



## Coos County Planning Department

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Jill Rolfe, Planning Director

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### Planning Commission Hearing

**FILE #** AM-19-002/RZ-19-002

**REPORT DATE:** July 3, 2019

**HEARING DATE:** July 11, 2019

**LOCATION:** Owen Building Large Conference room  
201 N. Baxter, Coquille

**APPLICANTS/  
PROPERTY OWNERS:** Sorin and Kathy Pandeale

**REQUEST:** Rezoning the property from Industrial (IND) to Urban Residential – 2 (UR-2)

**LEGAL DESCRIPTION:** Township 28S, Range 14W, Section 31BD, Tax Lots 1900 and 2100

#### **Proposal:**

The applicant has requested to rezone the property from IND to UR-2 to allow for residential development.

#### **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 “UR-2” district is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two family dwellings. Clustered planned unit developments, including multi-family dwellings, are consistent with the objectives of the “UR-2” district. The “UR-2” district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

#### **Exception Land:**

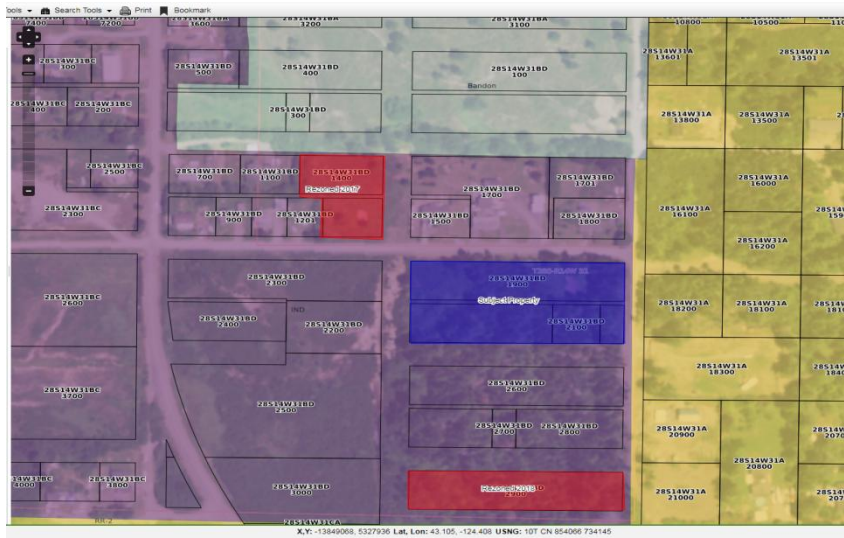
This property is located within the City of Bandon’s Urban Growth Boundary (UGB). This property is part of a larger general exception area for industrial in the early 1980’s due to the proximity to the city and transportation. This property is a good candidate for a rezone given the location of the UGB, the need for housing in the area, and the fact that is already exception property.

#### **Lawfully Created Parcel:**

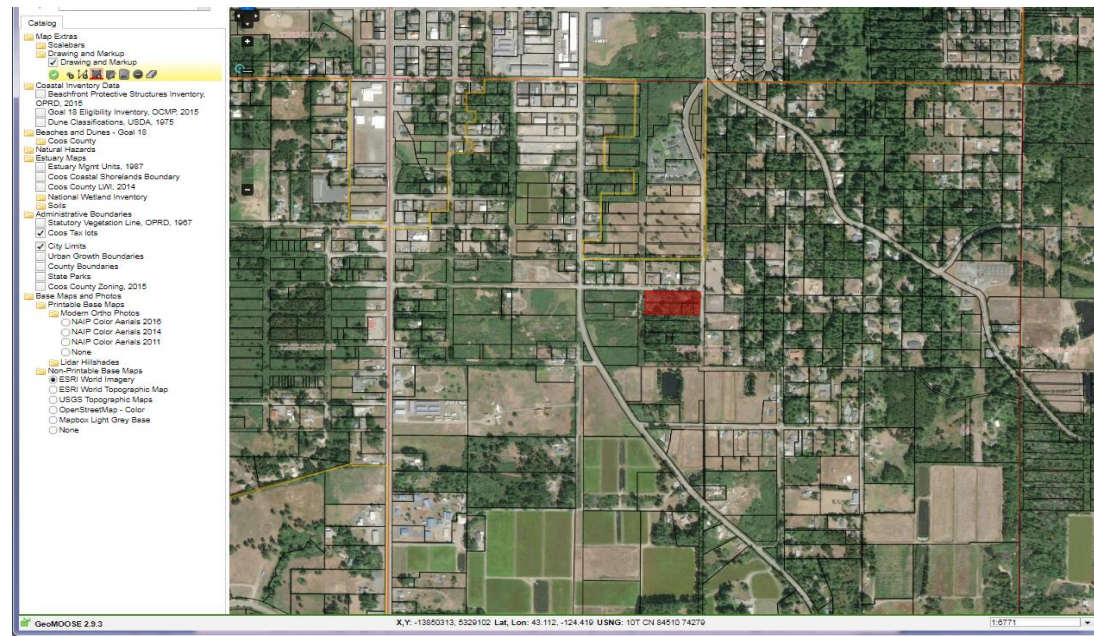
This property is acknowledged as a lawfully created parcel pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) § 6.1.125(8) as it was described by legal description Tax lot 1900 consists of lots 1 through 30 of block 40 and tax lot 2100 consist of 31 through 34 of block 40 in the Portland Addition to Bandon Subdivision established in 1891.

**Site and surrounding uses:** The subject property is predominately located south of the City of Bandon, within the Urban Growth Boundary and is accessed off of Astor Lane. According to the assessment records tax lot 1900 has 1.84 acres and is listed as having a 1970's mobile home and some other undefined type of residential improvements; however, the residential development was removed from the site. Tax lot 2100 is 0.23 acres and contains no improvements. These are pre-existing platted subdivision lots that can be deeded out into individual lots. Each lot appears to be 50' x 100' but due to the lack of services and setback requirements these are not realistically developable as platted. The property owner may need to reconfigure the tax lots to ensure each one has one (1) acre to allow for development to comply with the current standards in the UR-2.

Below are aerial maps of the subject property (indicated in red) and the surrounding area. The map on the top has the zoning layer over the aerial, the properties in purple are IND, grey shows the property within the city, yellow is RR-2, and the green is EFU. The other photo is the property without the zoning.



Grey = City  
 Yellow = Rural Residential zoned.  
 Purple = Industrial Zoned  
 Red = Properties recently rezoned  
 Blue = Subject property.



Rezoning the parcel would be consistent with any future plan for annexation by the City of Bandon. The size of the parcel may allow for greater than one residence, however, given the lack of urban facilities (paved street access, municipal water and sewer) the property should be restricted to a one acre minimum size for new dwellings. This is consistent with the Urban Residential Zoning. This may require that property to be reconfigured and given there is a total of 2.07 acres this option is available to the property owner to comply. Once services are made available to the site the minimum size requirement may be reduced.

On May 6, 2019 Dennis Lewis, City of Bandon Planning Director responded to a request for comments regarding the zone change. He stated he had made a site visit and could find no reason this property should remain Industrial. The character of the area is low density rural residential. He suggested in the future a boarder rezone of the entire area should be considered.

Given this property is within the City of Bandon Urban Growth Boundary and to be consistent with the County Comprehensive Plan and the City of Bandon zoning, the appropriate zone would be Urban Residential-2 zone. The purpose of the "UR-2" district is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two family dwellings. Clustered planned unit developments, including multi-family dwellings, are consistent with the objectives of the "UR-2" district. The "UR-2" district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries. The other urban zoning districts do not seem consistent with the objectives of the City of Bandon's UGB at this time. The density requirement for a UR-2 zones is one (1) dwelling unit per one (1) acre if the site does not have public water or sewer. Once public water and sewer are available, the property may be reduced down to 5000 square or allow for a higher dwelling density, or if annexed into the city higher densities may be applied. This may require the tax lots to be reconfigured to allow for the density requirements to be met.

The access for this property will need to be developed and any driveway/access will need to be developing in accordance with applicable provisions of Chapter VII of the Coos County Zoning and Land Development Ordinance.

The subject area designated for rezone is part of a larger industrial exception that was taken at the time of the inception of the current acknowledged plan (1986). Coos County's industrial needs inventory has only project an overall need to the year 2000. There have not been any updates to revisit the need for current industrial lands. At the time adopted there was 1183 acres planned and zoned for industrial. Over the years there have been lands removed and added to industrial land base but not corrected within the exception document to reflect the correct total acreage. At the time it was noted that more land was needed in urban growth boundaries; however, the city of Bandon did expand the urban growth boundary in 1988 and rezone about 24 acres to industrial. The justification for the expansion was to allow for adequate industrial lands to meet the project growth for the city of Bandon. This was prior to major economic downturn Coos County experienced which has lead to less growth than predicted in the late 1980's. The plan in 1988 was to provide city services to the industrial areas within the urban growth boundary. Services have not been and are not planned to be extended to this area in the near future. Given that this is in a highly parcelized area, there is a lack of city services and very little infrastructure in place it is not likely a candidate for industrial development. However, County Staff will differ needed industrial and residential to the City of Bandon. The applicant will need to address the Oregon Statewide Planning Goals.

There were no objections from Department of Land Conservation regarding the application.

**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.*

**Recommended Finding: Staff recommends that the Planning Commission finds that the rezone will conform to the comprehensive plan. The property is located within the Portland Addition to Bandon Subdivision established in 1891. This property is part of a larger general exception area for industrial in the early 1980's due to the proximity to the city and transportation. However, most of the lots are developed with residential or agriculture uses. This property is part of the city of Bandon's UGB and housing is needed in this area. This property is also within the Bandon Airport Conical Zone but that is not that is not a conflict with residential zoning but does require height restrictions for structures.**

**A notice for comments was provided to the City of Bandon because this property is located within the Urban Growth Boundary. Dennis Lewis, Planning Director, City of Bandon provided comments stating that the City does not have significant concerns with the rezone request.**

**The property is in the southeast corner of the Urban Growth Boundary and is abutting other residential and Exclusive Farm Use zones. Rezoning the parcel will be consistent with any future plan for annexation. The size of the parcel may allow for greater than one residence; however, given the lack of urban facilities (paved street access, municipal water and sewer) the property is only appropriate for two single family dwellings at this time. Residential development beyond one dwelling per acre should only occur after annexation and/or extension of full city services to allow for efficient development in the future.**

**Staff suggested, to be consistent with the County Comprehensive Plan and the City of Bandon zoning, the property be rezoned to an Urban Residential-2 zone. The purpose of the "UR-2" district is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two family dwellings. Clustered planned unit developments, including multi-family dwellings, are consistent with the objectives of the "UR-2" district. The "UR-2" district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries. The other urban zoning districts do not seem consistent with the objectives of the City of Bandon's UGB at this time. The density requirement for a UR-2 zones is one (1) dwelling unit per one (1) acre if the site does not have public water or sewer. The applicant's tract ownership will be a little more than two (2) acres total and would conform to the UR-2 zoning development requirements. Once public water and sewer are available, the property may be reduced down to 5000 square or allow for a higher dwelling density, or if annexed into the city higher densities may be applied.**

**Access will need to be determined for an approval of a dwelling but the access will not affect the rezone. Any driveway/access will need to be developing in accordance with applicable provisions of Chapter VII of the Coos County Zoning and Land Development Ordinance.**

**While Hui Rodomsky, Department of Land Conservation and Development (DLCD) made comments via phone she did not provide any formal written communication. She did not find any conflicts with the Statewide Planning Goals, Statutes or Rules in regards to the request and agreed with staff that UR-2 would be the appropriate zone if the applications are going to move forward with the rezone. She also agreed with Mr. Lewis that this area should be reviewed in the future as it seems to be residential and not consistent with industrial zoning.**

**The property is already exception land and located within the UGB of Bandon. The rezone seems to be consistent with the both the City of Bandon and Coos County's comprehensive plans.**

**Given the limitation of the property size (2.07 acres), location, surrounding uses, lack of infrastructure (utilities and roads) and available industrial uses it is not likely this property could be developed for a viable industrial use. The comprehensive plan does not require an analysis of impact when a property is re-designating to another zone but due the size and the other factors this will have minimal impact on the industrial lands inventory if any.**

**Therefore, staff recommends the Planning Commission find that this application proposal meets the requirements of Article 5.1 based on the findings in this staff report.**

**The applicant has provided detail findings in the application and staff concurs with the findings. The Planning Commission should consider Staff suggested findings along with the applications detailed findings be combined an approval recommendation to the Board of Commissioners.**

*Jill Rolfe*

Planning Director

Attachment A – Applicants findings