



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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

Date: May 26, 2015  
Jurisdiction: City of Reedsport  
Local file no.: 15-001  
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/20/2015. 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 73 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](mailto:plan.amendments@state.or.us)



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

FOR DLCD USE

File No.: 001-15 {22629}

Received: 5/20/2015

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: Reedsport, City of

Local file no.: **Planning Department File No. 15-001**

Date of adoption: June 3, 2015

Date sent: May 20, 2015

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): 01/09/2015

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:

**The adopted change does not differ from the description included in the Notice of Proposed Change.**

Local contact (name and title): Jessica Terra, Planning Assistant

Phone: 541-271-3603

E-mail: [jterra@cityoffreedsport.org](mailto:jterra@cityoffreedsport.org)

Street address: 451 Winchester Avenue

City: Reedsport

Zip: 97467-

**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 Public/Semi-Public to Rural Suburban Residential 2.48 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): 22-12W-03BB-500 &amp; 21-12W-34CC-600; 0 Hawthorne Avenue

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 Public/Semi-Public	to Residential	Acres: 2.48
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): 22-12W-03BB-500 & 21-12W-34CC-600; 0 Hawthorne Avenue

List affected state or federal agencies, local governments and special districts: DLCD, ODOT, DEQ, ODF&W, Douglas County, Reedsport Police & Fire Departments, Central Lincoln PUD, Chamber of Commerce, LIONS Club, Port of Umpqua, Lower Umpqua Hospital, School District 105, Coos Bay Railroad, Economic Dev. Forum.

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) Ordinance 2015-1142 with maps
- 2) Decision and Findings of Fact of the Planning Commission

COPY

**ORDINANCE 2015-1142**

AN ORDINANCE TO AMEND THE REEDSPORT COMPREHENSIVE PLAN MAP AND REEDSPORT ZONING MAP IN ORDER TO RE-DESIGNATE A TRACT OF LAND FROM PUBLIC/SEMI-PUBLIC TO RURAL SUBURBAN RESIDENTIAL.

WHEREAS, in 2007 the Reedsport City Council deemed the subject property (described as Tax Lots 500 & 600, in Sections 03BB & 34CC of T22S & T21S, R12W, W.M.; Property ID Nos. R69469 & R69462) surplus and at the time of declaration described it as an underdeveloped park site, which would better serve the community as a residential property; and

WHEREAS, City of Reedsport Municipal Code 10.100.010 "Authorization to Initiate Amendments" allows amendments to a zone boundary may be initiated by a property owner; and

WHEREAS, on January 9, 2015, the owners of the subject property, Dan and Jennifer Clark, initiated a Plan Amendment and Zone Change to re-designate the property from Public/Semi-Public to Residential and to re-zone the property from Public/Semi-Public to Rural Suburban Residential with the intent to construct a new single-family residence; and

WHEREAS, a notice of the proposed amendment was sent to the Department of Land Conservation and Development (DLCD) not less than 45 days prior to the hearing; and

WHEREAS, a public notice of the Planning Commission public hearing was published in the Umpqua Post and was sent to all property owners within 200 feet of the subject property, service providers, and governmental agencies not less than 20 days prior to the hearing; and

WHEREAS, the Planning Commission held a public hearing on February 23, 2015, and made a recommendation to the City Council to approve the map amendment and zone change with two conditions; and

WHEREAS, the conditions of approval require the applicant to submit a redevelopment plan consistent with Section 10.24.020 of the RLUO and to coordinate installation of a fire hydrant that will serve the future development.

NOW, THEREFORE, THE CITY OF REEDSPORT ORDAINS AS FOLLOWS:

SECTION 1: The Reedsport Comprehensive Plan Map has been amended as presented in Exhibit A.

SECTION 2: The Reedsport Zoning Map has been amended as presented in Exhibit B.

EFFECTIVE DATE OF ORDINANCE: This Ordinance shall take effect on the thirtieth day after its enactment.

PASSED BY THE CITY COUNCIL this 4th day of May, 2015.

AYES 7 NAYS 0

APPROVED BY THE MAYOR this 4th day of May, 2015.

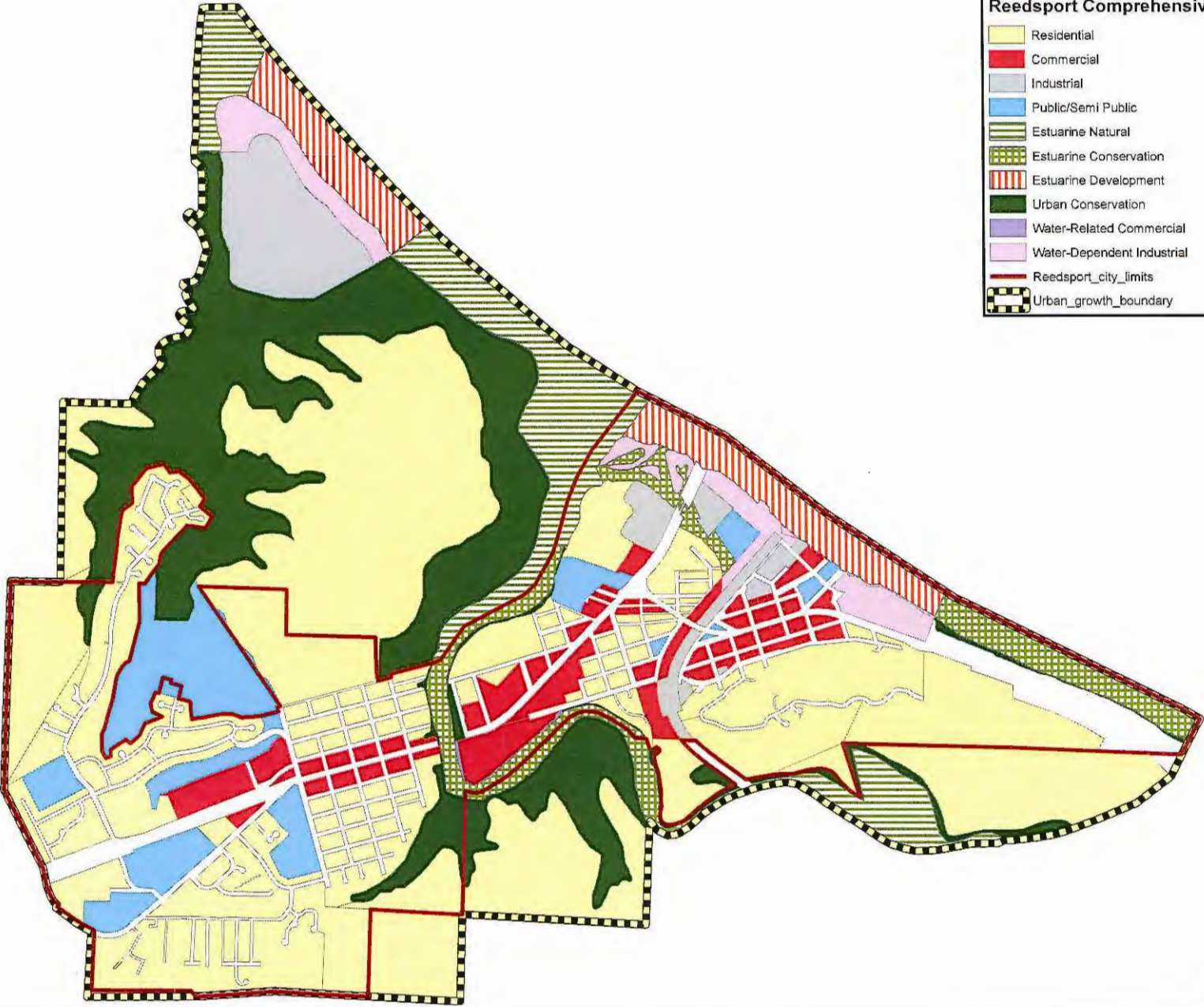
  
Mayor Linda McCollum

ATTEST:

  
Deanna Schafer, City Recorder

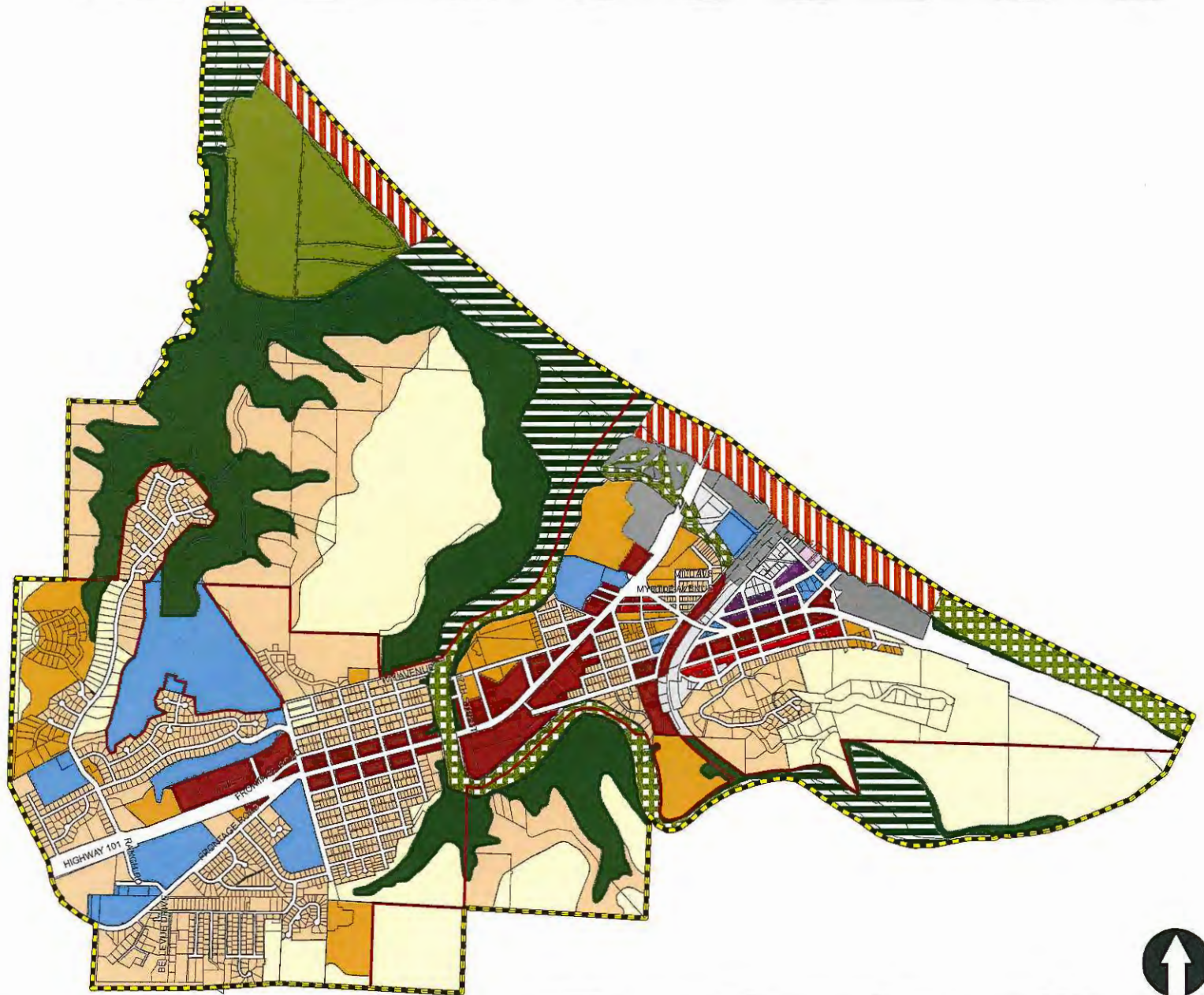
**Reedsport Comprehensive Plan**

- Residential
- Commercial
- Industrial
- Public/Semi Public
- Estuarine Natural
- Estuarine Conservation
- Estuarine Development
- Urban Conservation
- Water-Related Commercial
- Water-Dependent Industrial
- Reedsport\_city\_limits
- Urban\_growth\_boundary



### ZONING DISTRICTS

-  Agricultural Resource
-  Urban Conservation
-  Estuarine Natural
-  Estuarine Conservation
-  Estuarine Development
-  Rural Suburban Residential
-  Single Family Residential
-  Multi-Family Residential
-  Commercial Transitional
-  Commercial
-  Commercial Mixed-Use
-  Water-Related Commercial
-  Public/Semi Public Land
-  Light Industrial
-  Heavy Industrial
-  Water-Dependent Industrial
-  City Limits
-  Urban Growth Boundary



March 23, 2015

**BEFORE THE CITY OF REEDSPORT PLANNING COMMISSION**

**Dan & Jennifer Clark**, Findings of Fact and Decision, Planning Department File No. 15-001.

This matter came before the City of Reedsport Planning Commission on February 23, 2015, in the City Council meeting room at City Hall.

The Planning Commissioners present at the hearing are on record with the City Clerk.

The Planning Commission takes official notice of the following:

1. The City of Reedsport Comprehensive Plan, including the implementing the City of Reedsport Land Usage Ordinance, adopted by the City of Reedsport City Council and acknowledged by the Land Conservation and Development Commission on April 26, 1984.
3. The records of the Planning Department of the City of Reedsport concerning publication and mailing of notice.

**PROCEDURAL FINDINGS OF FACT**

1. At least 45 days prior to February 23, 2015, a notice of public hearing was sent to the Department of Land Conservation and Development as an electronic submission.
2. Notice was sent by mail to the applicant, to all property owners within 200 feet of the property which is the subject of the application, and to service providers and governmental agencies 20 days prior to the public hearing.
2. Notice of the hearing was given to a newspaper of general circulation in the affected area at least 20 days prior to February 23, 2015.
4. At the hearing, the Planning Commission recognized parties in the matter which are contained in the Record on file with the Planning Department.
5. Staff entered Staff Exhibits 1 through 8, including the Staff Report, and two responses received after the mailing of the Staff Report into the Record and gave the oral staff report.
6. The Planning Commission received testimony from the applicants, Dan and Jennifer Clark, who stated that they were in agreement with the Staff Report and the two conditions of approval put forth therein.



March 23, 2015

**SUBSTANTIVE FINDINGS OF FACT**

On the basis of the testimony and evidence contained in the whole Record, the Planning Commission adopts the following findings of fact.

1. The subject tract is planned and zoned Public/Semi-Public by the City's official comprehensive plan and zone maps. This current designation allows for such uses as hospital and medical services, nursing homes, fairgrounds, parks/playgrounds and other such public/semi-public uses.
2. The Planning Commission takes note of the fact that the subject tract was declared surplus property by the City Council in 2007 and subsequently sold by competitive bid to a private buyer. The tract was described at the time of declaration as an undeveloped park site which would better serve the community as a residential property.
3. The Planning Commission finds that the Reedsport Land Usage Ordinance (RLUO) Chapter 10.100, "Amendments" Sections 10.100.020 sets forth the general requirements and standards for a plan amendment and zone change and requires that any change be consistent with the State Wide Planning Goals
4. The Reedsport Volunteer Fire Department expressed concern with the closest location of a fire hydrant from the property and requested that the applicant be required to install one prior to development; therefore, a requirement has been added that will require the applicants to install a fire hydrant prior to development of the property.
5. The Planning Commission heard testimony from neighbors who expressed concern with any dwellings being developed on the bed and banks of the wetlands located on the property based on geotechnical and environmental concerns. The Planning Commission finds that the subject tract consists of 21 lots as platted by the Reedsport Addition Subdivision. These lots are substandard to the current size and dimension standards of the Reedsport Land Usage Ordinance. Seven of these lots are directly impacted by wetlands as mapped by the City's Significant Natural Resources Map and cannot be developed under current regulations. Approximately 1/3 of the remaining lots are encumbered by riparian buffers further restricting development on the tract. Therefore, the applicant is proposing to consolidate lots and apply a low density residential zoning in recognition of these constraints and to minimize any potential wetlands impacts.
6. The Planning Commission heard testimony from neighbors in favor of keeping the property as a public park; however, the Planning Commission finds that, while the property is zoned for a park, it is in private ownership and is not open for public usage. The City of Reedsport sold the property in 2007 because the City had no intent to develop the property as a park. The current owner is requesting the change based on the fact that the property is neither well suited for public uses nor necessary for public recreation as there is a public park (Centennial Park) located in close proximity to the property.

March 23, 2015

7. The Planning Commission heard testimony from those concerned with impacts to endangered species located in the wetland area of the property. While there are a number of protected species in the Coastal region of Oregon, the Planning Commission is not aware of any specifically located on the subject property and, the Planning Commission has already found that development of the wetland area is not permissible under current regulation. The property is urbanized land as provided under State Wide Planning Goal 14 and not designated as resource land or conservation land.
8. The Planning Commission heard testimony from the applicant who stated that he did not have any intention of impacting the wetland areas and only wanted to develop the property with one single family dwelling for his family. He stated that the additional development conditions proposed by Staff were to ensure that potential future development took into account the protection of the wetland area and subsequent riparian buffers. He concluded that there is only one area in his mind for a dwelling and that was where he intended to develop.
9. The Planning Commission finds that in order to assure that the plan and zone change are implemented appropriately, the property will have to be replatted to address the new minimum parcel standards; therefore, upon completion of the Plan Amendment and Zone Change and prior to development of any lot with a dwelling, the applicant will need to submit a redevelopment plan for the property that shows the maximum build out should the property be developed to its maximum potential. Future development will need to be consistent with that plan. There would be nothing restricting the development of one single family dwelling after the plan is submitted and approved by Planning Staff.
10. The Planning Commission concludes, based on the testimony received and the findings of the Staff Report, that the request is consistent with applicable provisions of the RLUO, Comprehensive Plan and Statewide Planning Goals and can be approved subject to conditions proposed by Staff in the staff report.
11. A motion was made to approve the request, subject to the conditions as proposed by Staff. The motion passed unanimously.

### **DECISION**

Based on evidence received and the findings above and the findings in the Staff Report, we hereby APPROVE the request to amend the Reedsport Comprehensive Plan Map by redesignating two tracts of land from Public/Semi-Public to Residential and request to amend the Reedsport Zoning Map by rezoning the properties from (PL) Public/Semi-Public to (RA) Rural Suburban Residential, in order to construct a single family dwelling, subject to the following conditions:

1. Prior to issuance of a building permit for a dwelling, the applicant shall provide a redevelopment plan that can later be used to replat the entire tract, taking into account the density standards of the Rural Suburban Residential Zone and meeting the

March 23, 2015

applicable criteria of the Reedsport Land Usage Ordinance Section 10.24.020.

2. Prior to issuance of a building permit for a dwelling, the applicant shall coordinate the installation of a fire hydrant to serve the proposed and future development.

Dated this 23<sup>rd</sup> day of March 2015.

REEDSPORT PLANNING COMMISSION

By: \_\_\_\_\_



Chairman Allen Teitzel