



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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www.oregon.gov/LCD



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

Date: May 10, 2016
Jurisdiction: City of North Bend
Local file no.: ZTA 2016-1
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 05/05/2016. 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 49 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 {24254}
Received:	5/5/2016

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: City of North Bend

Local file no.: **ZTA 2016-1**

Date of adoption: 04/26/2016

Date sent: 5/5/2016

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): 01/29/2016

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:

N/A

Local contact (name and title): Chelsea Schnabel, City Planner

Phone: (541) 756-8535

E-mail: cschnabel@northbendcity.org

Street address: 835 California Avenue, PO Box "B"

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:

N/A

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):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary



CITY OF NORTH BEND

PUBLIC WORKS, P.O. BOX B, NORTH BEND, OR 97459, PHONE: (541) 756-8535, FAX: (541) 756-8544
cschnabel@northbendcity.org

May 4th, 2016

CITY COUNCIL NOTICE OF DECISION ZONE TEXT AMENDMENT CASE NO. ZTA 2016-1

The North Bend City Council held a public hearing on Case Number ZTA 2016-1 on April 26th, 2016 at 7:00 PM in the Council Chambers of City Hall, 835 California Street, North Bend, Oregon.

Final Council Decision:

The Mayor and Councilors voted unanimously (6-0) to adopt the proposed amendment as presented by the applicant and in the staff report. Ordinance Number 2002 was signed by the Mayor as confirmation of the Council's final decision.

A copy of all supporting materials, including decision and findings, is available for inspection at no cost at the City of North Bend Public Works Department. Copies of the materials will be provided at reasonable cost upon request.

Review of the land use decision shall be commenced by filing a notice of intent to appeal with the Land Use Board of Appeals (LUBA) not later than 21 days after the date of the decision sought to be reviewed becomes final. Copies of the intent to appeal shall be provided to the local government and applicant. [ORS 197.830(9)]

Sincerely,

A handwritten signature in cursive script that reads "Chelsea Schnabel".

Chelsea Schnabel
City Planner & Code Compliance Officer

ORDINANCE NO. 2002

AN ORDINANCE AMENDING TEXT OF THE NORTH BEND CITY CODE ZONING ORDINANCE SECTION 18.92.020, APPEAL.

THE CITY OF NORTH BEND ORDAINS AS FOLLOWS:

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

1.1 A request to amend the text of the North Bend City Code Zoning Ordinance Section 18.92.020, Appeal, has been initiated by the City Administrator. The proposal is to include language which allows for the City to appoint a planning and zoning hearings officer.

1.2 Notice of the proposed zone text amendment was provided to the Oregon Department of Land Conservation and Development (DLCD) on January 29th, 2016. Confirmation of receipt of said notice was received from Angela Houck, DLCD Workgroup Support Specialist. No comments were received from DLCD.

1.3 Notice of the Planning Commission hearing was published in The World newspaper on March 9th and 16th, 2016. Said notice identified the applicable criteria, time, date, and location of the public hearing, together with information concerning testimony and appeals.

1.4 A public hearing was held by the City Planning Commission on March 21st, 2016. One person spoke in favor of the proposed amendment, and no one spoke in opposition. The Planning Commission made a unanimous recommendation to City Council for approval of the request as presented in the staff report.

1.5 Notice of the Planning Commission action was sent to parties who spoke during the hearing on March 21st, 2016. This notice contained notice of the City Council hearing to be held on Tuesday, April 26th, 2016.

1.6 Notice of the City Council hearing was published in The World newspaper on April 13th and 20th, 2016. Said notice identified the applicable criteria, time, date, and location of the public hearing, together with information concerning testimony and appeals.

1.7 The City Council held a public hearing on April 26th, 2016. At this time, the City Council reviewed the record and testimony.

1.8 The City Council voted during the April 26th, 2016 public hearing to adopt the proposed zone text amendment as presented.

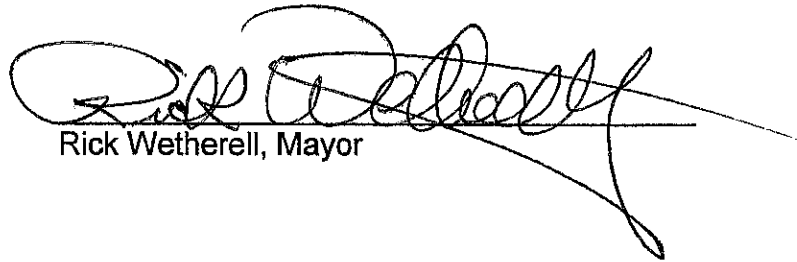
Section 2. The Council of the City of North Bend hereby declares that the text of North Bend City Code Zoning Ordinance Section 18.92.020, Appeal, shall be amended as follows:

18.92.020 Appeal.

*Appeals from discretionary land use decisions of the hearings officer or planning director go to the planning commission and appeals from the planning commission go to the city council. **The city council may designate a hearings officer to conduct the hearing; in that case, city council shall review the record and the hearings officer's recommendation to make their decision.** Appeal hearings shall be conducted as de novo hearings and shall be taken under the following procedures:*

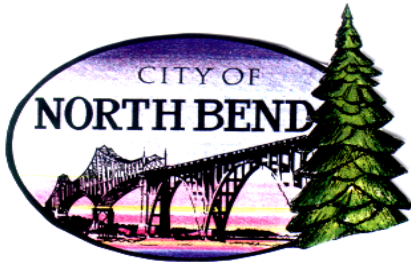
Section 3. The Recorder of the City of North Bend is hereby directed to file and record this ordinance with the Coos County Clerk.

Passed and enacted by the Council of the City of North Bend this 26th day of April, 2016.


Rick Wetherell, Mayor

ATTEST:


Joann Thompson, City Recorder



City of North Bend

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

PLANNING COMMISSION STAFF REPORT ZONE TEXT AMENDMENT : ZTA 2016-1

Applicant: City of North Bend – City Administrator
Affects: All Property within City of North Bend Limits
Hearing Date: March 21st, 2016

Request:

The applicant requests to amend **North Bend City Code (NBCC) Section 18.92.020 Appeal** to include language which allows for the City to appoint a planning and zoning hearings officer. This amendment will affect all property within the city limits (Exhibit A). The following text highlights the proposed additional language:

NBCC 18.92.020 Appeal

Appeals from discretionary land use decisions of the hearings officer or planning director go to the planning commission and appeals from the planning commission go to the city council. The city council may designate a hearings officer to conduct the hearing; in that case, city council shall review the record and the hearings officer's recommendation to make their decision. Appeal hearings shall be conducted as de novo hearings and shall be taken under the following procedures:

Background:

At this time, NBCC does not include language which allows for the City to appoint a planning and zoning hearings officer. However, Oregon Revised Statute (ORS) does allow for a city to appoint one or more hearings officers to serve as the city deems fit (ORS 227.165).

ORS 227.165 Planning and zoning hearings officers; duties and powers

A city may appoint one or more planning and zoning hearings officers, to serve at the pleasure of the appointing authority. Such an officer shall conduct hearings on applications for such classes of permits and zone changes as the council designates. [1973 c.739 §7; 1975 c.767 §6]

The amendment, as proposed, ensures that the City Council has the authority to designate a hearings officer to conduct hearings on appeals from discretionary land use decisions prior to the City Council making the final decision. Examples of various other smaller cities that have

implemented ORS 227.165 within their code are: Bandon, Warrenton, Grants Pass, Ontario, and Keizer, to name a few.

Criteria:

Procedures related to amending the text of the zoning ordinance fall under North Bend City Code (NBCC), Title 18 Zoning, Chapter 18.84 Amendment Procedures (Exhibit B).

NBCC 18.84.020 Plan and text amendment, annexations, and vacations.

- (1) Finding: Notice was forwarded to the Department of Land Conservation and Development (DLCDD) on January 29th, 2016, more than 45 days in advance of the first scheduled evidentiary hearing.
- (2) Finding: The proposal forwarded to the DLCDD included all required information (Exhibit C).
- (3) Finding: The City Planner determined that no Statewide Planning Goal is in conflict with the proposed amendment. Specifically, the allowance for use of a hearings officer does not preclude **Goal 1, Citizen Involvement** as the required public notice and receipt of public input is not affected by the proposed amendment. Furthermore, **Goal 2, Land Use Planning** states that *suitable "implementation ordinances" used to put the plan's policies into effect must be adopted*. The inclusion of a hearings officer to the zone text will provide for an additional recommendation on future appeals of discretionary land use decisions.

NBCC 18.84.040 Public hearing.

- (1) Finding: Notice of the first scheduled evidentiary hearing, Planning Commission meeting set for March 21st, 2016, was published twice: March 9 and 16, 2016.

Staff Recommendation:

Staff has reviewed the applicant's request to amend NBCC Section 18.92.020 to include language which allows for the designation of a hearings officer to conduct hearings on appeals of discretionary land use decisions. Staff supports approval of the request as proposed in this report.


Planning Commission Action:

The Planning Commission shall hold a public hearing and review the proposed zone text amendment. Recommendation by the Planning Commission shall then be forwarded to the City Council for consideration and final action through the adoption of an ordinance.

The Planning Commission shall recommend one of the following:

1. Adopt the proposed zone text amendment as presented.
2. Adopt the proposed zone text amendment with certain changes.
3. Adopt none of the proposed zone text amendment.

Prepared by:


Chelsea Schnabel, City Planner