



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

February 13, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Coos Bay Plan Amendment
DLCD File Number 003-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 29, 2008

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

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

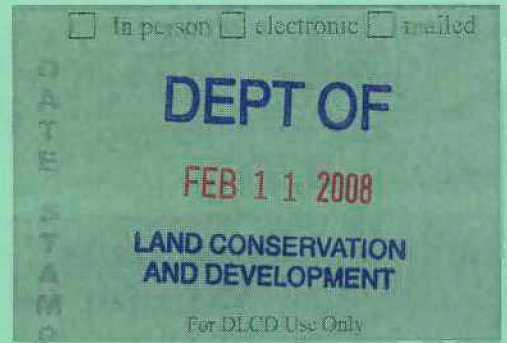
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

<paa> ya/

DLCD

Notice of Adoption



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

Jurisdiction: **CITY OF COOS BAY**

Local file number: **ZON2007-00099**

Date of Adoption: **FEBRUARY 5, 2008**

Date Mailed: **FEBRUARY 8, 2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **NOV. 1, 2008**

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".
LDO NO. 93

REMOVED THE FIRST SENTENCE OF CHAPTER 3.22, SECTION 2(1) AND ELIMINATED (2).

The amendment eliminated the requirement that manufactured homes be sited not more than 12" above grade.

Does the Adoption differ from proposal? Please select one **NO**

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **N/A**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals: **N/A**

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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. 003-07 (16515)

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

N/A

Local Contact: **DEBBIE ERLER** Phone: (541) 269-1181 Extension: 259
Address: **500 CENTRAL AVE** Fax Number: 541 269 8916
City: **COOS BAY** Zip: **97420** E-mail Address: **derler@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. 402

AN ORDINANCE AMENDING ARTICLE 3, CHAPTER 3.22 OF ORDINANCE NO. 93

The City of Coos Bay ordains as follows:

Section 1. Chapter 3.22, Section 2(1), entitled Manufactured Homes Special Siting Standards is hereby amended to read as follows:

Section 2. SITING REQUIREMENTS

1. The home shall be enclosed at the perimeter with a concrete or concrete masonry wall which extends from the bottom of the excavated area to the underside of the manufactured home. Said wall must be trimmed at the meeting with the home to approximate the appearance of a concrete foundation for a conventional single family dwelling.

Section 2. Chapter 3.22(2), Manufactured Homes Special Siting Standards, is hereby deleted.

Section 3. Findings.

1. Notice that public hearing would be held before the City of Coos Bay Planning Commission (the Commission) on January 8, 2008 and the public hearing would be held before the Coos Bay City Council on February 5, 2008 was published in "The World," newspaper of general circulation within Coos County, Oregon, on December 22, 2007.
2. Provisions in the Coos Bay Land Development Ordinance relating to notice have been complied with.
3. Public hearing was held on January 8, 2007 and after receiving evidence and hearing testimony, the Commission recommended approval.
4. The Commission's Findings and justifications supporting its recommended approval are attached hereto as "Exhibit A" and incorporated herein by reference.
5. The City Council of the City of Coos Bay, after considering the Commission's Findings and justification, hereby adopts the findings and justifications, and finds the proposed change should be granted.

Section 4. Severability. The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 5. Effective Date. This Ordinance shall take effect 30 days after enactment by the Council and signature by the Mayor.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay the 5th day of February, 2008.

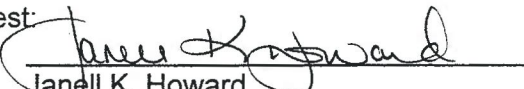
Yes: Mayor McKeown and Councilors Michele Burnette, Mark Daily,
Jon Eck, Stephanie Kramer, and John Muenchrath.

No: None

Absent: None



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

Attest: 

Janell K. Howard
Recorder of the City of Coos Bay
Coos County, Oregon

EXHIBIT A

DECISION CRITERIA, FINDINGS AND CONCLUSIONS

The following is a list of the decision criteria applicable to the request as set forth in Land Development Ordinance Chapter 5.19(2). Findings and conclusions accompanying each of the criterion may apply to more than one criterion and may be used to support the Commission's recommendation to the City Council. The Commission may recommend approval or approval with conditions to the City Council, or, the Commission may deny the request.

FINDINGS

STATEMENT OF FACT AND FINDINGS:

1. Land Development Ordinance (LDO) Chapter 3.22, Section 2, states the following:

Section 2. SITING REQUIREMENTS

1. *The manufactured home must be placed on an excavated foundation area such that the bottom of the floor joist of the manufactured home is located not more than twelve (12) inches above exterior finished grade. The home shall be enclosed at the perimeter with a concrete or concrete masonry wall which extends from the bottom of the excavated area to the underside of the manufactured home. Said wall must be trimmed at the meeting with the home to approximate the appearance of a concrete foundation for a conventional single family dwelling.*
 2. *The twelve (12) inch requirement does not apply to units located within the 100 year floodplain.*
2. The City is proposing the following text amendments to the Land Development Ordinance, Article 3, Chapter 3.22, Section 2.

Remove the first sentence in 2(1) and eliminate Section 2(2) as follows:

Section 2. SITING REQUIREMENTS

1. ~~*The manufactured home must be placed on an excavated foundation area such that the bottom of the floor joist of the manufactured home is located not more than twelve (12) inches above exterior finished grade. The home shall be enclosed at the perimeter with a concrete or concrete masonry wall which extends from the bottom of the excavated area to the underside of the manufactured home. Said wall must be trimmed at the meeting with the home to approximate the appearance of a concrete foundation for a conventional single family dwelling.*~~
 2. ~~*The twelve (12) inch requirement does not apply to units located within the 100 year floodplain.*~~
3. The LDO contains no restrictions or limitations for foundation walls when the structure is built on site.
 4. The elimination of the requirement for "not more than twelve (12) inches above exterior

“finished grade” will allow the placement of the manufactured homes on lots that have topographical difficulties.

5. The elimination of Section 2(1) makes the need for Section 2(2) unnecessary.

CONCLUSION: Eliminating the requirement for foundation walls not more than 12-inches above grade, allows manufactured homes to have the same flexibility as stick frame dwellings and allows for manufactured homes to be placed on lots that have topographical difficulties. The decision criterion has been addressed and approval of the proposal can be supported.

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

STATEMENT OF FACT AND FINDINGS:

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

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

2. Strategy H.1 states the following:

Coos Bay shall endeavor to provide a wide range of housing, Available at varied price and rent ranges, by exercising zoning concepts that allow flexible site and architectural design and that permit a variety of housing types such as attached and detached single-family and duplex dwellings, row houses, apartments of varying densities, cluster housing, mobile homes, and condominiums, recognizing that the city should encourage a variety of housing to satisfy individual preferences and financial capabilities.

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



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>

February 8, 2008

FINAL ORDER

AMENDMENT TO THE TEXT OF THE COOS BAY LAND DEVELOPMENT ORDINANCE

APPLICATION: ZON2007-00099
APPLICANT: City of Coos Bay, 500 Central, Coos Bay, OR

REQUEST: Update to Land Development Ordinance 93, Chapter 3.22,
Manufactured Home Special Siting Standards

ORDER: Tuesday, February 5, 2008 City Council approved the
amendments to the Land Development Ordinance and enacted
Ordinance No. 402.

City Council Final Vote:
Yea: Mayor Jeff McKeown, Councilors Jon Eck,
Stephanie Kramer, Mark Daily, Michele Burnette,
and John Muenchrath
Abstain: None
Nay: None

APPEAL PROVISIONS: See page 2
DECISION CRITERIA AND THE ADOPTED FINDINGS OF FACT AND CONCLUSIONS:
See Exhibit 1

FINAL ACTION

Based on the findings and conclusions at Exhibit 1, the City Council enacted Ordinance No. 402 amending Land Development Ordinance (LDO) 93, Chapter 3.22, Section 2, eliminating the requirement that a manufactured home be located no more than twelve (12) inches above exterior finished grade.

The decision to approve will become final at **5:00 PM on February 29, 2008** unless an appeal is filed.

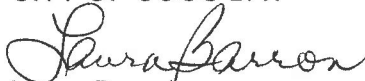
APPEAL PROVISION

Any person with standing has the right to request review of this land use decision by filing a Notice of Intent to Appeal with:

Oregon Land Use Board of Appeals
Public Utility Commission Bldg.
550 Capitol St.
Salem, OR 97310

Notice of Intent to Appeal must be filed no later than 21 days from the date of mailing of this decision. Therefore, **appeals must be filed no later than 5 PM on February 29, 2008.** Notice of Intent to Appeal must be filed and served in accordance with the Oregon Land Use Board of Appeals Rules of Procedure.

Sincerely,
CITY OF COOS BAY


Laura Barron
Planning Administrator

Attachment: Exhibit 1, Ordinance No. 402

c: Dave Perry, DLCD

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EXHIBIT 1
DECISION CRITERIA, FINDINGS AND CONCLUSIONS

The following is a list of the decision criteria applicable to the request as set forth in Land Development Ordinance Chapter 5.19(2). Findings and conclusions accompanying each of the criterion may apply to more than one criterion and may be used to support the Council's decision.

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

FINDINGS

STATEMENT OF FACT AND FINDINGS:

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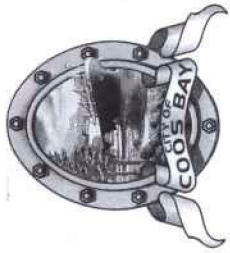
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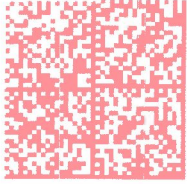
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CONCLUSION: The proposed amendment complies with the applicable provisions of the comprehensive plan. The decision criterion has been addressed and approval of the proposal can be supported.

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City of Coos Bay
500 Central Avenue
Coos Bay, Oregon 97420



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02/08/2008

Mailed From 97420

US POSTAGE

ATTN: PLAN AMENDMENT SPECIALIST
DEPT OF LAND CONS & DEVELOPMENT
635 CAPITOL ST NE, SUTIE 150
SALEM, OR 97301-2540