



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

12/16/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Reedsport Plan Amendment
DLCD File Number 001-11

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: Thursday, December 29, 2011

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: Melissa Anderson, City of Reedsport
Angela Lazarean, DLCD Urban Planner
Dave Perry, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

DEC 09 2011

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Reedsport**

Local file number: **TA-2011-001**

Date of Adoption: **12/5/2011**

Date Mailed: **12/8/11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 9/8/11

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Reedsport Municipal Code 10.72.070, Commercial C-2 Zone, was amended to only allow "residential quarters as a secondary use" as a conditional use in all areas of the C-2 zone.

Does the Adoption differ from proposal? Yes, Please explain below:

The original proposal prohibited residential uses on Highway 38 from 3rd Street to East Railroad Avenue, while permitting residential uses on the 2nd floor and above. All other areas of the C-2 zone were to remain a conditional use. This was revised to allow "residential secondary uses" only as a conditional use in all areas of the C-2 zone.

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **n/a**

Acres Involved: **0**

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

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. 001-11 (18964) [16860]

DLCD file No. _____

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

DLCD and Douglas County

Local Contact: **Melissa Anderson**

Phone: (541) 271-3603 Extension:

Address: **451 Winchester Ave.**

Fax Number: **541-271-2809**

City: **Reedsport**

Zip: **97467-**

E-mail Address:

manderson@cityofreedsport.org

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE 2011-1109

AN ORDINANCE TO AMEND TITLE 10 CHAPTER 72.070, COMMERCIAL (C-2) ZONE OF THE REEDSPORT MUNICIPAL CODE TO PROVIDE FOR “RESIDENTIAL QUARTERS AS A SECONDARY USE” AS A CONDITIONAL USE IN ALL AREAS OF THE COMMERCIAL (C-2) ZONE.

WHEREAS, the City of Reedsport Municipal Code (RMC) 10.100.010 “Authorization to Initiate Amendments” allows amendments to the text of this division to be initiated by the City Council; and

WHEREAS, the City Council initiated an amendment to the RMC 10.72.070 Commercial C-2 Zone at a regularly scheduled meeting on September 6, 2011; and

WHEREAS, a notice of the proposed code amendment was sent to the Department of Land Conservation and Development (DLCD) on September 8, 2011 not less than 45 days prior to the first evidentiary hearing of October 24, 2011, as required by State law; and

WHEREAS, a notice of the proposed amendment was sent to the Reedsport Police Chief, Public Works Director and Building Official, Douglas County Planning Department, the DLCD Regional Representative and the Oregon Department of Transportation on September 8, 2011 notifying them of the proposed amendments, public hearing dates and requesting comments; and

WHEREAS, a public notice of the City Council and Planning Commission public hearings was sent to all property owners in the Commercial C-2 Zone on September 22, 2011 and published in the Umpqua Post on October 12, 2011 as required by state law and City Code; and

WHEREAS, the Planning Commission held a public hearing on October 24, 2011, prior to making a recommendation to the City Council on the text amendments; and

WHEREAS, the City Council held a public hearing on December 5, 2011, and deliberated to a decision that night; and

WHEREAS, the City Council finds it is most equitable and in the best interests of the citizens to provide “*residential quarters as a secondary use*” only as a conditional use in the C-2 Commercial zone; and

WHEREAS, the City Council finds the text amendment to RMC 10.72.070, C-2 Commercial Zone meets all applicable criteria in the Reedsport City Code, Comprehensive Plan, and the Oregon Revised Statutes; and

WHEREAS, the City Council adopts the Findings of Fact dated December 5, 2011, and incorporates them in support of the amendments to RMC 10.72.070, Commercial C-2 Zone.

NOW, THEREFORE, THE CITY OF REEDSPORT ORDAINS AS FOLLOWS:

SECTION 1: RMC 10.72.070 (C-2) Commercial Zone is amended as follows:

10.72.070 (C-2) Commercial zone.

A. Purpose. To provide areas suitable and desirable within which a wide range of retail sales and business may occur.

B. Uses Permitted Outright. No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

1. Any use permitted in the C-1 zone, (excluding new R-1 and R-2 uses), subject to regulations of the C-1 zone, ~~except Old Town District (Highway 38 from third to fifth Street) in which residential quarters as a secondary use will be permitted outright~~Second;

C. Uses Permitted Conditionally.

1. Any use permitted outright operating from a temporary structure or building;
2. Mini-warehouses;
3. Recreational vehicle park;
4. Residential quarters as a secondary use;

EFFECTIVE DATE OF ORDINANCE: This Ordinance shall become effective on January 5th, 2012.

PASSED BY THE CITY COUNCIL this 5th day of December, 2011.

AYES 5 NAYS 0

APPROVED BY THE MAYOR this 5th day of December, 2011.

Keith Tymchuk, Mayor

ATTEST:

Deanna Schafer, City Recorder

**CITY OF REEDSPORT
CITY COUNCIL FINDINGS OF FACT**

CITY COUNCIL

PUBLIC HEARING DATE: Dec. 5, 2011

PLANNING COMMISSION

PUBLIC HEARING DATE: Oct. 24, 2011

STAFF: Melissa Anderson

APPLICANT: Initiated by the City of Reedsport

SUBJECT: Amendment to the Reedsport Municipal Code (RMC)
Section 10.72.070 (C-2) Commercial Zone, Ord. # 2011-1109

PROPOSAL:

The proposal amends RMC 10.72.070 by providing for “*residential as a secondary use*” only as a conditional use in all areas of the C-2 Commercial zone.

BACKGROUND:

Currently, Reedsport Municipal Code (RMC) 10.72.070 allows “*residential quarters as a secondary use*” in the C-2 Commercial zone as a **Permitted Use in Old Town** on Highway 38 from 3rd to 5th Street and as a **Conditional Use in all other areas of the C-2 zone**. This distinction in the code has created a situation where ground-floor residential uses are competing for the limited commercial space in Old Town on Highway 38. Additionally, the monitoring and enforcement of public safety and building code standards has been difficult where residential secondary uses are permitted outright. Further, neighboring property owners have no advanced notice prior to a conversion to residential use, which eliminates their opportunity to identify possible impacts and mitigation measures.

This issue was highlighted during the December, 2010, Planning Commission interpretation of “*residential quarters as a secondary use*” in the commercial zone and its subsequent appeal to City Council. On March 7, 2011 the City Council made a decision to interpret “*residential quarters as a secondary use*” in the C-2 commercial zone as the following:

1. Residential use above ground floor commercial is considered a secondary use.
2. Residential use on the ground floor may be allowed as a secondary use only if all of the following standards are met:

- a. No more than 50% of the total gross floor area of any ground floor unit may be dedicated to residential use, and a minimum of 50% of the gross floor area of any ground floor unit shall be dedicated to commercial use;
- b. Buildings facing a street (or streets if a corner lot) shall include a first story commercial use that occupies the first 25 feet of the building(s) that face a street -- residential use on the ground floor cannot face the street;
- c. Residential on the ground floor must have a separate entrance from the commercial use;
- d. A partition wall (with or without doorway) shall separate the residential use and commercial use;
- e. A residential use on the ground floor is allowed only in association with a commercial use that has a valid City business license. If the commercial use goes out of business, such as it is not open to the public and it is without a valid business license, then the residential cannot remain because it then is considered a primary use.
- f. This interpretation shall take effect on May 1, 2011.

Despite this clarification, ground-floor residential uses continue to compete with the limited commercial space in Old Town on Highway 38. Consequently, a text amendment to the C-2 Commercial zone was presented by staff and initiated by Council on September 6th, 2011.

The original proposal prohibited future ground-floor residential uses and permitted residential uses on the second floor and above in Old Town (Highway 38 from 2nd Street to East Railroad), and required a conditional use permit for residential as a secondary use in all other areas in the C-2 Commercial zone.

After conducting a public hearing on October 24, 2011, the Planning Commission revised to proposed text amendment and recommended the City Council require a Conditional Use Permit for "*residential as a secondary use*" in all areas of the C-2 Commercial zone. After receiving the Planning Commission's recommendation, the City Council held a public hearing on December 5, 2011, and deliberated to a decision that night to amend RMC 10.72.070 Commercial C-2 Zone by providing for "residential as a secondary use" only as a conditional use in all areas of the C-2 zone.

NOTICE AND REFERRALS:

Public Notice: Prior to the Planning Commission and City Council public hearings, notice was mailed directly to all property owners within the Commercial C-2 Zone on September 22, 2011 and published in the Umpqua Post on October 12, 2011 stating the nature of the proposal, how to participate and the date, time and location of the public hearings as required by state law and the municipal code. Comments received by citizens prior to or during the Planning Commission's public hearing are included in the exhibits of the Planning Commission's Recommendation.

Agency and Organization Referrals: Notice of the proposed code amendment was sent

to the Department of Land Conservation and Development (DLCD) on September 8, 2011 not less than 45 days prior to the first evidentiary hearing of October 24, 2011, as required by State law.

On September 8, 2011, referrals were sent to the Reedsport Police Chief, Public Works Director and Building Official, Douglas County Planning Department and the DLCD Regional Representative notifying them of the proposed amendments, public hearing dates and requesting comments. No comments were received by agencies or organizations.

DECISION CRITERIA:

The following is a list of the decision criteria applicable to the proposal to amend the Reedsport Municipal Code. The findings for these criteria are discussed and presented below.

1. **Reedsport Municipal Code (RMC)**
 - RMC 10.100 Amendments
 - RMC 10.112 Public Hearing Procedures

2. **City of Reedsport Comprehensive Plan**
 - Citizen Involvement Element, Economic Element and Land Use Element

3. **Oregon Revised Statutes**
 - ORS 197.610 Local government notice of proposed amendment or new regulation; exceptions; report to commission.
 - ORS 227.186 Notice to property owners of hearing on certain zone change; form of notice; exceptions; reimbursement of cost.

REVIEW OF DECISION CRITERIA & FINDINGS:

REEDSPORT MUNICIPAL CODE

RMC 10.100.010 Authorization to initiate amendments.

An amendment to the text of this division or to a zone boundary may be initiated by the City Council, the City Planning Commission, Douglas County or by application of a property owner.

Finding: The City Council initiated the proposed amendments on September 6, 2011 via Resolution 2011-014. A copy of the resolution is included in the exhibits. This criterion is met.

RMC 10.100.020 Standards for amendments.

An amendment may be granted only in the event that the evidence presented to the Planning Commission satisfies criteria set forth in the following standards:

A. Is there sufficient burden of proof to show the action will be in the public interest?

Finding: Currently, Reedsport Municipal Code (RMC) 10.72.070 allows “*residential quarters as a secondary use*” in the commercial (C-2) zone as a permitted use in Old Town on Highway 38 from 3rd to 5th Street, and as a conditional use in all other areas of the C-2 zone. Therefore, residential use in the C-2 zone is less restrictive in Old Town on Highway 38 than the remainder of C-2 zoned properties.

This inconsistency has been detrimental to businesses located in Old Town on Highway 38, which is a strategic location for visitor attractions. Maintaining commercial storefronts and creating an inviting environment for visitors and the community is difficult because ground-floor residential uses are competing for the limited commercial space in Old Town on Highway 38. The monitoring and enforcement of public safety and building code standards is difficult where residential secondary uses are permitted outright, because there is no clear process to ensure land use, build code, fire code, water/sewer and sanitation standards are addressed. Additionally, neighboring property owners have no advanced notice prior to a conversion to residential use, which eliminates their opportunity to identify possible impacts and mitigation measures.

Further, the purpose of the C-2 Commercial zone is to “*provide areas suitable and desirable within which a wide range of retail sales and business may occur* (RMC 10.72.070.A).” Therefore, the primary purpose of the zone is to preserve the commercial land supply for retail sales and businesses as opposed to residential use. Where residential uses in the C-2 zone have been permitted rather than conditional, conversions from business to residential use has been difficult to monitor, enforce and is easily abused. Consequently, the current code language that permits residential as secondary use along Highway 38 from 3rd to 5th Street is contrary to the purpose of the zone.

Therefore, the proposed amendment is in the public interest because commercial space on Highway 38 will be preserved for the intended purpose of the zone, the standards for land uses will be consistent throughout the C-2 Commercial zone, a clear process to conditionally permit residential secondary uses in the C-2 zone

will be in place to ensure public safety standards are met, and surrounding property owners will be notified prior to any proposal to convert commercial space to residential use. This criterion is met.

B. Is said action detrimental to properties surrounding or adjacent to the area requested for the amendment?

Finding: The proposed amendment is not detrimental to properties surrounding or adjacent to the area (Highway 38 between 3rd and 5th Street in the C-2 zone) because a clear process to conditionally permit residential secondary uses in the C-2 zone will be in place to ensure public safety standards are met. Additionally, surrounding property owners will be notified prior to any proposal to convert commercial space to residential use and they will be allowed to participate in a public hearing process prior to issuing a decision on the permit application. This criterion is met.

C. Is the proposed amendment in conflict with the adopted comprehensive plan, including the transportation system plan for the area?

Finding: The proposed amendment is consistent with this criterion because it does not affect the transportation system plan and it is not in conflict with the adopted comprehensive plan. The proposed amendment does not increase the intensity of land uses already allowed in the C-2 zone, and thus does not affect the transportation system plan. The policies of the comprehensive plan are addressed in the following section and these findings are incorporated herein.

D. Will the proposed amendment adversely affect the public health, safety and general welfare?

Finding: The proposed amendment will not adversely affect the health, safety and general welfare of the public because commercial space on Highway 38 will be preserved for the intended purpose of the zone, the standards for land uses will be consistent throughout the C-2 Commercial zone, a clear process to conditionally permit residential secondary uses in the C-2 zone will be in place to ensure public safety standards are met, and surrounding property owners will be notified prior to any proposal to convert commercial space to residential use. This criterion is met.

E. What effect will the newly proposed amendment have on the existing developed land use pattern in the immediate area, specifically with respect to the question of land use compatibility?

Finding: Currently, RMC 10.72.070 allows “*residential quarters as a secondary use*” in the C-2 Commercial zone as a permitted use in Old Town on Highway 38 from 3rd to 5th Street, and as a conditional use in all other areas of the C-2 zone. The effect of the proposed amendment on compatibility with existing developed land uses would be to implement the same land use standards for secondary residential uses throughout the C-2 zone rather than having one standard for Old Town and one standard for all other commercial areas in the City. The City will be able to address issues of compatibility and public safety standards more effectively by implementing a conditional use permit process on all proposals to build new residential in the C-2 zone or to convert existing commercial space to residential use. Additionally, existing residential uses in the C-2 zone that have already received a conditional use permit will be allowed to remain and legal residential uses in the C-2 zone will be allowed to remain in accordance with RMC 10.84.010 “Nonconforming Uses.” This criterion is met.

F. Will the proposed amendment be consistent with the function, capacity and performance standards for the streets used for access, consistent with the Reedsport TSP, the Oregon highway plan, and the Transportation Planning Rule (OAR 660-12)?

Finding: The proposed amendment is consistent with this criterion because all proposed residential uses in the C-2 zone will require conditional use permit review and approval prior to implementation. This process will allow for review of transportation, parking and access standards prior to a decision by the Planning Commission to approve, approve with conditions or deny an application for conditional use permit. Currently, residential secondary uses are permitted in the C-2 zone on Highway 38 between 3rd and 5th Street, and a conditional use in all other areas of the C-2 zone. Therefore, the proposed amendment will not intensify land uses already allowed in the zone, but will institute a conditional use review process throughout the C-2 zone for secondary residential uses, which will ensure that permit applications are consistent with the Reedsport TSP, the Oregon highway plan, and the Transportation Planning Rule, as applicable. This criterion is met.

RMC 10.100.030 Public hearings on amendments.

The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the amendment is proposed and shall:

- A. Within five working days after the decision has been rendered, the City Planning Department shall provide the applicant with a written notice of the decision of the Planning Commission.**

Finding: This criterion is not applicable because the proposal was initiated by the City of Reedsport.

- B. Within forty (40) days after the hearing, recommend to the City Council approval, disapproval or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment.**

Finding: The proposed amendment is consistent with this criterion because the Planning Commission made a recommendation to the City Council on October 24, 2011, which is within 40 days after the public hearing of October 24th. After receiving the Planning Commission's recommendation, the City Council held a public hearing on December 5, 2011 on the proposed code amendment prior to making a final decision. This criterion is met.

RMC 10.100.040 Notification procedures for amendments.

- A. All zoning text amendments require forty-five (45) days prior notice to the Department of Land Conservation and Development pursuant to ORS 197.610.**

Finding: The proposed amendment is consistent with criterion because a notice was sent to DLCD on September 8, 2011, at least 45 days prior to the first evidentiary hearing with the Planning Commission on October 24, 2011. This criterion is met.

- B. Any amendment that limits or prohibits land uses previously allowed in the affected area may be subject to measure fifty-six (56) notification, as specified in ORS 227.186.**

Finding: The proposed amendment is consistent with this criterion because a measure 56 public notice was sent directly to all property owners within the C-2 Commercial zone in accordance with ORS 227.186. A copy of the public notice is included in the exhibits. The criteria of ORS 227.186 are addressed in the following section and these findings are incorporated herein. This criterion is met.

- C. Notice of the public hearing must be published in a newspaper of general**

circulation in the city not less than twenty (20) days before the evidentiary hearing is held or ten (10) days before the first evidentiary hearing, if two or more evidentiary hearings are allowed.

Finding: The proposed amendment is consistent with this criterion because a notice for the public hearings before the Planning Commission and City Council was published in the Umpqua Post on October 12, 2011, not less than 10 days before the first evidentiary hearing, which was held on October 24, 2011. This criterion is met.

CITY OF REEDSPORT COMPREHENSIVE PLAN

Chapter II: Citizen Involvement Element

Goal: To ensure the opportunity for citizens to be involved in all phases of the planning process.

Finding: The proposal is consistent with this goal because public notices were sent to all affected property owners prior to conducting public hearings before the Planning Commission and the City Council. Citizens were afforded the opportunity to submit written testimony and to speak at these public hearings prior to a final decision. Therefore, citizens had an opportunity to be involved in all phases of the planning process. This criterion is met.

Chapter IV: Economic Element

Goal: To diversify and improve the economy of the local area.

Policy 6: The City shall support and pursue the continued development of the Reedsport waterfront and Old Town area, recognizing that continued development of the Umpqua Discovery Center is an attraction for tourism.

Finding: The proposal is consistent with this policy, because the proposed text amendment to the C-2 Commercial zone supports the economic viability of businesses and visitor attractions along the main corridor (Hwy. 38) of Old Town by requiring a conditional use permit for all residential secondary uses in the C-2 zone. A process to conditionally permit residential secondary uses in the C-2 zone will be in place to ensure public safety standards are met, and surrounding property owners will be notified prior to any proposal to convert commercial space to residential use. This criterion is met.

Policy 11: The City shall promote and encourage the location of small businesses in the community.

Finding: The proposed amendment will promote and encourage small businesses to be located in Old Town on Highway 38, because commercial space in the C-2 zone will be preserved for its intended purpose. Additionally, a conditional use permit process will be implemented to allow for the review of secondary residential uses prior to any permit approval, which will ensure applicable city standards are addressed. This criterion is met.

Policy 15: The City shall support appropriate use, development standards and maintenance of land to improve the appearance, economic viability and livability of the community.

Finding: The proposal support appropriate use, development standards and maintenance of land to improve the appearance, economic viability and livability of the community because commercial space on Highway 38 will be preserved for the intended purpose of the zone, the standards for land uses will be consistent throughout the C-2 Commercial zone, a clear process to conditionally permit residential secondary uses in the C-2 zone will be in place to ensure public safety standards are met, and surrounding property owners will be notified prior to any proposal to convert commercial space to residential use. This criterion is met.

Policy 19: The City shall evaluate its zoning and development standards and make changes as appropriate to support economic development.

Finding: The proposal is consistent with this policy, after evaluating the zoning and development standards of the C-2 zone, the City initiated changes to the code in order to avoid abuse of illegal residential conversions, and to provide a mechanism for a review and permit process, which in turn supports appropriate development standards for economic development in Old Town. This criterion is met.

Chapter VII: Land Use Element

Comprehensive Plan Map Designation:

This designation is intended to accommodate the full range of commercial uses on all properties to which it has been applied with the exception of the area bounded by Winchester Avenue, Elm Avenue and Second Street. This area should receive only limited commercial use as described by this Plan.

Finding: The proposed text amendment affects the C-2 Commercial zone, which is

located within the Comprehensive Plan Commercial Map Designation. The Commercial Map Designation *is intended to accommodate the full range of commercial uses* on all properties within this designation. The proposal is consistent with the Commercial Map Designation because commercial space on Highway 38 will be preserved for the intended purpose of the zone and a conditional use permit process will ensure public safety standards are met prior to implementation. This criterion is met.

Goal: To improve the quality of life and economic viability of the community through appropriate use, development and maintenance of land.

Policy 1: Areas designated for commercial shall generally be available for a full range of commercial uses

Finding: The proposal is consistent with this policy, because the proposed text amendment preserves commercial uses along Highway 38 in Old Town and ensures public safety standards are met prior to approving secondary residential uses. This criterion is met.

OREGON REVISED STATUTES (ORS)

ORS 197.610: Local Government Notice of Proposed Amendment or New Regulation; Exceptions; Report to Commission.

197.610(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

Finding: The proposed amendment is consistent with criterion because a notice was sent to DLCDD on September 8, 2011, at least 45 days prior to the first evidentiary hearing with the Planning Commission on October 24, 2011. This criterion is met.

ORS 227.186: Notice to property owners of hearing on certain zone change; form of notice; exceptions; reimbursement of cost.

227.186(1) As used in this section, "owner" means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll.

(2) All legislative acts relating to comprehensive plans, land use planning or zoning adopted by a city shall be by ordinance.

(3) Except as provided in subsection (6) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

(4) At least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

(5) An additional individual notice of land use change required by subsection (3) or (4) of this section shall be approved by the city and shall describe in detail how the proposed ordinance would affect the use of the property. The notice shall:

(a) Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:

This is to notify you that (city) has proposed a land use regulation that may affect the permissible uses of your property and other properties.

(b) Contain substantially the following language in the body of the notice:
On (date of public hearing), (city) will hold a public hearing regarding the adoption of Ordinance Number _____. The (city) has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property. Ordinance Number _____ is available for inspection at the _____ City Hall located at _____. A copy of Ordinance Number _____ also is available for purchase at a cost of _____. For additional information concerning Ordinance Number _____, you may call the (city) Planning Department at ____-____.

Finding: The proposed amendment is consistent with this criterion because a measure 56 public notice was sent directly to all property owners within the C-2 Commercial zone in accordance with ORS 227.186. The public notice was mailed on September 22, 2011, at least 20 days but not more than 40 days before the date of the first hearing of October 24, 2011. The information stated in the statute was included in the notice and a copy of the notice is included in the exhibits. This criterion is met.

CONCLUSION:

The amendment to RMC 10.72.070, C-2 Commercial Zone, as presented in Ordinance 2011-1109 is consistent with applicable criteria in the Reedsport City Code, Comprehensive Plan, and the Oregon Revised Statutes.

City of Reedsport
451 Winchester Avenue
Reedsport, OR 97467-1597

Department of Land Conservation and Dev.
ATTN: PLM Amendment Specialist
635 CARITOL STREET NE, SUITE 150
SALEM, OR 97301-2540



045J83203837
usps
\$1.08
12/08/2011
Mailed From 97467
US POSTAGE