



COOS COUNTY PLANNING DEPARTMENT
60 E. SECOND ST. COQUILLE, OR 97423 (LOCATION)
250 N. BAXTER, COQUILLE (MAILING ADDRESS)
PHONE: 541-396-7770 / EMAIL: PLANNING@CO.COOS.OR.US

Amendment/Rezone Application

Date Received: _____ Receipt #: _____ Received by: _____

FILE NUMBERS: AM-23- _____ RZ-23- _____

This application shall be filled out electronically. If you need assistance please contact staff.
Please be aware if the fees are not included the application will not be processed.
(If payment is received on line a file number is required prior to submittal)

LAND INFORMATION

Land Owner(s) (print name):

Mailing address:

Phone: _____ Email: _____

Applicant(s) (print name):

Mailing address:

Phone: _____ Email: _____

Type of Ownership: Choose an item.

Type of Use Requested: Choose a Use

PROPERTY - If multiple properties are part of this review please check here and attach a separate sheet with property information.

Township: _____ Range: _____ Section: _____ ¼ Section: _____ 1/16 Section: _____ Tax lot: _____

Township: _____ Range: _____ Section: _____ ¼ Section: _____ 1/16 Section: _____ Tax lot: _____
 choose _____

Tax Account Number(s): _____ Site Address: _____

Current Zone: _____ Acreage: _____

Proposed Zone

JUSTIFICATION:

- (1) The following questions will need to be answered with an explanation.
 - a. Will the rezone conform with the comprehensive plan?

 - b. Will the rezone seriously interfere with the permitted uses on other nearby parcels

 - c. Will the rezone comply with other adopted plan policies and ordinances?

- (2) If a Goal Exception is required please review and address this section.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The Coos County Comprehensive Plan (CCCP) and Implementing Zoning Land Development Ordinance (CCZLDO) was acknowledge¹ as having all necessary components of a comprehensive plan as defined in ORS 197.015(5) after the Coos County adopted the documents on April 4, 1985. The date of the effective plan and ordinance is January 1, 1986. Coos County did go through a periodic review exercise in the 1990's but due to lack of gain in population, economic growth and public request plan zones were not altered. Changes to the comprehensive plan and implementing ordinance have been done to ensure that any required statutory or rules requirements have been complied with. However, sometimes it is necessary for property owners or applicants to make a request to have certain properties or situations such as text amendments considered to reflect a current condition or conditions. These applications are reviewed on a case by case basis with the Board of Commissioners making a final determination. This type application and process is way to ensure that process is available to ensure changing needs are considered and met. The process for plan amendments and rezones are set out in CCZLDO [Article 5.1](#).

Exception means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that; (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general

A local government may adopt an exception to a goal when one of the following exception process is justified:

- (a) The land subject to the exception is “physically developed” to the extent that it is no longer available for uses allowed by the applicable goal;

¹ “Acknowledgment” means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan, amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the goals. In Coos County’s case the commission refers to the Land Conservation and Development Commission.

- (b) The land subject to the exception is “irrevocably committed” to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or
- (c) A “reasons exception” addressing the following standards is met:
- (1) Reasons justify why the state policy embodied in the applicable goals should not apply;
 - (2) Areas which do not require a new exception cannot reasonably accommodate the use;
 - (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
 - (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the

Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards for an exception have or have not been met.

PART III -- USE OF GUIDELINES Governmental units shall review the guidelines set forth for the goals and either utilize the guidelines or develop alternative means that will achieve the

REQUIRED SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH APPLICATION:

1. A legal description of the subject property (deed);
2. Covenants or deed restrictions on property, if any;
3. A general location map of the property;
4. A detailed parcel map of the property illustrating the size and location of existing and proposed uses and structures on 8 ½” x 11” paper. If proposed structures are not known then the plot plan will need to include only existing with a note that no new structures are proposed at this time;
5. If applicant is not the owner, documentation of consent of the owner, including:
 - a. A description of the property;
 - b. Date of consent
 - c. Signature of owner
 - d. Party to whom consent is given
6. The applicant must supply a minimum of 2 copies of the entire application or one paper copy and electronic copy (email is acceptable), including all exhibits and color photocopies, or as directed by the Planning Staff.

Authorization:

All areas must be initialed by all applicants, if this application pertains to a certain property all property owners² must either sign or provide consent for application unless otherwise allowed by Section 5.0.175 of the CCZLDO. As an applicant by initialing each statement I am accepting or agreeing to the statements next to each area designated for my initials and/or signature. All property owners shall sign and initial the designated areas of the application or

² Property owner” means the owner of record, including a contract purchaser

provide consent from another party to sign on their behalf. If another party is signing as part of a consent that does not release that party that gave consent from complying with requirements listed below or any conditions that may be placed on an application. In the case of a text amendment the procedures for set out in Section 5.1.110 WHO SEEK CHANGE applies and an applicant may not be a property owner.



I hereby attest that I am authorized to make the application and the statements within this application are true and correct to the best of my knowledge. I affirm to the best of my knowledge that the property is in compliance with or will become in compliance with CCCP and CCZLDO. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.



I understand it is the function of the planning staff to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree, as applicant I have the burden of proof. I understand that approval is not guaranteed and the applicant(s) has the burden of proof to demonstrate compliance with the applicable review criteria.



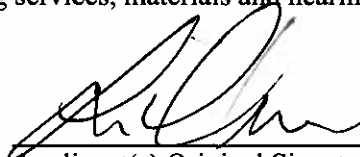
As the applicant(s) I acknowledge that is in my desire to submit this application of free will and staff has not encouraged or discouraged the submittal of this application.



I understand as applicant I am responsible for actual cost of that review if the Board of Commissioners appoints a hearings officer to hear the application I have submitted. As applicant I will be billed for actual time of planning services, materials and hearings officer cost and if not paid the application maybe become void.

/Robert S. "Robin" Miller III, Attorney/

Applicant(s) Original Signature



Applicant(s) Original Signature

02/07/2024
Date

ATTACHMENT TO AMENDMENT/REZONE APPLICATION

Coos County Planning Department
Physical Location: 60 E. Second Street, Coquille OR 97423
Mailing Address: 250 N. Baxter, Coquille OR 9423
Telephone: (541) 396-7770
email: planning@co.coos.or.us

File Number: PA-23-009

Owner: Lee Tony Coombes
28264 Tehachapi, California 93561

Applicant: Robert S. Miller III, Attorney
Bandon Professional Center
1010 First Street S.E. Suite 210, Bandon Oregon 97411
Telephone: (541) 347 – 6075
Email: rsmiii@aol.com

Property: *Common:* 57669 Parkersburg Road, Bandon, Oregon 97411

Map: 28S 14W 16 BC Tax Lot 2200
(*note:* this is a newly consolidated tax lot. An adjacent parcel, the *former* 28S 14W 16 Tax Lot 1202, was consolidated into this tax lot on or about January 23, 2024. Not all issued governmental and land use maps may yet reflect this consolidation.)

Deed Ref. Owner acquired Property by Coos County, Oregon Instrument # 2023-00002)

Request: Text Amendment to CREMP INDUSTRIAL (CR-IND) zone

This is an application for a text amendment to the Coos County Zoning and Land Development Ordinance, Chapter III (“Estuary Zones”). The proposal is to amend the text of three different regulations, as follows:

- *SECTION 3.3.500 DEVELOPMENT AND USE PERMITTED: The following uses and activities are permitted outright in the CREMP-IND.*
 1. *Residential*
 - a. **Single Family Dwelling/Watchman/Caretaker shall not be permitted in IND Shoreland Segments 14 and 16. All other IND Shoreland Segments must comply with the following:**
 - i. *This use permitted only if in conjunction with a permitted or conditionally permitted use **including an established recreational dock**; and*
 - ii. *This use is subject to the provisions of CREMP Policy #18-**and #27.***

- *SECTION 3.3.510 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE: The following uses and activities are permitted under an administrative conditional use permit CREMP-IND. * * **
 14. *High-intensity recreation:*
 - a. *In IND Shoreland Segments 14, 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.*
 - b. *In IND Shoreland Segments 16 and 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.*
 - c. *In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.*
 - d. *In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.*
 - e. ***In IND Shoreland Segment 20 this use may allow for a Single Family Dwelling in conjunction with an existing recreational use to be consistent with the management unit purpose. This is subject to addressing CREMP Policies #14, #18 and #27. The Dwelling may be used as seasonal or vacation rental.***

* * *

 16. *Commercial: * * **
 - c. *Non-water-dependent/related is prohibited in IND Shoreland Segments 14, 16 and 40 all other IND Shoreland Segments shall address the applicable standards as follows:*
 - i. *In IND Shoreland Segment 20 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.*
 - ii. *In IND Shoreland Segment 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.*
 - iii. *In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.*
 - iv. *In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.*
 - v. *The commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area.*
 - vi. ***In IND Shoreland Segment 20 a Single Family Dwelling may be permitted as a non-water use providing it does not pre-empt permitted commercial and/or industrial uses. The use is subject to CREMP Policies #14, #18, and #27.***

The subject property (the “Property”) is one tax lot, recently consolidated from two adjoining tax lots. The [new consolidated] tax lot is 28S 14W 16 BC Tax Lot 2200. The common address is 57669 Parkersburg Road, Bandon, Oregon 97411.

The Property is a lawfully created parcel – a combination of a legacy prior land use decision (ACU-17-011) and a deed originating as Coos County, Oregon Instrument #77-056616.

The size of the Property is approximately 0.31 acres.

The Property is presently developed with an accessory structure (a “dry cabin”) and a dock.

A Coos County Zoning Compliance Letter for Septic Repair/Replace or Evaluation Only issued on July 7, 2023.

In Coos County, lands subject to Oregon Statewide Planning Goal 17 (Coastal Shorelands) are located within a ‘Coastal Shorelands Boundary’ (CSB) and are divided into management segments.

Each shoreland management segment is subject to the provisions of the Coquille River Estuary Management Plan (CREMP). A CREMP designation limits the types of uses that may be conducted within each segment to those that are consistent with CREMP policies. Each shoreland management segment receives a primary zoning designation and a CREMP overlay designation.

The Property is located within Industrial Shoreland Segment 20 (20-INDS), which “shall be managed to develop this area of historic water-front development for industrial and commercial uses connected with boat building, repair, port operations, moorage and other water-dependent or related uses.” Coquille River Estuary Management Plan.

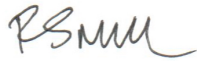
Under §3.3.500, Watchman/Caretaker residential uses are permitted in 20-INDS, in conjunction with a permitted or conditionally permitted use, and subject to Policy #18 (Protection of Historical, Cultural, and Archaeological Sites).

This area was so re-zoned in the 1970s to allow for a destination “recreational marina” at River Mile 5 on the Coquille River at Prosper. The object was to provide new jobs and local revenues; contribute to economic diversification by providing jobs and investment in tourism and marine industries sectors of the economy; provide a facility that would enhance the attractiveness of the area as a tourist destination; and

provide for a coast-wide need for moorage of large yachts, which is not being met by other marinas (existing or proposed) in Oregon. An exception to the Statewide Land Use Planning Goals was approved to allow this new zoning.

The proposed text amendments to the regulations will therefore conform with the Coos County Comprehensive Plan, not interfere with permitted uses on nearby parcels, and comply with all other policies and ordinances.

Sincerely,

A handwritten signature in cursive script, appearing to read "RSMM".

Robert S. "Robin" Miller III, Attorney
For Lee Tony Coombes, Property Owner