



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: June 27, 2016
Jurisdiction: Coos County
Local file no.: AM-16-002/RZ-16-001
DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/24/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 37 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 001-16 {24407}
Received: 6/24/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Coos County

Local file no.: **AM-16-02/RZ-16-01**

Date of adoption: June 21, 2016

Date sent: 6/24/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 4/26/16

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Jill Rolfe, Planning Director

Phone: 541-396-7770

E-mail: planning@co.coos.or.us

Street address: 225 N. Adams

City: Coquille

Zip: 97423-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 28-14-29B-1500 & 1600

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from Industrial	to Rural Residential	Acres: 4.33
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: none

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

1 BOARD OF COMMISSIONERS

2 COOS COUNTY

3 STATE OF OREGON

4 In The Matter of Amending The Coos County
5 Comprehensive Plan Map to rezone the subject property
6 from Industrial to Rural Residential-2
7 AM-16-002/RZ-16-001 application for William
8 Strebendt et al.

ORDINANCE No.: 16-03-002PL

9
10 SECTION 1. TITLE

11 This Ordinance shall be known as the "Coos County Ordinance No. 16-03-002PL".

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 the Coos County Ordinance 85-03-004L and
16 amendments thereto, which is the Coos County Zoning & Land Development Ordinance that implements
17 Volume I of the Coos County Comprehensive Plan;

18 SECTION 4. FINDINGS

19 WHEREAS an application was submitted on property described as Township 28S Range
20 14W Section 29B Tax Lot 1500, 1600 and located south of the City of Bandon, the application is found at
21 Attachment A.

22 WHEREAS the property was zoned industrial based on the use that was occurring on
23 the property at the time the Comprehensive Plan was formed. This property was part of a larger
24 property used for a meat packing/processing plant. This property was part of a larger reasons
25 exception that was taken in 1985. At this time the property is not utilized as industrial and on tax lot
26 1600 has been developed with a dwelling and accessory structure. Tax lot 1500 is currently vacant but
27 surrounded by RR-2 on the north and west sides. The current zone does not have a minimum parcel
28 size but if rezoned it would have a minimum of two acres.

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WHEREAS the Planning Commission found that the rezone would conform to the Coos County Comprehensive Plan, the rezone will not seriously interfere with the permitted uses on other nearby parcels; and the rezone will comply with other policies and ordinances adopted by the Board of Commissioners. The Planning Commission voted to recommend approval of this application with no conditions;

AND IT APPEARING to the Board of Commissioners that the application meets the criteria for a rezone based on the information provided by the applicant and the information contained in the staff report found at Attachment B.

SECTION 5. SEVERANCE CLAUSE

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

SECTION 6. REPEAL OF INCONSISTENT ORDINANCES

Coos County Ordinance 85-03-004L is repealed to the extent that they are in conflict with this ordinance. Coos County Ordinance 85-03-004L shall remain in full force and effect in all other respects.

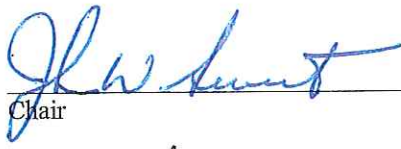
Dated this 21st day of June, 2016.

BOARD OF COMMISSIONERS

ATTEST




Recording Secretary

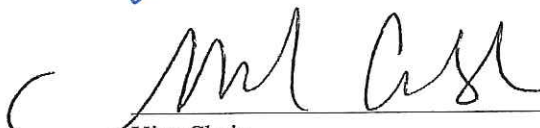


Chair

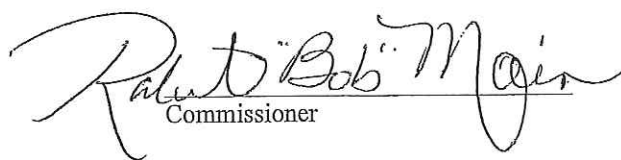
Approved as to form:



Office of Legal Counsel



Vice Chair



Commissioner

1st Reading : June 2, 2016

2nd Reading: June 21, 2016

C Effective Date of Adoption: July 12, 2016

FILE # AM-16-002/RZ-16-001
OWNER/APPLICANT: William Strebendt et.al.
REQUEST: Rezoning the property from Industrial (IND) to Rural Residential-2.
LEGAL DESCRIPTION: Township 28S Range 14W Section 29B Tax Lot 1500, 1600

Current zoning of area to be rezoned:

The purpose of the "IND" district is to provide an adequate land base necessary to meet industrial growth needs and to encourage diversification of the area's economy accordingly. The "IND" district may be located without respect to Urban Growth Boundaries, as consistent with the Comprehensive Plan. The "IND" designation is appropriate for industrial parcels that are needed for development prior to the year 2000, as consistent with the Comprehensive Plan.

Proposed zoning of area to be rezoned:

The purpose of the "RR-2" district is to provide for small acreage dwelling sites outside of Urban Growth Boundaries, where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available or necessary. The "RR-2" district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.

Exception Land:

The two properties were zoned industrial based on the use that was occurring on the property at the time the Comprehensive Plan was formed. The use was a meat packing plant. This property was part of a larger reasons exception that was taken in 1985. At this time the property is not utilized as industrial and on tax lot 1600 there is already a dwelling. Tax lot 1500 is currently vacant but surrounded by RR-2 on the north and west sides. The current property zone does not have a minimum parcel size but if rezoned it would have a minimum of two acres. The portion of the property that is not developed abuts Bates Road which serves several residential properties. This property is a good candidate for a rezone given the circumstances, infrastructure and the fact that is already exception property.

Lawfully Created Parcel: Currently the two tax lots are considered to be one property and in order to determine if they are discrete from each other they would need to submit a lawfully created parcel application or a land division. In 1973 the properties were described on the same deed (73-92204). The two lots make up one lawfully created parcel at this time.

Existing Development: in 2009 a zoning compliance letter (ZCL-09-12) was issued to the property owner to site a farm building in conjunction with the farm use on the property on tax lot 1600. At that time the development was described as an existing shop and house. There are no development or records on tax lot 1500. These properties are surrounded by Rural Residential-2.

Process: A pre-application was held on this property with Planning Staff and Dave Perry, Department of Land Conservation and Development on March 17, 2016. Notice of the pre-application meeting was also provided to Coos County Road Department, City of Bandon, and Oregon Department of Transportation. There were no comments received from any of the other agencies. The meeting with Mr. Perry was positive and the fact that the property is already exception property which means at the time it was zoned exceptions to Statewide Planning Goals 3 and 4 were addressed. In order to zone a property something other than farm or forest an exception to Statewide Planning Goals 3 and 4 are required to determine the property is not suitable for farm or forest.

After the formal application was submitted a notice was provided to Department of Land Conservation and Development 35 days prior to the first hearing before the Planning Commission. Again there have been no comments received concerning this rezone. The Planning Commission will review the proposal and make a

recommendation to the Board of Commissioners. The hearing before the Board of Commissioners will be on June 21, 2016 at 1:30 p.m.

Criteria:

Coos County Zoning and Land Development Ordinance (Ordinance)

- Article 5.1 Rezones

SECTION 5.1.200 Rezones:

Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.

SECTION 5.1.210 Recommendation of Rezone Expansion by the Planning Director:

The Planning Director may recommend an expansion of the geographic limits set forth in the application if, in the Planning Director's judgment, such an expansion would result in better conformity with the criteria set forth in this Ordinance for the rezoning of property. The Planning Director shall submit a recommendation for expansion to the Hearings Body prior to the scheduled public hearing for a determination whether the application should be so extended.

SECTION 5.1.215 Zoning for Appropriate Non-farm Use:

Consistent with ORS 215.215(2) and 215.243, Coos County may zone for the appropriate non-farm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or parcels were physically developed for the non-farm use prior to the establishment of the exclusive farm use zone.

SECTION 5.1.220 Process for Rezones:

1. *Valid application must be filed with the Planning Department at least 35 days prior to a public hearing on the matter.*
2. *The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.*
3. *The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.*
4. *The Hearings Body shall make a decision on the application pursuant to Section 5.1.225.*
5. *The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.235.*
6. *A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.*

SECTION 5.1.225 Decisions of the Hearings Body for a Rezone:

The Hearings Body shall, after a public hearing on any rezone application, either:

1. *Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:*
 - a. *The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and*
 - b. *The rezoning will not seriously interfere with permitted uses on other nearby parcels; and*
 - c. *The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.*
2. *Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:*
 - a. *The property may not be utilized for all the uses ordinarily permitted in a particular zone;*

- b. *The development of the site must conform to certain specified standards; or*
- c. *Any combination of the above.*

A qualified rezone shall be dependent on findings of fact including but not limited to the following:

- i. *Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood;*
- ii. *Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;*
- iii. *Such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or*
- iv. *Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.*

- 3. *Deny the rezone if the findings of 1 or 2 above cannot be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.*

SECTION 5.1.230 Status of Hearings Body Recommendation of Approval:

The recommendation of the Hearings Body made pursuant to 5.1.225(1) or (2) shall not in itself amend the zoning maps.

The Planning Commission recommended approval to the Board of Commissioners. They found that rezone will conform to the comprehensive plan as this property is predominantly surrounded by RR-2 and is tax lot 1600 already is committed to residential. If this property had not had an industrial use existing at the time of adoption of the Comprehensive Plan it would have zoned RR-2 to be consistent with the other properties in this area. A residential use will not interfere with permitted uses on nearby properties and the rezone will comply with other policies and ordinances that have been adopted by the Board of Commissioners. The rezone will not create a nonconforming parcel.

The Board of Commissioners adopted the suggested findings by the Planning Commission.



- Industrial
- Rural Residential -2