water resources and noise levels recognizing that this acknowledgement will assure the continued stability and integrity of these resources.

CONCLUSION: The subject property is located on an arterial, Central Avenue, and was developed in 1979-80. The decision criterion has been adequately addressed and approval of the proposal can be supported.

III. STATEWIDE PLANNING GOALS

1. Citizen Involvement

The application is being reviewed according to the public review process established by the City. The City's Plan is acknowledged to be in compliance with this goal. Notice of the proposal will be provided to property owners and published in the newspaper. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision-making process. These procedures meet the requirements of Statewide Planning Goal 1.

2. Land Use Planning

Facts and evidence have been provided that support and justify the proposed Comprehensive Plan and zone change.

3. Housing Goal

The location of high-density residential land capitalizes on commercial and employment centers and has convenient vehicular access to major arterial streets. Although the R-4P zone allows limited commercial-type uses, it does not allow a restaurant use which is what the existing structure has been mainly used for. It is proposed to include the subject property as part of the commercial center.

4. Air, Water and Land Resources Goal

Future development will be required to meet the standards in effect at the time to maintain or improve the quality of the air, water and land resources. Public services to the property serve to protect the air, water and land. All necessary public services are available to this developed property at adequate levels to serve future commercial-type development.

No significant adverse impacts to the quality of the air, water or land exist. This is not expected to change in the future.

5. Economic Development Goal

The subject property was developed as commercial in 1979 and is located on Central Avenue, a major travel route for the local people. The commercial use abuts a residential area to the south and west and provides a nearby service for them.

6. Statewide Public Facilities and Services Goal

All necessary public and private services and facilities are provided to this property.

7. Statewide Transportation Goal

Access to the site is provided by the existing street system. The property is located on the southwest corner of Central Avenue and S. 8th Street. Central, which runs into Ocean Boulevard, is an arterial and heavily traveled as an alternative to Highway 101.

8. Statewide Energy Conservation Goal

The commercial use has been in place since 1980 and is located in a fully developed area with buildings and utilities.

9. Statewide Urbanization Goal

The subject property fully developed and is within the corporate limits of Coos Bay and has a full complement of public and private services on the property provided by the city such as fire, police protection, government management and library services. This proposal does not materially affect the size or location of the city limits or urban growth boundary.

10. Statewide Areas Subject to Natural Disasters and Hazards; Estuarine Resources; Coastal Shorelands; Beaches and Dunes; and Ocean Resources Goals

There is no special agriculture, ocean beaches, dunes, destination areas or forest lands impacted by this proposal. No natural hazards have been identified that are specific to this site or which would prevent the proposed use. There are no estuaries, floodways, flood plains, identified slide areas, mines, sand dunes, rivers or streams, or other beach resource areas impacted by this proposal.

11. Statewide Recreational Needs Goal

The site is fully developed with a commercial use and parking lot.

CONCLUSION: The change from a residential designation to another type of plan map designation is logical since the existing commercial building was in place in 1980. The R-4P zoning allows limited commercial uses although not a restaurant use which is what the property has been used for the majority of time. The proposal is consistent with the statewide planning goals and the plan map change is warranted and should be granted.

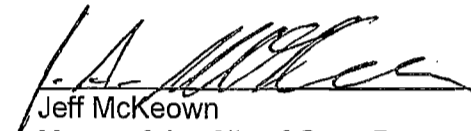
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The foregoing ordinance was enacted by the City Council of the City of Coos Bay the 6th day of April 2010.


Yes: Mayor Jeff McKeown and Councilors Mark Daily, Jon Eck, Joanie Johnson, Stephanie Kramer, Gene Melton, and John Pundt.

No: None

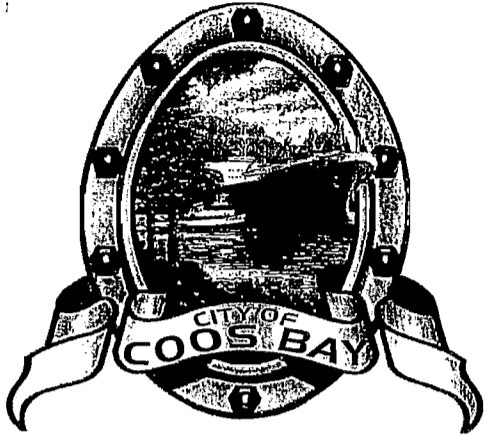
Absent: None


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

ATTEST:



Rae Lea Cousens
City Recorder of the City of Coos Bay
Coos County, Oregon



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>

April 12, 2010

FINAL ORDER

AMENDMENT TO THE COOS BAY COMPREHENSIVE PLAN AND COOS BAY MUNICIPAL CODE

APPLICATION: ZON2010-00001
APPLICANT: Mr. Paul Jackson, 29 W. 1st Street, Coquille, OR 97423
OWNER: Ellis Foster Trust, 94912 Hwy 42 S, Coquille, OR 97423

SUBJECT PROPERTY: 825 Central Avenue; T. 25, R. 13, S. 27DD, Tax Lot 6400
Western Addition to Marshfield, Block F, Lots 7 and 8

REQUEST: Redesignate the subject property from "Residential High-density" to "Commercial" plan map designation and from "Residential Professional" to "Central Commercial" zone designation.

ORDER: Tuesday, April 6, 2010, City Council approved the plan map and zone change and enacted Ordinance Nos. 423 and 424, respectively.
City Council Final Vote:
Yea: Mayor Jeff McKeown, Councilors John Eck, John Pundt, Mark Daily, Joanie Johnson, Stephanie Kramer and Gene Melton.
Abstain: None **Nay:** None

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

FINAL ACTION

Based on the findings and conclusions, as set forth at Exhibit A, and the applicant's submitted evidence at Attachment A, the City Council enacted Ordinance Nos. 423 and 424, approving the plan map amendment and zone change (ZON2010-00001) redesignating the subject property from "Residential High-density" to "Commercial" plan map designation and from "Residential Professional" to "Central Commercial" zone designation.

The decision to approve will become final at **5:00 PM on May 3, 2010** 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 May 3, 2010**. 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 Nos. 423 and 424

c: Mr Paul Jackson
Ellis Foster Trust
Dave Perry, OR Dept. of Land Conservation & Development

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EXHIBIT A
ZONE CHANGE

DECISION CRITERIA, JUSTIFICATION, FINDINGS & CONCLUSIONS

I. PROPOSED ZONE CHANGE

DECISION CRITERIA, JUSTIFICATION, FINDINGS & CONCLUSIONS

The following is the decision criteria applicable to the request as set forth in Coos Bay Municipal Code Chapter 17.360.050(2). Findings and conclusions accompanying the criteria 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 criterion #1 -- **OR** -- by criteria #2-6. In this case all of the criteria has been addressed.

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

STATEMENTS OF FACT AND FINDINGS:

- 1a.** The subject property lies in the "Residential Professional (R-4P)" zoning district. An existing structure, along with a drive-thru window, parking lot, and pole sign occupy the subject property. Access is off of Central Avenue and S. 8th Street.

A restaurant has occupied the existing building most of the time. A restaurant is not a permitted use in the current zone.
- 1b.** The applicant's submitted information indicates the property was first taxed as improved commercial land, specifically a restaurant use, in 1979. The applicant states building plans were submitted in 1974 and construction was completed until 1978.
- 1c.** The tax assessor bases the rate of taxes on the use of the property rather than the zoning.
- 1d.** See Part II, Finding B2, below, for a brief history on the zoning of the subject property and property to the north and east.

- 1e.** The restaurant use was discontinued in 2006. After 12 months the “nonconforming use” status of the property should have expired, but instead, in 2008, a business license was issued in error for a retail use (Pirate’s Skate Shop) in the existing building. This business closed in late 2008 and the building was left unutilized until January, 2010 when a restaurant opened in the building.

The landowner was informed about the loss of his “nonconforming use” status and encouraged to rezone the property in order to continue commercial use of the property.

- 1f.** The Land Development Ordinance, which implemented the Coos Bay Comprehensive Plan acknowledged in October, 1983, did not list “restaurant” as a permitted or conditionally permitted use in the R-4P zoning district.

- 1g.** The restaurant use on the subject property is considered a nonconforming use per Coos Bay Municipal Code Chapter 17.25.030. Discontinuation of a Nonconforming Use, states:

Whenever a nonconforming use has been discontinued for a continuous period of 12 months, or whenever there is a clear intent on the part of the owner to abandon a nonconforming use, this use shall not be re-established and further use of the premises shall be in conformity with the regulations of the district.

- 1h.** Rezoning the property will allow any commercial use on the property. The issues of a nonconforming use will no longer applicable.

CONCLUSION: The decision criterion has been addressed; although the use was discontinued for about a year, the subject property maintains the characteristics of a commercial property, namely, the structure with drive-thru window, sign, parking lot and access off of an arterial street.

----- OR -----

All of the following criteria must be satisfied:

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

STATEMENTS OF FACT AND FINDINGS:

- 2a.** Part II, Decision Criteria C and D, set forth Plan policies that are pertinent to the proposed zone change. One of the objectives for the designation of commercial areas is to protect the integrity of established land use patterns to facilitate continued and compatible development.

The subject property was developed in the late 1970s as a restaurant. It is proposed to change the zone from R-4P to C-1. The location of the property along an arterial street is conducive to the commercial use. Commercial development to the north and east have established the pattern of development.

No additional impacts to the function, capacity or level of service to Central Avenue or S. 8th Street are expected as a result of the change in zone designation.

CONCLUSION: The proposed zone, C-1, for the subject property conforms to the policies and objectives of the comprehensive plan.

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 commercial use of the property was established in the late 1970s. The city has received no complaints that indicate the use is not compatible with the adjacent residential, professional and commercial districts.

CONCLUSION: Commercial uses of the property listed in the "Central Commercial (C-1) zone are compatible with the development authorized in the surrounding districts.

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

STATEMENT OF FACT AND FINDINGS:

4a. The area surrounding the subject property is developed. To the south is a community garden, established through a conditional use permit; to the west is a bed and breakfast; to the north is an electronics repair shop and to the east is a supermarket.

CONCLUSION: The change of zoning to C-1 will not prevent the use of other land in the vicinity.

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

STATEMENT OF FACT AND FINDINGS:

5a. It is the appropriate time to permit the change in zone. The commercial use of the property was initially established in the late 1970s. Commercial zoning lies to

the north and east of the subject property and commercial use of these areas are not likely to change.

CONCLUSION: The commercial use on the subject property was established in the late 1970s. The zone change will bring the property into compliance with the Coos Bay Municipal Code to allow the commercial use to continue. The decision criteria is satisfied.

DECISION CRITERIA #6: The change will be consistent with the functions, capacities and levels of service of facilities identified in the adopted Coos Bay Transportation System Plan.

STATEMENT OF FACT AND FINDINGS:

6a. A commercial use was initially established about 30 years ago. has been on the subject property for the last 30 years. No additional impacts to the function, capacity or level of service to Central Avenue or 8th Street is expected as a result of the change in zoning designation from Residential Professional (R-4P) to Central Commercial (C-1).

CONCLUSION: No change to the transportation system is expected as a result of the zone change. The decision criteria has been satisfied.

II. PROPOSED PLAN MAP AMENDMENT

Below is the decision criteria specified in Coos Bay Municipal Code (CBMC) Chapter 17.380.040(2). Findings and conclusions accompanying each of the criteria may apply to more than one criterion and may be used to support the Commission's recommendation to the City Council.

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

STATEMENTS OF FACT AND FINDINGS:

- A1.** The subject property is located at the edge of the C-1 zoning district. Current zoning shows the property zoned R-4P. Property to the north, east and south is zoned C-1 and are developed with commercial uses and the community garden. Property to the west is zoned R-3 (Multiple Residential) and is developed with single and multi-family dwellings.
- A.2** A commercial use was established on the site in 1979 when the County Assessor indicates the property was taxed as having a commercial building on the property. In 2006 the commercial was discontinued. CBMC Chapter 17.25.030 states that a nonconforming use that is interrupted for 12 continuous months shall not be re-established and further use of the premises must be in conformity with the regulations of the current zoning district. However, in 2008 a commercial use occupied the existing building with a retail use.

- A3.** The subject property is developed with a commercial building with a drive-thru window, a pole sign, parking lot and access from two city streets.
- A4.** A map, dated September 1958, shows Zoning Ordinance No 1675. The map shows the property to be zoned C-1. Later maps show the property zoned R-4P, but city staff is unable to determine exactly when the change occurred.

CONCLUSION: The commercial, nonconforming use was interrupted for at least 12 months and technically the use of the property should revert to its current zoning which is R-4P. However, the use of the site has historically been commercial and the site is undoubtedly developed for commercial use. The decision criterion has been adequately addressed and approval of the proposal can be supported.

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

STATEMENTS OF FACT AND FINDINGS:

- B1.** Information from the Coos County Assessor's Office shows the property was assessed for taxing purposes as commercial in 1979. In 1980 the property was assessed as improved commercial and has been assessed as such since that time.
- B2.** A map (*Attachment B*) dated 1958, entitled Zoning Ordinance No 1675, shows the subject property and everything to the east zoned C-1.

The map at *Attachment C* is from Volume I, Part 1 of the Comprehensive Plan, Land Use Plan Alternatives. This map shows the City's existing plan map developed in 1974. Notice the area to the east of the subject property is also designated residential. This is the site of the McKays grocery store, which according to Coos County assessment records was built in 1965. Therefore, the store was built when the property was zoned commercial as shown in the 1958 map. However, the 1974 map shows it as residential.

Comprehensive Plan Map 2000 shows the zoning as it is today. The subject property as R-4P and the McKays property as C-1. Below is a chart to show some of the changes.

	Year Built	Year of Map			
		1958	1974	1979	1988
Subject property	1979	C	R	R	R
McKay's	1965	C	R	C	C
Convenience Store/Audio Visual	1976	C	R	C	C

C – Commercial R – Residential

From the information above, it appears there was confusion about zoning in the area. It appears the subject property may have been zoned residential when it was developed.

CONCLUSION: County Assessment information and historical maps available to staff indicate there was confusion in coordinating the zoning with development that occurred or was about to occur. There are gaps in the maps showing changes in the zoning. The area under discussion was in flux around the time the subject property was developed making it very likely errors occurred in the zoning. The decision criterion has been adequately addressed and approval of the proposal can be supported.

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

STATEMENTS OF FACT AND FINDINGS:

- C1.** The alternative course of action is to keep the zoning as it is, R-4P, and require the landowner to cease any unauthorized commercial use of the property which includes the restaurant activity on the site. It is unlikely this would be economically feasible since the building was used previously for a restaurant and contains all the equipment for a restaurant. Even when a small portion of the building was used for retail, the restaurant equipment remained in place.
- C2.** If granted, the site would continue as a commercial use. This is the preferred alternative.

Goal 4, Chapter 7.5, Economic Development, Volume I of the Coos Bay Comprehensive Plan, states:

Work to retain, expand and strengthen existing local businesses.

The structure has been on the property since 1979. It was a fast-food restaurant until 2006 then a portion of the building was used for retail sales for about a year. It was then unutilized for about a year before a small restaurant use reoccupied the site. The subject property is located on Central Avenue, an arterial, which is the proper place for this type of commercial use.

- C3.** If denied, the current commercial use would need to end. The building/land owner would need to find an occupant desiring a residential-professional use such as a professional or administrative service, financial, insurance, real estate office, etc.

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

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

STATEMENTS OF FACT AND FINDINGS:

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

(Energy) EC.4 Coos Bay shall promote development along major transportation corridors by zoning lands adjacent to such corridors to allow commercial, industrial, and multi-family development except where such areas are irreversibly committed to low density residential development. However, ingress/egress to such development shall be designed so that it does not restrict traffic flow on the arterial streets. The city recognizes that intense development, along major transportation corridors conserves energy by providing shorter, direct access to home and trade and service areas.

(Economic) Goal 4: Work to retain, expand and strengthen existing local businesses.

(Environmental) Coos Bay shall continue to endorse existing applicable state and federal environmental quality statutes, rules, and standards with respect of the quality of air, land and water resources and noise levels recognizing tht this acknowledgement will assure the continued stability and integrity of these resources.

CONCLUSION: The subject property is located on an arterial, Central Avenue, and was developed in 1979-80. The decision criterion has been adequately addressed and approval of the proposal can be supported.

III. STATEWIDE PLANNING GOALS

1. Citizen Involvement

The application is being reviewed according to the public review process established by the City. The City's Plan is acknowledged to be in compliance with this goal. Notice of the proposal will be provided to property owners and published in the newspaper. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision-making process. These procedures meet the requirements of Statewide Planning Goal 1.

2. Land Use Planning

Facts and evidence have been provided that support and justify the proposed Comprehensive Plan and zone change.

3. **Housing Goal**
The location of high-density residential land capitalizes on commercial and employment centers and has convenient vehicular access to major arterial streets. Although the R-4P zone allows limited commercial-type uses, it does not allow a restaurant use which is what the existing structure has been mainly used for. It is proposed to include the subject property as part of the commercial center.
4. **Air, Water and Land Resources Goal**
Future development will be required to meet the standards in effect at the time to maintain or improve the quality of the air, water and land resources. Public services to the property serve to protect the air, water and land. All necessary public services are available to this developed property at adequate levels to serve future commercial-type development.

No significant adverse impacts to the quality of the air, water or land exist. This is not expected to change in the future.
5. **Economic Development Goal**
The subject property was developed as commercial in 1979 and is located on Central Avenue, a major travel route for the local people. The commercial use abuts a residential area to the south and west and provides a nearby service for them.
6. **Statewide Public Facilities and Services Goal**
All necessary public and private services and facilities are provided to this property.
7. **Statewide Transportation Goal**
Access to the site is provided by the existing street system. The property is located on the southwest corner of Central Avenue and S. 8th Street. Central, which runs into Ocean Boulevard, is an arterial and heavily traveled as an alternative to Highway 101.
8. **Statewide Energy Conservation Goal**
The commercial use has been in place since 1980 and is located in a fully developed area with buildings and utilities.
9. **Statewide Urbanization Goal**
The subject property fully developed and is within the corporate limits of Coos Bay and has a full complement of public and private services on the property provided by the city such as fire, police protection, government management and library services. This proposal does not materially affect the size or location of the city limits or urban growth boundary.
10. **Statewide Areas Subject to Natural Disasters and Hazards; Estuarine Resources; Coastal Shorelands; Beaches and Dunes; and Ocean Resources Goals**
There is no special agriculture, ocean beaches, dunes, destination areas or forest lands impacted by this proposal. No natural hazards have been identified that are specific to this site or which would prevent the proposed use. There are no estuaries, floodways, flood plains, identified slide areas, mines, sand dunes, rivers or streams, or other beach resource areas impacted by this proposal.

11. Statewide Recreational Needs Goal

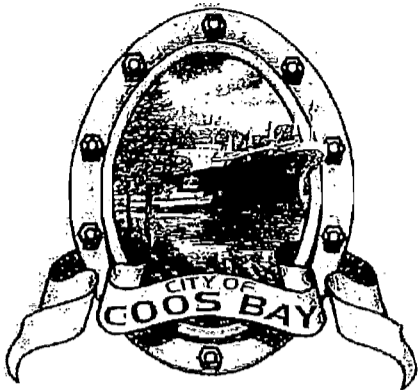
The site is fully developed with a commercial use and parking lot.

CONCLUSION: The change from a residential designation to another type of plan map designation is logical since the existing commercial building was in place in 1980. The R-4P zoning allows limited commercial uses although not a restaurant use which is what the property has been used for the majority of time. The proposal is consistent with the statewide planning goals and the plan map change is warranted and should be granted.

Attachments: A - Applicant's submitted information
Map
Zone Designation Map
Plan Designation Map

c: Paul Jackson, Applicant
Ellis Foster Trust, landowner

F:\PLANNING\final order\2010\10-001amrz



Permit No. ZON20 10-00 001

City of Coos Bay
Public Works and Development
500 Central Avenue, Coos Bay, Oregon 97420

ZONE CHANGE

In accordance with Coos Bay Municipal Code, Chapter 17.360 a change in zone designation may be granted if a mistake was made in the original zoning or if the change will result in development compatible with that authorized in the surrounding area. Other considerations include the impact on other land in the vicinity and the appropriateness of the introduction of the zone into the area at this time.

SUBJECT PROPERTY

Street Address: 825 Central Commercial
Township 25 Range 13 Section 27DD Tax lot# 6400
Lot(s) 7+8 Block: F Addition: Western Addition to Mansfield
Current Zone R-4P **Proposed Zone** C-2
Comprehensive Plan Designation: R-H

APPLICANT / OWNER

Name of Applicant: PAUL A. JACKSON as representative
Address: 29 W. 1st St, Coquille, OR 97423 Telephone: 541-290-6981
Ellis F. Foster TRUST
Name of Owner: Therothy E. FOSTER TRUST
Address: 94912 Hwy 42S, Coquille, OR 97423 Telephone: 541-396-5116

Please answer the following questions as completely as possible; use additional paper if necessary. The approval of this permit must be based on specific facts; therefore, yes/no answers are not sufficient. City personnel will assist you in answering any question.

1. Could the current zoning of this property be a mistake? Explain.
17.360.050 pp1-2 See Attached



7. Explain how the surrounding property within 250 feet of the perimeter of your property is zoned and used at present.

If the zone of your property is changed, explain how any permitted use of the district will be compatible with the surrounding property.

8. Explain what limitations the proposed zone change could place on the use of nearby property.

9. Have any changes taken place which would make the zone change appropriate now rather than at an earlier date? You may consider such things as development of surrounding property, new streets, sewer or water lines; housing trends, and so forth. Please explain more fully.

10. Additional information to be furnished by applicant:

- A. Evidence that applicant is owner of the property. If the applicant is the purchaser of the property or acting as authorized agent of the owner, then written verification must be submitted.
- B. A certified list of the names and addresses of all owners of property within 250 feet of the exterior boundaries of the property involved along with a map showing the location of the subject property and all properties within the 250 foot boundary.
- C. A building plan or location map including topographical features, streets, highways, alleys, distinguishable vegetation, etc. in relation to the property lines of the property involved. This plan or map shall be drawn to scale.

BUILDING & TOPOGRAPHICAL FEATURE LOCATION PLAN: A scaled drawing showing the actual shape and dimensions of the subject property, the sizes and shapes of existing and proposed structures, location of existing or proposed roads, distinguishing vegetation and major topographical features.

A separate drawing containing the above information may be attached if necessary to show the regional detail.

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


Signature of Applicant or Authorized Agent

1-4-10
Date

Filing Fee: **\$675.00+ Publishing Cost (If Plan Map Amendment is needed, add \$960.00)**
Date paid: _____ Date of Planning Commission Hearing: _____

ZONE CHANGE

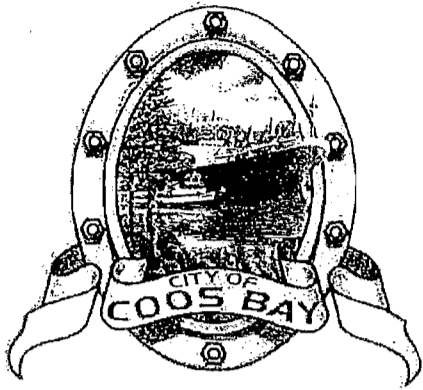
1. The existing zone designation appears to be a mistake in the event of an existing structure with business use that was in operation and in place when this designation was assigned.

The property is surrounded by commercial and mixed residential use. The changes or growth of the area is minimal with little to explain how the property was incorrectly given this zoning designation.

See attached for evidence of historical existence of building and it's use; note no changes have been made except to up-grade or repair the property including the continuous historical use as a restaurant.

Note also that the transfer of ownership did not affect the use and purpose of the property and structure; neighborhood and traffic impacts have not changed, with the transfer of ownership.

Property was purchased for the purpose the structure was historically used and will continue to be used for it's original purpose.



Permit No. ZON20 ___-00___

City of Coos Bay

Public Works and Development

500 Central Avenue, Coos Bay, Oregon 97420
Phone 541-269-8918 Fax 541-269-8916

LAND USE PLAN MAP AMENDMENT

SUBJECT PROPERTY

Street Address: 825 Central
Township 25 Range 13 Section 27 Tax lot # 6400
Lot(s) 7+8 Block: F Addition: Western Addition to Marshfield

APPLICANT / OWNER

Name of Applicant: Paul A. Jackson as representative
Address: 29 W. 1st St., Coquille, OR 97423 Phone: 541-290-6981
Name of Owner: Ellis F. Foster Trust
Dorothy E. Foster Trust
Address: 94912 Hwy 42 S, Coquille, OR 97423 Phone: 541-396-5116

CURRENT PLAN DESIGNATION R-H

PROPOSED PLAN DESIGNATION C

Please answer the following questions as completely as possible; use additional paper if necessary. The approval of this permit must be based on specific facts; therefore, yes/no answers are not sufficient. City personnel will assist you in answering any question.

1. Address each of the following:
 - A. Identify new planning problems and issues associated with the project.

4. What streets will be used to provide access to the property? What is their width, covering, and current condition? Estimate the increase in traffic volume that can be expected as a result of the change in land use designation and the ultimate development of the property.

5. What types of development could be expected if the land use designation is changed as proposed? Take into consideration surrounding development, overall development of the area, changes in traffic patterns, etc.

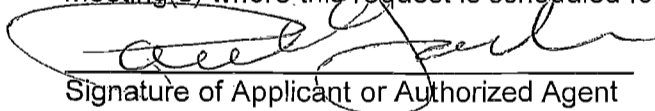
6. Since the property received its current land use designation, what circumstances have changed to justify the proposed amendment?

ADDITIONAL REQUIREMENTS:

- A. Attach (a) a certified list of names and addresses of all owners of property within 250 feet of the exterior boundaries of the subject property according to the latest adopted County tax roles and (b) an assessor's map showing all lots and parcels of land within that area.

- B. Provide evidence that the applicant is owner or purchaser of property proposed for re-designation and/or has the written permission of such owner(s) of property in the subject area to apply for a change in land use designation.

The above 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 or Authorized Agent

1-4-10
 Date

Filing Fee: \$960.00	Date paid:
	Date of Planning Commission Hearing:

Revised 2/09 DE

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LAND USE PLAN MAP AMMENDMENT

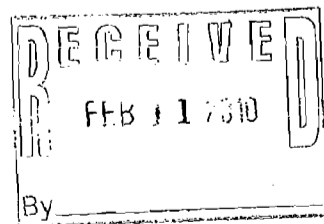
1. A. No new planning problems in the event of an existing property under historical use as a Restaurant. Originally built for and used for the purpose of public food service.
B. Existing structure with parking lot in place with ingress/egress access in place.
C. Request is for a correction to existing zone designation.
D. No additional directive needed with existing use of structure.
2. See attached detail map; note that existing drainage in place with no watercourses located on property.
3. Property on a commercial corner lot across from electronics repair shop, behind grocery store, and cornered across from liquor store; adjoining property residential multi-housing unit, some retail and across ally access to community garden.
4. No increase in traffic on Central with egress traffic showing some increase on pattern side street behind grocery store. Central is single lane increasing to four lane at the Northeast corner of property. Cross-walks are in place and marked with streets in good condition, some with new paving.
5. No new development is expected with no impact on surrounding areas.
5. I believe the property was wrongly designated and this request for a correction is appropriate to correctly zone this pre-existing structure, property and its historical uses.

To: City of Coos Bay, Planning
From: Paul Jackson
Re: Zoning: 825 Central
Date: 2-11-10

Please Note Submissions? (as per county Assessor)
Building Plans submitted 1974; construction
began 1975; construction not completed
until 1977; open for business 1978;
first assessed on building 1979.

City licensing, permits, usage from
date of plan review: 1974.

Question: your records should show
building & use prior to 1975 with
city participation in zoning this
site before 1975.



AP 25 R13 S27 TL 400 CODE 9.00 CLASS 2 ZONE R-4-P ACCT 71260.00

VALUATION SUMMARY OF REAL PROPERTY
TACO BELL
COOS COUNTY, OREGON

71261

YEAR	LAND			TIMBER		IMPROVEMENTS		TOTALS		
	ACRES	APPRAISED VALUE	%	ASSESSED VALUE	APPRAISED VALUE	ASSESSED VALUE	APPRAISED VALUE	ASSESSED VALUE	APPRAISED VALUE	ASSESSED VALUE
1960		7510		1915					9525	1915
1961		9580		2395					9580	2395
1962		9580		2400					9580	2400
1965				9580						9580
LN 1970				15,970						15,970
1976				18,900						18,900

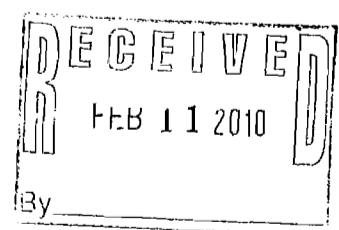
79 ACCT 71260.00 CODE 9.00 CLS 200 LAND 24,570 BLDG TOT-VAL 24,570

1980				37,800			113,000		150,800
81				56,700			134,200		190,900
84				56,858			134,600		191,458

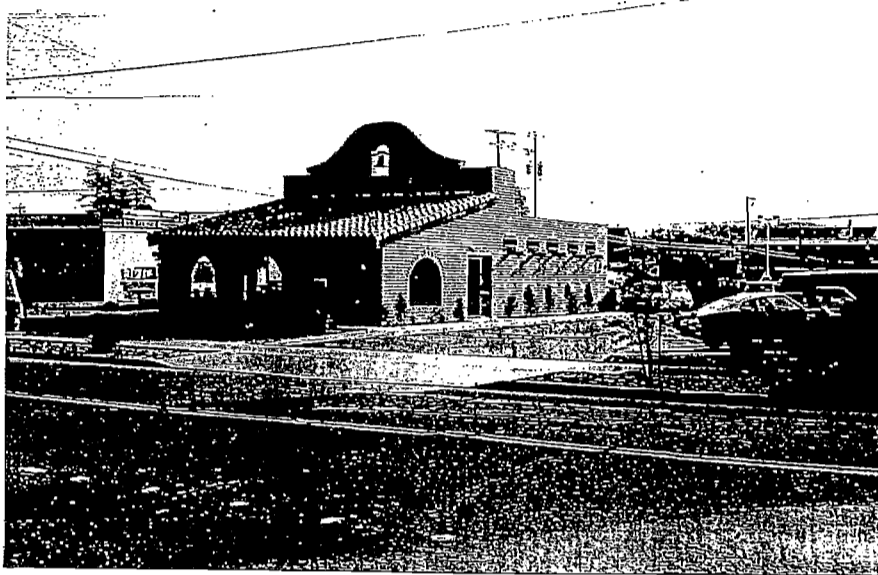
85 71260.00 OPR LN 56,700 OPR BL 144,200 TOTAL VAL 200,900
 9.00 201 OTH LN 56,700 OTH BL 144,200
 86 T25 R13 S2700 TL 6400 (D) (D) TOTAL VAL 187,320
 9.00 (201) (N) 54,432 (N) 132,894

87	.29			44,100			153,400		197,500
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37	T25 R13 S2700 TL 6400 (D) (D) TOTAL VAL 197,500
	9.00 (201) (N) 44,100 (N) 153,400
38	T25 R13 S2700 TL 6400 (D) (D) TOTAL VAL 207,300
	9.00 (201) (N) 46,305 (N) 161,070
39	T25 R13 S2700 TL 6400 (D) (D) TOTAL VAL 207,300
	9.00 (201) (N) 46,305 (N) 161,070
90	T25 R13 S2700 TL 6400 (D) (D) TOTAL VAL 207,300
	9.00 (201) (N) 46,305 (N) 161,070
91	25S 13W 27DD 6400 0 71260.00 51,450 178,967 230
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	.29 9.00 201
93	50,000 187,000 237,000



178



187



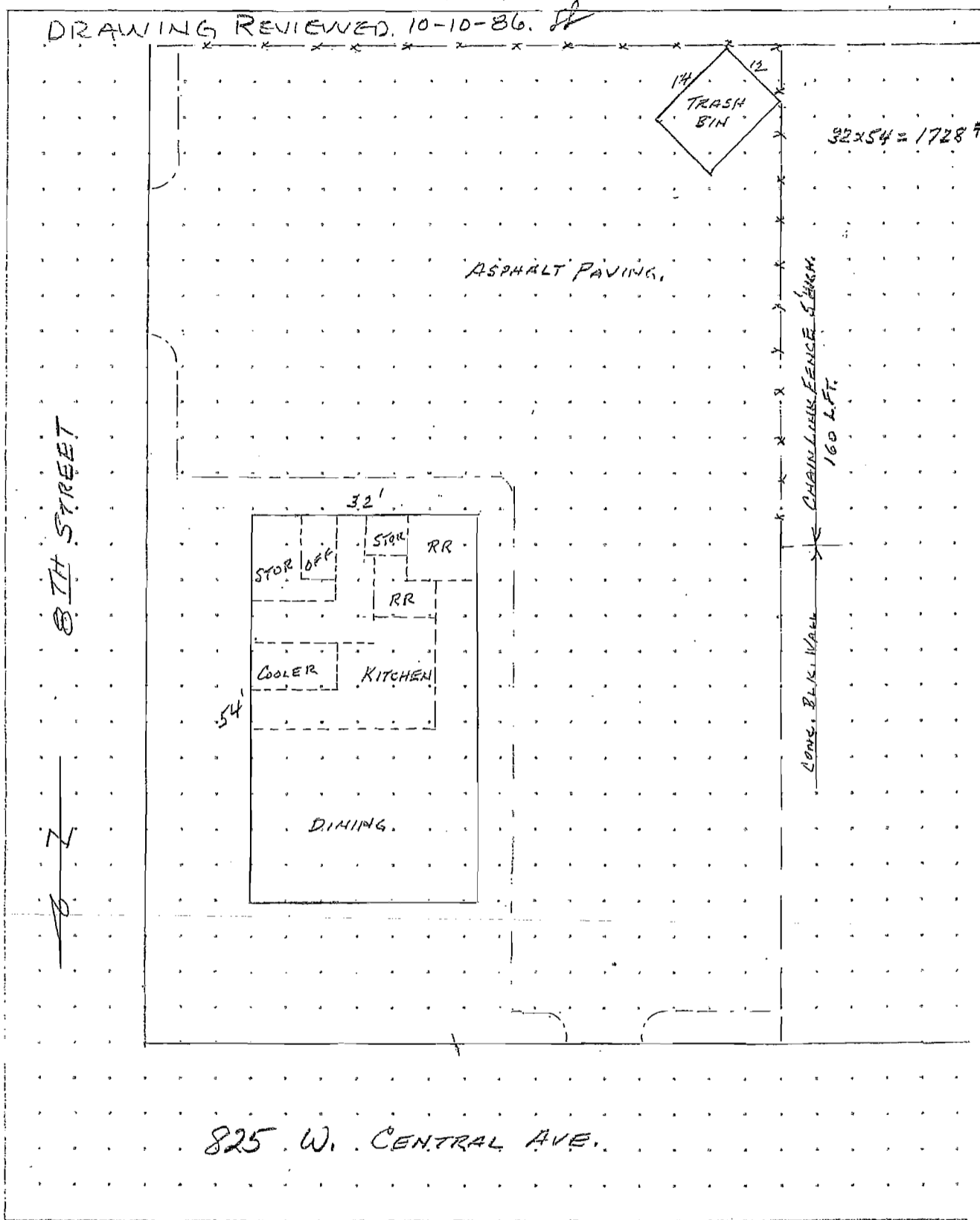
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FEB 11 2010
BY

MAP NO. 25-13, 27 DD 6400
CODE NO. 9 0

'74
Submitter

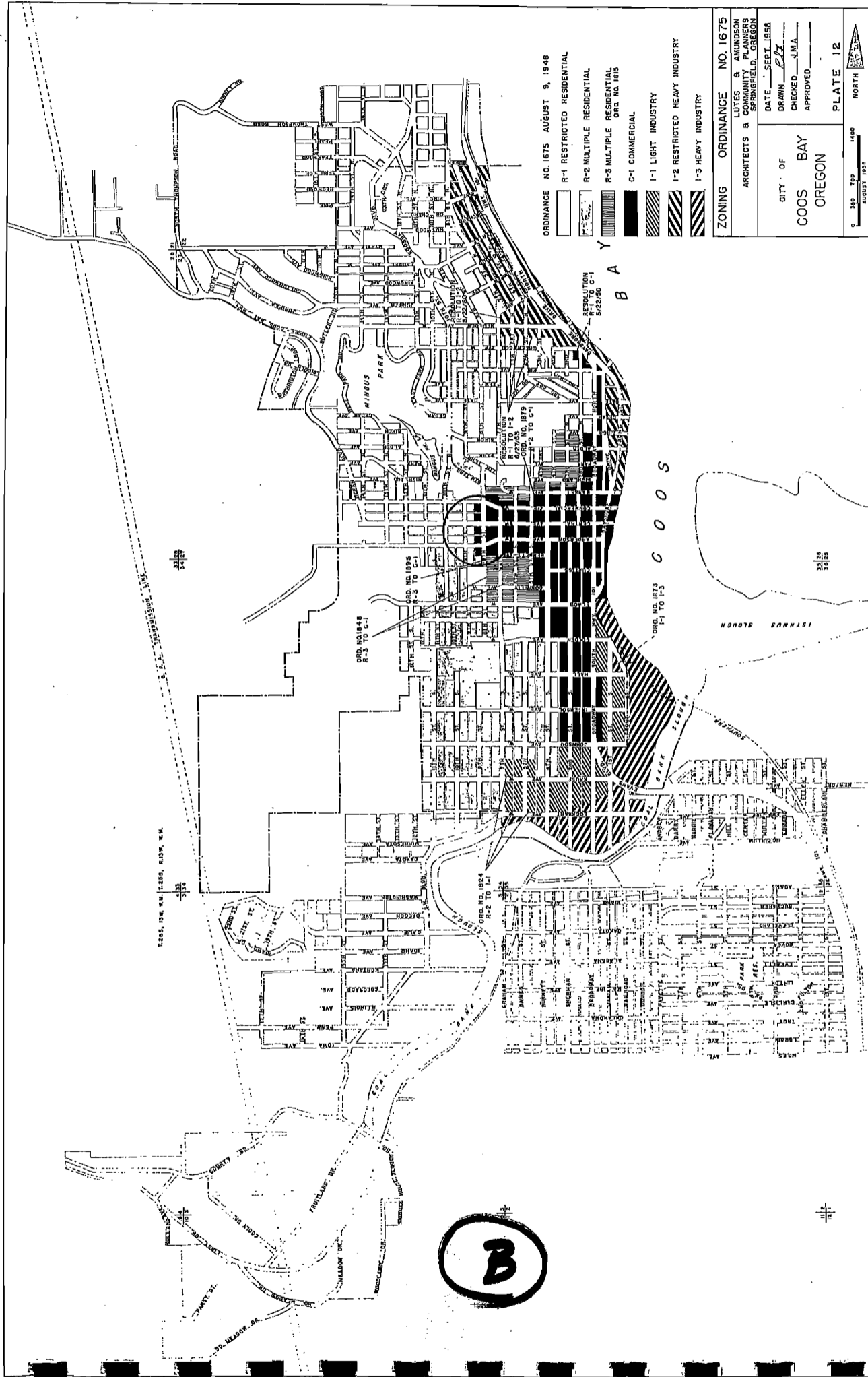
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TL# 6400

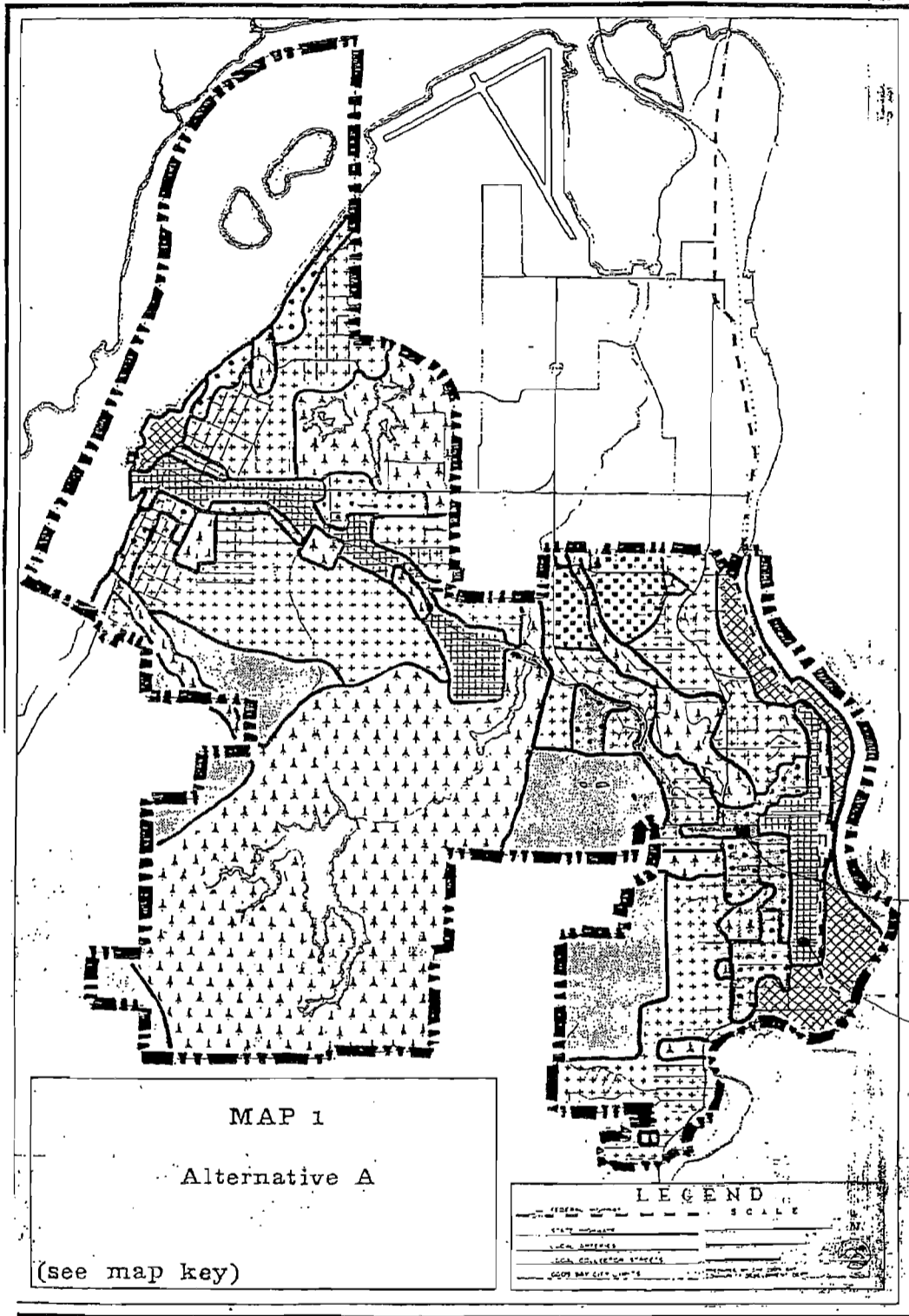
DRAWING REVIEWED, 10-10-86. *JP*



Notes:
No Drive-up
in '86

RECEIVED
FEB 11 2013
By _____

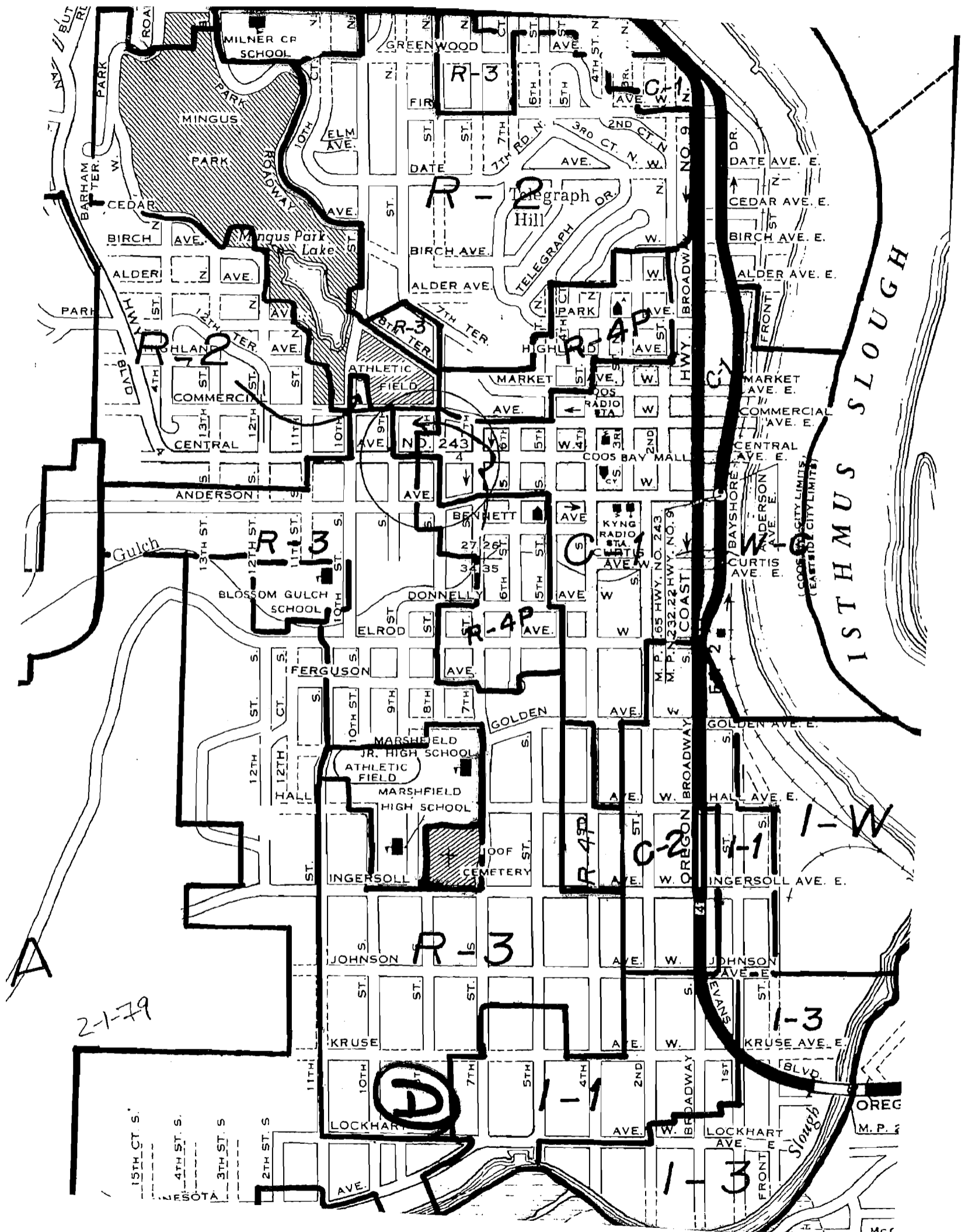


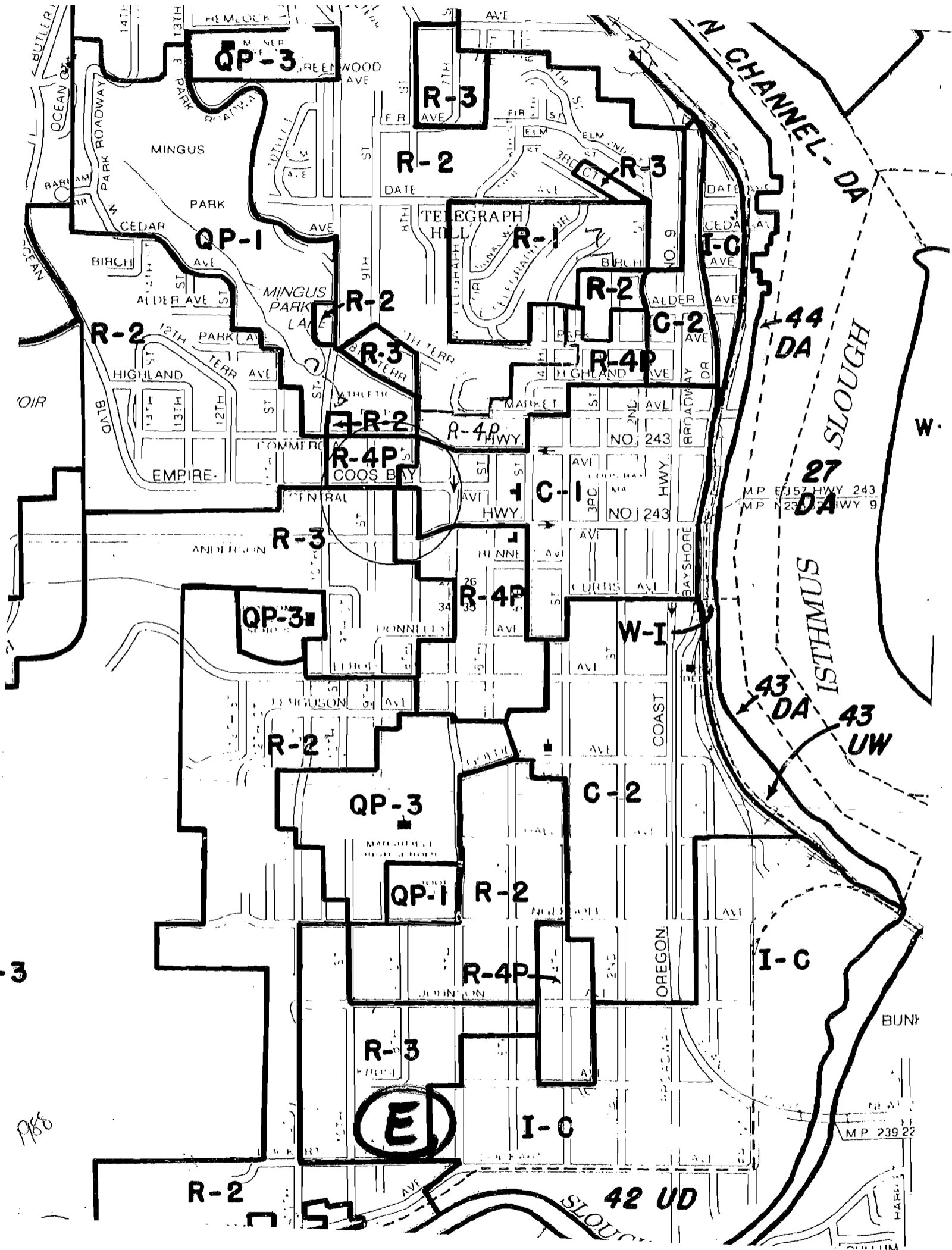


Subject
Property
(Residential)
Commercial

Existing Plan 1974



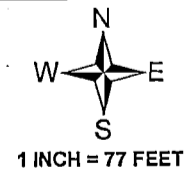




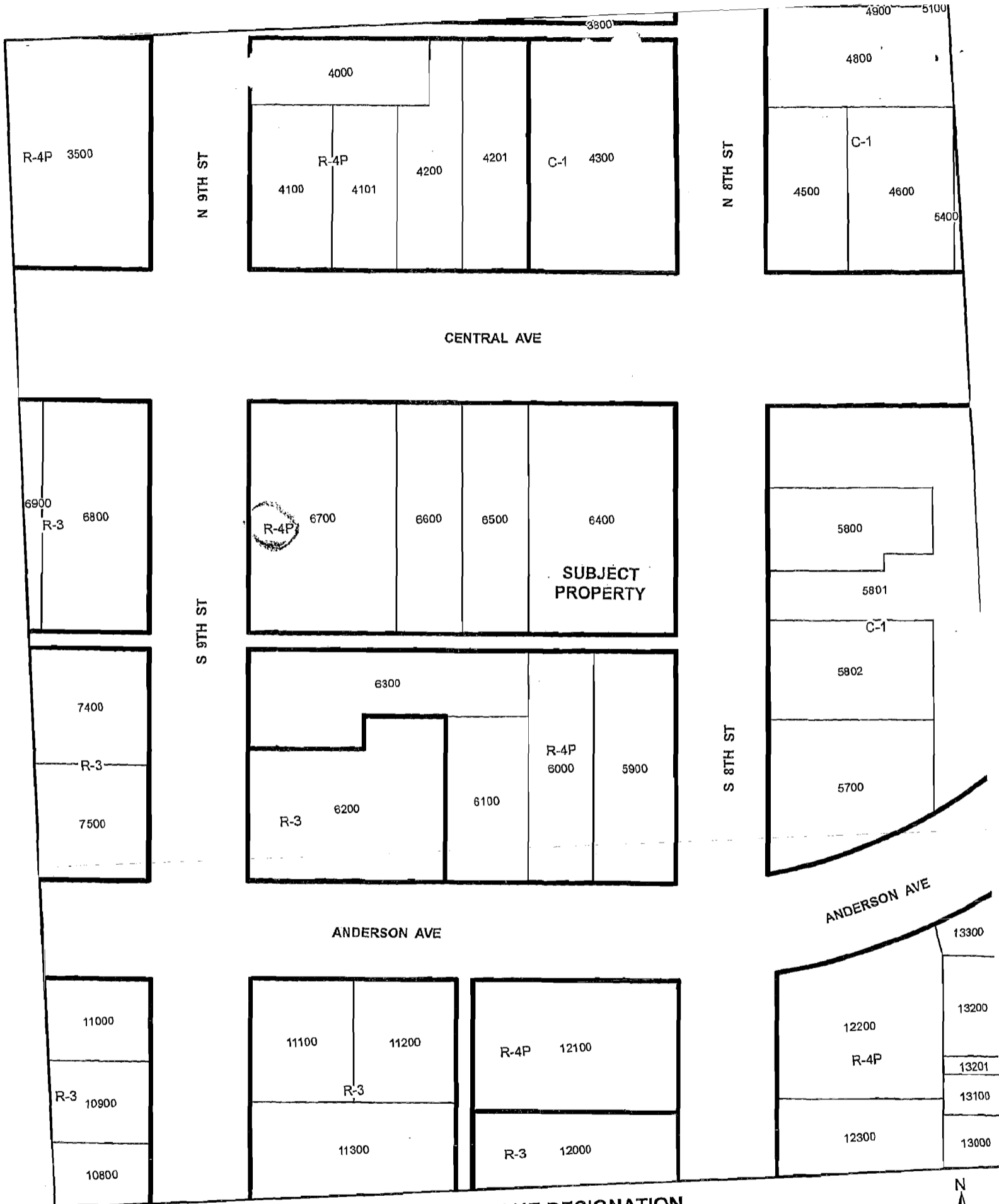


SUBJECT PROPERTY

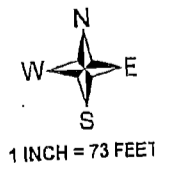
**CITY OF COOS BAY
GIS MAP**

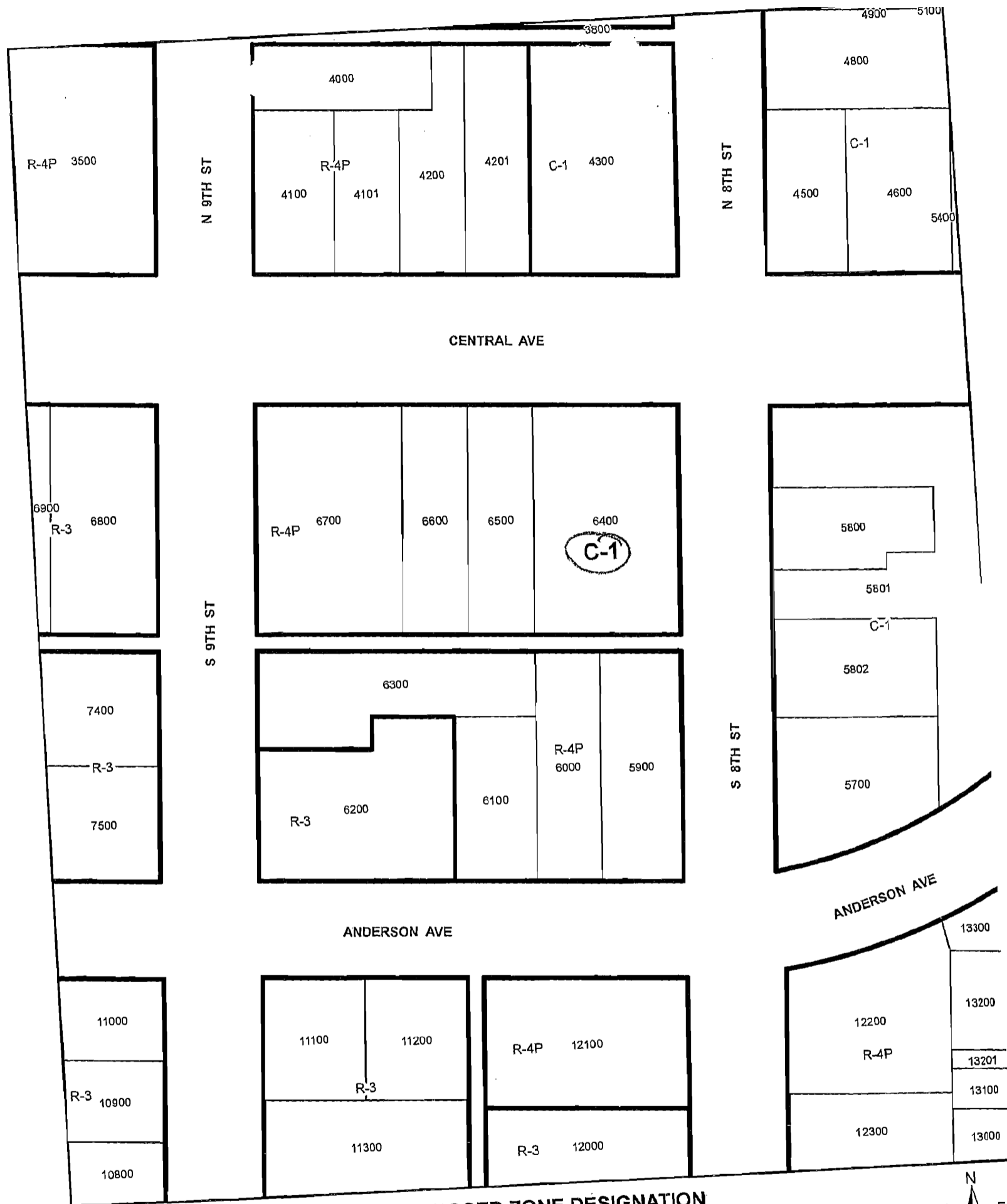


1 INCH = 77 FEET



EXISTING ZONE DESIGNATION



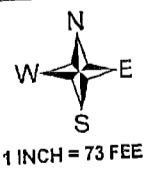


PROPOSED ZONE DESIGNATION



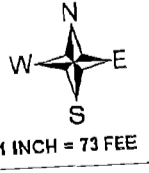


EXISTING PLAN DESIGNATION





PROPOSED PLAN DESIGNATION



CITY OF COOS BAY
Dept. Community Services
501 Commercial
Coos Bay, OR 97531

Plan Amendment Specialist
Dept of Land Conserv & Develop.
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540



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