



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 3, 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 004-07

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 13, 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
Bill Holmstrom, DLCD Transportation Planner
Laura Barron, 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: *ZON 2007-00107*
 Date of Adoption: *MAY 20, 2008* Date Mailed: *5-23-08*
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: *12-14-07*
 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".

Creation of a parking district in the Empire area

Does the Adoption differ from proposal? Please select one
*Yes, cap of 25-on-street parking spaces allowed for use.
 Remainder of required spaces must be off-street parking.*

Plan Map Changed from: *NA* to:
 Zone Map Changed from: *NA* to:
 Location: Acres Involved:
 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

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. *004-07 (16588)*

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

ODOT

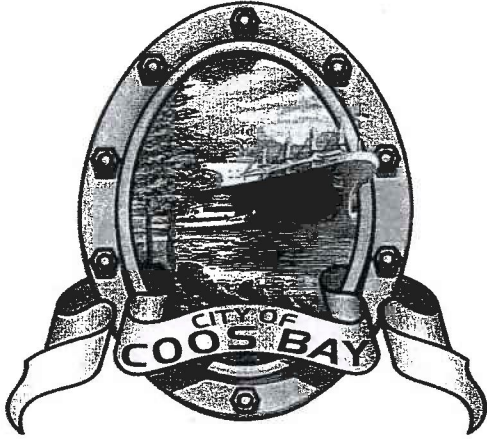
Local Contact: LAURA BARRON Phone: (541)269-8929 Extension:
Address: 500 Central Fax Number: 541-269-8916
City: Coos Bay Zip: 97420 E-mail Address: lbarron@coosbay.org

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.



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>

May 23, 2008

FINAL ORDER

AMENDMENT TO THE TEXT OF THE COOS BAY LAND DEVELOPMENT ORDINANCE

APPLICATION: ZON2007-00107
APPLICANT: City of Coos Bay, 500 Central, Coos Bay, OR

REQUEST: Create a parking district in the Empire area by amending Land Development Ordinance Chapter 3.15(4), Off-Street Parking and Loading, Minimum Off-Street Parking Requirements.

ORDER: Tuesday, May 20, 2008, City Council approved the amendment to the Land Development Ordinance and enacted Ordinance No. 406.

City Council Final Vote:
Yea: Mayor Jeff McKeown, Councilors Mark Daily, Jon Eck, Stephanie Kramer, Michele Burnette, John Muencharth and Gene Melton

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. 406 amending Land Development Ordinance (LDO) Chapter 3.15(4) to read as follows:

4. Exempt Parking:
 - A. There shall be no off-street parking requirements for any property included within the area identified in Figure 3(a). This area includes property within the parking lot assessment district, city owned property, public right of way, and private property that has provided land for public parking.

- B. Any use included in the area identified in Figure 3(b) must provide off-street parking for the number of spaces required in Table 7, in excess of 25 spaces.

The decision to approve will become final at **5:00 PM on June 13, 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 June 13, 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. 406

c: Dave Perry, DLCD
John Pundt
Jerry Miller
Alden Miller
Steve Skinner
Norma Frost
Shawn Frost

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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.

STATEMENT OF FACT AND FINDINGS:

1. The area defined by the proposed parking district, Attachment 1, encompasses mostly land that is zoned "General Commercial (C-2)." In order to make a more clearly defined district, a small portion of property zoned "Residential Professional (R-4P)," located south of Newmark Avenue and west of Main Street, has also been included.
2. As businesses are being redeveloped in the Empire area, compliance with the requirements for off-street parking is becoming more difficult. East of Main Street, several businesses have existing parking lots. Heading west, however, it is found that many existing buildings/businesses are developed from property line to property line.
3. Designating the commercial area, and small portion of R-4P zoned land, as part of a parking district may make development and redevelopment easier without the requirement that off-street parking be provided for each proposed business.
4. Testimony at the Planning Commission public hearing on February 12, 2008 hearing included the following testimony:
 - Mr. Steve Skinner, co-chairman of Concerned Citizens of Empire, is concerned the proposed district, which would remove the off-street parking requirements for development/redevelopment, is too lenient. Mr. Skinner is concerned a large-scale developer would utilize a great deal of the existing on-street parking. Mr. Skinner felt the proposal goes too far; it is a "blank check."
 - Dr. Gerald Miller, Director for the Star of Hope, located on Newmark Avenue within the proposed district, is concerned there should be some parking restrictions on new businesses in the area. Parking is at a premium right now. In order to not impact the existing businesses, some restrictions for parking should apply to new businesses.
 - Mr. John Pundt, co-chairman of the Concerned Citizens of Empire, stated the driving force for the proposed district is the lack of flexibility in the existing off-street parking standards. He gave the example of a nearby building that was not occupied because the prospective business could not meet the off-street parking

requirement. He stated a parking district is necessary but there needs to be some restrictions. He feels a parking district would encourage business owners to start looking at Empire as a viable investment. He felt there was already a parking problem.

- Alden Miller, 486 Schetter Avenue, stated he is opposed to the district as proposed. He feels there needs to be more time taken in developing the district so that business and residents can live together; the proposal, as written, threatens the future of development in Empire.
5. At the City Council public hearing on April 1, 2008 staff suggested a cap of 25 on-street parking spaces be permitted for each business in the proposed parking district area. Preliminary studies showed there are approximately 500 parking spaces available in the area, parallel parking on Newmark Avenue and diagonal parking on the sidestreets.
 6. Mr. John Pundt, landowner and business owner in the proposed area, encouraged the City Council to move forward with the parking district for the entire area, rather than shrinking it to include only the portion along Newmark Avenue. Mr. Pundt stated there is property available for development/redevelopment in several areas that may be restricted by the requirement for off-street parking
 7. Per Land Development Ordinance Chapter 5.12, a variance to property development standards, including off-street parking requirements, may be granted in order to encourage sound development, permit efficient use of the land, and permit reasonable flexibility in ordinance requirements.
 8. Currently, there are no plans to develop parking lots in the proposed district, or to commit property for parking lots.

CONCLUSION: The proposed parking district may enable development and redevelopment of the buildings in the area proposed by placing a limit of 25-on street parking spaces that may be used by each business. Addition parking, as required by the Land Development Ordinance, over the 25-space allowance, would be required to be off-street parking. The decision criterion has been addressed and approval of the proposal cannot 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 7.5, Economic Development, contains the following policy, or strategy, applicable to the proposed amendment to create a parking district in the Empire area:

ED.7 Coos Bay shall encourage the development of commercial trade and service activities along the Empire/Charleston Highway, within the city limits;

2. Chapter 7.5, Economic Development, lists the following goal:

Coos Bay shall promote and encourage greater commercial and industrial development within its city limits while supporting efforts to diversify and expand the regional economic base.

CONCLUSION: The proposed parking district would place a cap on the number of on-street parking spaces that may be remove the requirement for off-street parking for those properties included in the district. The economic development element of Volume I of the Comprehensive Plan's focus is toward developing, promoting and encouraging greater commercial and industrial development within its city limits. However, without consideration or commitment to provide parking lots at the same time, future development may not be encouraged. The decision criterion has not been addressed and approval of the proposal cannot be supported.

DECISION CRITERIA #3: 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:

1. It is unlikely the proposed parking district will affect the function, capacity or level of service of the streets included in the district.

CONCLUSION: The proposed parking district will not affect the function, capacity or level of service of the streets included in the district.

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ORDINANCE NO. 406

AN ORDINANCE AMENDING CHAPTER 3.15 OF ORDINANCE NO. 93, THE CITY OF COOS BAY'S LAND DEVELOPMENT ORDINANCE

The City of Coos Bay ordains as follows:

Section 1. Chapter 3.15, Minimum Off-Street Parking Requirements, Section 4, is hereby amended by adding language for an exempt parking area in the Empire district. Section 4(4) will read as follows after adding 4B:

4. Exempt Parking:
 - A. There shall be no off-street parking requirements for any property included within the area identified in Figure 3(a). This area includes property within the parking lot assessment district, city owned property, public right of way, and private property that has provided land for public parking.
 - B. Any use included in the area identified in Figure 3(b) must provide off-street parking for the number of spaces required in Table 7, in excess of 25 spaces.

Section 2. Findings.

1. Notice that public hearing would be held before the City of Coos Bay Planning Commission (the Commission) on February 12, 2008 and the public hearing would be held before the Coos Bay City Council on March 4, 2008 was published in "The World," newspaper of general circulation within Coos County, Oregon, on January 16, 2008.
2. Provisions in the Coos Bay Land Development Ordinance relating to notice have been complied with.
3. Public hearing was held on February 12, 2008 and after receiving evidence and hearing testimony, the Commission recommended denial.
4. The City Council of the City of Coos Bay, after considering the Commission's findings and justification for denial, hearing additional testimony and considering alternative language that would limit the number of on-street parking spaces a business could use, hereby amends the findings and justifications, and finds the proposed change should be granted.
5. The City Council of the City of Coos Bay hereby adopts the findings and conclusions at Attachment A and finds the proposed change should be granted.

Section 3. Severability. The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.


Section 4. This Ordinance shall take effect 30 days after enactment by the Council and signature by the Mayor, whichever is later.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay the 20th day of May 2008.

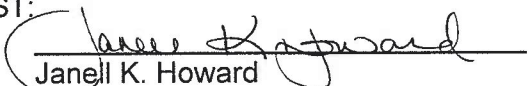
Yes: Mayor Jeff McKeown and Councilors Michele Burnette, Mark Daily, Jon Eck, Stephanie Kramer, Gene Melton, and John Muenchrath.

No: None

Absent: None



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

ATTEST:


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

ATTACHMENT A

DECISION CRITERIA, FINDINGS AND CONCLUSIONS

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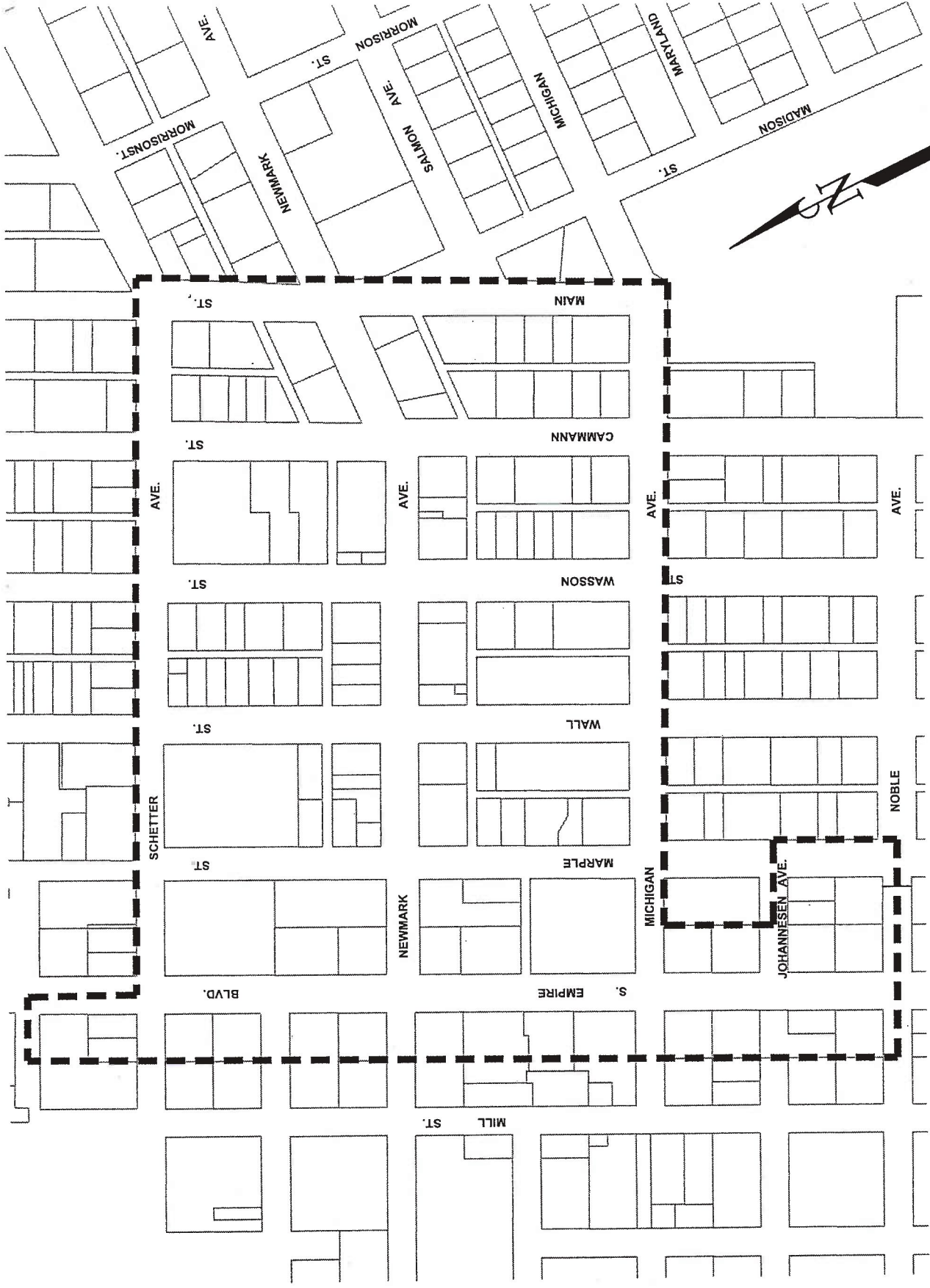
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STATEMENT OF FACT AND FINDINGS:

1. It is unlikely the proposed parking district will affect the function, capacity or level of service of the streets included in the district.

CONCLUSION: The proposed parking district will not affect the function, capacity or level of service of the streets included in the district.



NOT TO SCALE

FIGURE 3(b)
EXEMPT PARKING AREA WITH CAP

045J83090878
\$0.51
05/23/2008
Mailed From 97420
neopost[®]



US POSTAGE

045J83090878
\$1.00
05/23/2008
Mailed From 97420
neopost[®]



US POSTAGE

CITY OF COOS BAY
Dept. of Community Services
500 Central Avenue
Coos Bay, OR 97420

To

ATTN: Plan Amendment Specialist
DLCD
635 Capitol Street, NE, Suite 150
Salem, OR 97301-2540