



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

February 16, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Coos County Plan Amendment
DLCD File Number 011-05

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: March 1, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Doug White, DLCD Community Services Specialist
Dave Perry, DLCD Regional Representative
Patty Evernden, Coos County

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DLCD NOTICE OF ADOPTION

FEB 13 2006

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18
(See reverse side for submittal requirements)

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: Coos County Local File No.: AM-05-10/RZ-05-08
(If no number, use none)

Date of Adoption: 2/8/06 Date Mailed: 2/10/06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 10/10/05

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: _____
(Please Specify Type of Action)

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

This is an amendment/rezone to rezone a portion of the subject property from Urban Residential-2 (UR-2) to Commercial-1 (C-1) to consolidate zoning on this parcel to Commercial -1 (C-1)

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write A Same.≡ If you did not give notice for the proposed amendment, write A N/A.≡

Same

Plan Map Changed from : Urban Residential (portion) to Commerical -1

Zone Map Changed from: Urban Residential-2 to Commerical-1

Location: T.28, R.15, S.36DA, TL 1800 Acres Involved: 1.15 acres

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals N/A

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 011-05 (14729)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: X No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: City of Bandon, Oregon
Department of Transportation, Southern Coos General Health District, Bandon RFPD

Local Contact: Patty Evernden, Planning Director Area Code + Phone Number: 541-396-3121 ext 210

Address: Planning, Coos County Courthouse City: Coquille

Zip Code+4: 97423 Email Address: plansec@co.coos.or.us

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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 ANotice of Adoption≡ is sent to DLCD.
6. In addition to sending the ANotice 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 copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

1 BOARD OF COMMISSIONERS
2 COUNTY OF COOS
3 STATE OF OREGON

4 IN THE MATTER OF AMENDING THE)
5 COOS COUNTY COMPREHENSIVE)
6 PLAN & ZONING & LAND) ORDINANCE 05-10-012PL
7 DEVELOPMENT ORDINANCE)
8 (Michael Currie rezone))

9 The Board of Commissioners for the County of Coos ordains as follows:

10 SECTION 1. TITLE

11 This Ordinance shall be known as "Coos County Ordinance No. 05-10-012PL".

12 SECTION 2. AUTHORITY

13 This Ordinance is enacted pursuant to the provisions of ORS 203.035 and Chapter 215.

14 SECTION 3. PURPOSE

15 The purpose of this Ordinance is to amend Volume I of the acknowledged Coos County
16 Comprehensive Plan; this Ordinance therefore, amends Coos County Ordinance 82-12-022L, and
17 amendments thereto, which adopts Volume I of the Coos County Comprehensive Plan. The
18 purpose of this Ordinance is also to amend Coos County Ordinance 85-03-004L and amendments
19 thereto, which is the Coos County Zoning and Land Development Ordinance (CCZLDO) that
20 implements Volume I of the Coos County Comprehensive Plan; this Ordinance therefore amends
21 Ordinance 85-03-004L.

22 This amendment is necessary to rezone the Urban Residential-2 (UR-2) portion of property
23 located at T.28, R.15, S.36DA, tax lot 1800 to Commercial (C-1).

24 SECTION 4. FINDINGS

25 The Board of Commissioners of Coos County Finds:

- 26 1. The subject property is located west of Highway 101 and lies within
27 the Urban Growth Boundary of the City of Bandon.
- 28 2. Tax lot 1800 is a legal lot of record because it was created prior to
January 1, 1986, per Section 3.3.800 of the CCZLDO.
3. The applicant participated in a pre-application conference with DLCD
on August 10, 2004. The agency raised no objection to the proposed
amendment.
4. The rezoning will conform with the Comprehensive Plan Policy 5.16

1 which states that "Coos County shall continuously plan for and
2 maintain an adequate supply of commercial...land, recognizing that a
3 readily available supply of such land is the basis of a sound economic
development program."

- 4 5. The rezoning of the subject property conforms with the
5 Comprehensive Plan. Rezoning of the subject property shall meet
6 the definition and implementing ordinances for the C-1 zone.
- 7 6. The area within the UGB is a mix of commercial and residential uses.
8 Rezoning of the portion of the property zoned UR-2 will not seriously
9 interfere with permitted uses on other nearby parcels.
- 10 7. A public hearing was held on this application before the Coos County
11 Planning Commission on January 5, 2006. Notice of the hearing was
12 provided pursuant to Section 5.7.100 of the CCZLDO. At the conclusion of
the hearing, the Planning Commission deliberated on the issue and
voted to recommend Board of Commissioner approval of the
application. The Planning Commission found the request to be
consistent with the decision criteria found in the CCZLDO.

13 SECTION 5. AMENDMENTS TO THE COOS COUNTY COMPREHENSIVE PLAN
14 AND TO THE COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE

15 Ordinance 82-12-022L, and amendments thereto adopting Volume I of the Coos County
16 Comprehensive Plan, the Plan's map designation described in Section 3 above, are amended as
17 necessary to change the Plan designation of a portion of the subject property to "Commercial",
18 Ordinance 85-03-004L and amendments thereto implementing Volume I of the Coos County
Comprehensive Plan area amended as necessary to change the official zoning map to reflect the
rezone of the a portion of the subject property to "Commercial" (C-1).

19 SECTION 6. REPEAL OF INCONSISTENT ORDINANCES

20 Coos County Ordinance 82-12-022L and amendments thereto and Ordinance 85-03-004L and
21 amendments thereto are repealed to the extent that they conflict with this Ordinance. Said
22 Ordinances shall remain in full force and effect in all other respects.

23 SECTION 7. SEVERANCE CLAUSE

24 If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or
25 declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment
26 shall not affect the validity of the remaining portions of this Ordinance; and it is hereby expressly
27 declared that every other section, subsection, provision, clause or paragraph this Ordinance
enacted, irrespective of the enactment or validity of the portion thereof declared to be
unconstitutional or invalid, is valid.

28 SECTION 8. EMERGENCY CLAUSE

ORDINANCE 05-10-012PL

1 The Board of Commissioners for the County of Coos deems this Ordinance necessary for the
2 immediate preservation and protection of the public peace, safety, health and general welfare for
3 Coos County and declares an emergency exists, and this Ordinance shall be in full force and
effect upon its passage.

4 ADOPTED this 8th day of February, 2006.

5 BOARD OF COMMISSIONERS

6 Absent
7 Commissioner

8 [Signature]
9 Commissioner

10 [Signature]
11 Commissioner

12 ATTEST:

13 [Signature]
14 Recording Secretary

15 APPROVED AS TO FORM:

16 [Signature]
Office of County Counsel

17 SIGNED this 8 day of February, 2006.

18 1st Reading: January 24th 2006

19 2nd Reading: February 8, 2006

20 Emergency Adoption: February 8, 2006

21 Effective Date: February 8, 2006