



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

03/31/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of North Bend Plan Amendment
DLCD File Number 001-14

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: Wednesday, April 16, 2014

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: David Voss, City of North Bend
Gordon Howard, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Matt Spangler, DLCD Regional Representative

<paa> YA



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

FOR DLCD USE	
File No.:	001-14 (20182) [17818]
Received: 3/26/2014	

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: City of North Bend

Local file no.: **PA-1-14**

Date of adoption: 03/25/14

Date sent: 3/26/2014

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): 01/13/14

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 changes.

Local contact (name and title): David Voss, City Planner

Phone: 541-756-8535

E-mail: planner@northbendcity.org

Street address: 835 California Avenue

City: North Bend

Zip: 97459-

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:

Coos Bay Estuary Plan zoning overlay text to allow a bridge in Management Unit 48 CS.

For a change to a comprehensive plan map:

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

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

Location of affected property (T, R, Sec., TL and address):

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:

Coos Bay Estuary Management Plan overlay Management Unit 48 CS is amended to allow a bridge.

For a change to a zoning map:

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

Change from	to	Acres:
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:

Identify supplemental information that is included because it may be useful to inform DLCDC 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.

ORDINANCE NO. 1985

**AN ORDINANCE ADOPTING TEXT AMENDMENTS TO THE COOS BAY ESTUARY
MANAGEMENT PLAN MANAGEMENT UNIT 48 CS.**

THE CITY OF NORTH BEND ORDAINS AS FOLLOWS:

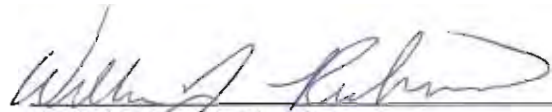
Section 1. The City of North Bend finds as follows:

1. An application to amend the Coos Bay Estuary Management Plan text pertaining to allowed uses and activities in Management Unit 48 CS has been submitted by Steve Donovan of SHN Consulting Engineers and Geologists, Inc. The amendments would allow bridges and bridge construction activities within the Unit.
2. Notice of the Plan Amendments was mailed to the Oregon Department of Land Conservation and Development (DLCD) on January 13, 2014. No comments have been received concerning the proposal.
3. Proper notice was published twice in the World newspaper on February 11 and 18, 2014. Said notice identified the subject property, applicable criteria, time, date and location of the public hearings and information concerning testimony and appeals.
4. A public hearing was held by the City Planning Commission on February 24 and the Planning Commission made a unanimous recommendation to approve the request as presented, based on the findings in the staff report and the application materials.
5. The City Council held a public hearing on March 25, 2014 at which time the City Council approved the requested Coos Bay Estuary Management Plan text amendments, based on the information contained in the submitted application, the staff report, and the Planning Commission recommendation.

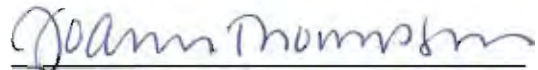
Section 2. The Council of the City of North Bend hereby declares that:

1. **The text of the Coos Bay Estuary Management Plan Management Unit 48 CS is hereby repealed and shall be amended and replaced by the text attached hereto as Exhibit "A."**

Passed and enacted by the Council of the City of North Bend March 25, 2014.


Rick Wetherell, Mayor

ATTEST:


Joann Thompson, City Recorder

UPPER BAY – NORTH BEND
 SHORELAND SEGMENT 48
 MANAGEMENT CLASSIFICATION: CS

EXHIBIT “A”

BOUNDARIES:

This segment consists of a 50-foot strip along the water’s edge of the two dredged material disposal areas at North Point, between McCullough Bridge and the railroad bridge at North Point, known as East Pony Slough or the North Point Properties.

MANAGEMENT OBJECTIVE:

This shoreland segment shall be managed to provide open space, and enhance recreational and aesthetic uses, while protecting scenic and riparian values, natural and cultural resources, and economic resources to maintain diverse environmental, economic and social values of the region. This shoreland segment shall also be managed to allow the necessary dredging and fill for construction of a bridge over the lagoon so that the portion of the North Point property that lies west of the lagoon can gain road access from the east side, consistent with the management objective of the adjacent 48A-DA management unit, and to be consistent with the adopted M-H zoning of the two dredged material disposal areas at North Point.

USES

1. Agriculture	N
2. Airports	N
3. Aquaculture	N
4. Dryland moorage	N
5. Industrial and port facilities	N
6. Land transportation facilities	N
7. Log storage/sorting yard (land)	N
8. Marinas	N
9. Mining/mineral extraction	N
10. Recreational facilities	
a. Low-intensity	A
b. High-Intensity	A
11. Bridge crossing support structures including box culverts, bridge piles, footings, bents, and abutments, for the roadway over the lagoon, and dredging necessary for their installation	A
12. Bridge crossings	A
13. Temporary structures associated with bridge construction, including but not limited to, coffer dams and bulkheads	A
14. Residential	N
15. Solid waste disposal	N
16. Timber farming/harvesting	N
17. Utilities	
a. Low-intensity	A

b. High-intensity	A
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ACTIVITIES

1. Stream alteration	N
2. Dikes	
a. New construction	N
b. Maintenance/repair	N
3. Dredged material disposal	A
4. Excavation to create new water surface	N
5. Fill	*
a. Fill for construction of a bridge over the lagoon	A
6. Shoreline stabilization	
a. Vegetative	A
b. Rip-rap	*
c. Retaining wall	*
d. Bulkheads for construction of a bridge over the lagoon	A
e. Scour countermeasures for construction of a bridge over the lagoon	A
7. Navigational aids	A
8. Mitigation	A
9. Restoration	
a. Active	*
b. Passive	A
10. Land divisions	A
11. Temporary modifications associated with bridge construction, including but not limited to, coffer dams, bulkheads, and temporary bridge construction areas	A

GENERAL CONDITIONS

The following conditions apply to all permitted uses and activities:

1. Inventoried resources requiring mandatory protection in this segment shall be protected, as required by Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23 requiring protection of riparian vegetation.
3. All permitted uses in dune areas shall be consistent with the requirements of Policies #30 and #31.

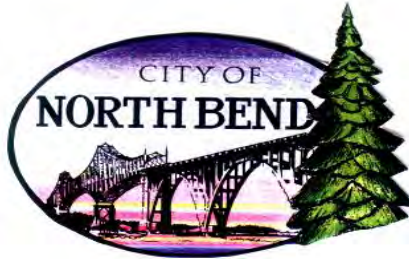
SPECIAL CONDITIONS

Activities

5. Fill is allowed only within that part of this segment adjacent to the lagoon, for the purpose of creating a road or bridge access over the lagoon to join the east and west parts of the property adjacent to the lagoon. Temporary and permanent fill necessary for the construction of a bridge is allowed.

6. (b) & (c) These activities are only permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems."

9. (a) Active restoration shall be allowed only when consistent with Policy #22b, "Limiting Dredge and Fill as Estuarine Restoration."



City of North Bend

Planning Department, P.O. Box B, North Bend, OR 97459, 541-756-8535, FAX 541-756-8544, planner@northbendcity.org

February 17, 2014

**STAFF REPORT: FILE PA-1-14
PROPOSED LEGISLATIVE AMENDMENTS TO THE COOS BAY ESTUARY
MANAGEMENT PLAN**

Applicant: SHN Consulting Engineers & Geologists, Inc.

Subject Property: All 48 Conservation Shorelands (CS) properties within the City of North Bend.

Request: **TEXT AMENDMENT TO NORTH BEND SHORELANDS MANAGEMENT UNIT 48 CONSERVATION SHORELANDS:** The proposal is to amend the uses and activities matrix of the North Bend Shorelands Management Unit 48 CS to add bridges, bridge crossings, and the other related uses and activities which are identified in the application, as outright permitted uses on all property zoned 48 CS within the City. The proposal is also to amend the text of the Management Objective for the 48 CS Management Unit as follows: “to allow the necessary dredging and fill for construction of a bridge over the lagoon so that the portion of the North Point property that lies west of the lagoon can gain road access from the east side, consistent with the management objective of the adjacent 48A CA Management Unit, and to be consistent with the adopted M-H zoning of the two dredged material disposal areas at North Point.”

Criteria: **NORTH BEND CITY CODE, TITLE 18 ZONING, CHAPTER 18.84 (AMENDMENT PROCEDURES), CHAPTER 18.88 (COOS BAY ESTUARY MANAGEMENT PLAN), NORTH BEND SHORELANDS MANAGEMENT UNIT 48 CS CONSERVATION SHORELANDS, AND THE NORTH BEND COMPREHENSIVE PLAN (CHAPTER XII), UPDATED AND CODIFIED JUNE 2003.**

BACKGROUND

The subject property was designated for water-dependent use at the time of the adoption of the Coos Bay Estuary Management Plan (CBEMP). The land has been zoned M-H Heavy Industrial base zoning prior to that time and has been designated “M” Manufacturing in the City Comprehensive Plan for several decades. In 2006 there were amendments that did the following:

- Removed the uplands from the jurisdiction of the CBEMP by removing the 48 UW Urban Water-dependent overlay designation from the subject property.
- Removed the 48 A DA Development Aquatic classification of the lagoon, and replaced it with a new 48A CA Conservation Aquatic Management Unit in its place. This current Management Unit recognizes and describes the need for the bridge.
- Applied a new shorelands management designation 48 CS Conservation Shoreland to complement and be consistent with the adjacent 48 CA Conservation Aquatic designation in the Bay, and to address the minimum shoreland protection requirements of Statewide Planning Goal 17 Coastal Shorelands.

The verbal description of the new Management Unit 48 CS is as follows:

“This segment consists of a 50-foot strip along the water’s edge of the two dredged material disposal areas at North Point, between McCullough Bridge and the railroad bridge at North Point, known as East Pony Slough or the North Point Properties.”

Based upon this, the 50-foot wide strip was assumed to run along the edge of the Bay only, and not around the lagoon at all. Therefore, it was assumed that construction of a bridge over the lagoon was provided for by the uses and activities listed under 48 A DA. It was only recently determined that Unit 48 CS runs along the edge of the lagoon as well. 48 CS does not list bridges as permitted, but the bridge provided for in 48 A CA over the lagoon must cross over and be located in the 50-foot wide strip of 48 CS now determined to surround the lagoon. Hence the need to amend 48 CS to provide for bridges. The text amendments proposed in this application would accomplish this. In short, if the proposed text amendments to 48 CS are not adopted, the bridge cannot be built and there will be no vehicular access to the western half of the site. That part of the property would basically be rendered undevelopable.

The application materials provide a detailed discussion and findings in support of adopting the proposed amendments. Copies of the application are attached, and by reference are a part of this report. The information need not be reiterated here.

CONCLUSION

The proposed text amendment will allow the necessary dredging and fill for construction of a bridge over the lagoon so that the portion of the North Point property that lies west of the lagoon, together with the proposed bridge crossing and support structures within the 48 CS Management Unit, can gain road access from the east side, consistent with the management objective of the adjacent 48A CA Management Unit, and to be consistent with the adopted M-H zoning of the two dredged material disposal areas at North Point.

PLANNING COMMISSION OPTIONS

Changes to the text of City Code must be made through the adoption of ordinances. The Commission will be making a recommendation to the City Council as to whether they should:

1. Adopt the proposed text amendments as presented;
2. Adopt the proposed text with certain changes, or;
3. Not adopt the proposed text at all.

STAFF RECOMMENDATION

Recommend the text amendments as presented and adopt the information and findings presented in the staff report and application materials.

NOTICE OF HEARING

Notice of this hearing was published in The World newspaper on Tuesday, February 11, and Tuesday, February 18, 2014, as required by City Code.

ATTACHMENTS

Application materials