

ORDINANCE NO. ____

AN ORDINANCE AMENDING ORDINANCE NO. 473 DEVELOPMENT CODE (COOS BAY MUNICIPAL CODE CHAPTER 17) REGARDING COOS BAY MUNICIPAL CODE (CBMC) CHAPTER 17.345 ANNEXATIONS, AS PREVIOUSLY AMENDED BY ORDINANCES 541, 540, 518, AND 503

The City of Coos Bay ordains as follows:

Section 1. CBMC 17.345 Annexations is hereby amended as noted in Attachment A; with the revisions of 17.345 Annexations noted in Attachment B.

Section 2. Facts and Findings are hereby adopted noted on Attachment C pursuant to the requirements of CBMC section 17.360.060 Approval criteria findings (a – f).

This ordinance shall take effect 30 days after enactment by the Council and signature of the mayor.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 15th day of March, 2022.

Yes:

No:

Absent:

Joe Benetti, Mayor
City of Coos Bay
Coos County, Oregon

ATTEST:

Nichole Rutherford, Recorder
City of Coos Bay
Coos County, Oregon

ATTACHMENT A
Chapter 17.345
ANNEXATION

Sections:

- 17.345.010 Purpose.
- 17.345.020 Initiation.
- 17.345.025 Application Requirements.
- 17.345.030 Notice.
- 17.345.035 Annexation Criteria.
- 17.345.040 Council Decision and Final Action.
- 17.345.045 Conditions.
- 17.345.050 Effective Date and Filing of Approved Annexation.
- 17.345.055 Definitions.

17.345.010 Purpose.

Annexation procedures are meant to facilitate the orderly expansion of the city and the efficient extension of public facilities and services. They are also intended to provide adequate public review and establish a system for measuring the physical, environmental, and related social impacts of a proposed annexation. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.342.010].

17.345.020 Initiation.

In accordance with state law, initiation of an annexation may be made by a majority vote of the City Council or by initiation methods of property owner(s) in the area proposed for annexation. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.342.020].

17.345.025 Application Requirements.

An annexation application shall include information required by CBMC 17.130.040 and the following:

- a. A list of all owners, including partial holders of owner interest, within the affected territory, indicating for each owner:
 - (1) Affected tax lots, including the township, section and range numbers.
 - (2) Street or site addresses within the affected territory identified by Coos County.
 - (3) List of all eligible electors registered at addresses within the affected territory.
 - (4) For property owner-initiated annexation(s), a signed petition as specified in 17.345.025(b)

- b. Written consent on City-approved petition forms that are:
 - (1) Completed and signed, in accordance with ORS 222.125, by:
 - (i) All of the owners within the affected territory; and
 - (ii) Not less than 50 percent of the eligible electors, if any, registered within the affected territory; or
 - (2) Completed and signed, in accordance with ORS 222.170, by:
 - (i) More than half the owners of land in the territory, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory; or
 - (ii) A majority of the electors registered in the territory proposed to be annexed and a majority of the owners of more than half the land.
 - (3) Publicly owned rights-of-way can be added to annexations initiated by these two

methods without any consents.

- c. A City Council resolution to initiate a boundary change, including but not limited to rights-of way.
- d. In lieu of a petition form described in 17.345.025(b), an annex form that has not yet expired as specified in ORS 222.173.
- e. Verification of Property Owners signed by the Coos County Assessor.
- f. An ORS 195.305 waiver form signed by each owner within the affected territory.
- g. A statement of consent signed by each owner within the affected territory as allowed by ORS 222.173; statements filed within any one-year period shall be effective, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city.
- h. A legal description of the affected territory proposed for annexation consistent with ORS 308.225 that will include contiguous or adjacent right-of-way to ensure contiguity as required by ORS 222.111.
- i. A map identifying the property territory and its relationship to the city limits, including but not limited to size, shape, configuration of the property, how the property would connect to city services, bearings and distances and the boundaries of parcels, lots, and tracts of land.
- j. A vicinity map.
- k. A list of the special districts providing services to the affected territory and evidence of communication with districts advising of application for annexation.
- l. A utility plan describing how the proposed affected territory can be served by city facilities and services.
- m. The distribution, location and extent of the proposed uses of the land within the annexation territory, including open space;
- n. Standards for density, land use and building intensity proposed for area proposed to be annexed.
- o. Proposed parks, open space, and conservation of natural resources;
- p. The proposed distribution, location, phasing and extent of major components of traffic circulation, wastewater collection and treatment, water sources, drainage, schools, and other public services and facilities appropriate to serve development within the annexation territory.
- q. Facilities and Services capacity analysis. Funded by the applicant, analysis of the city's capacity to provide facilities and services. The study shall assess the ability of the City to provide the various municipal facilities and services that will be necessary to

accommodate the proposed annexation and planned development therein. These should include: wastewater collection and treatment; storm-water management; water supply and distribution; streets and circulation; fire protection; police services; parks; and others as appropriate.

- r. Proposed standards and criteria for future development.
- s. Annexation Study. Funded by the applicant and including city administrative costs, an Annexation study shall be prepared by a third-party consultant selected by mutual agreement between the City and the applicant to complete a comprehensive study of fiscal impacts of the proposed annexation to the City. The Study shall address the full range of revenues and expenditures anticipated for annexation of property into the City, including one-time capital costs of facilities and recurring operating costs and revenues over a 20-year period.
- t. A study of fiscal effects on other governmental entities/tax agreements, funded by the applicant, shall be prepared and submitted by a third-party consultant selected by mutual agreement between the City and the applicant. As applicable, the third-party consultant shall also prepare, at the applicant's expense, proposed tax-sharing agreements.
- u. A written narrative addressing the proposal's consistency with the criteria approval criteria specified in 17.345.035.
- v. Land use amendment applications for Comprehensive Plan designation and related mapping and applicable policies and Zoning map and text changes consistent with the requirements of 17.360.
- w. Annexation Agreement. Funded by the applicant, a draft Annexation Agreement shall be submitted noting potential fiscal impacts upon the City caused by the proposed annexation and how the fiscal impacts would be resolved. The draft Agreement shall address, at a minimum, connection to and extension of public facilities and services. Connection to public facilities and services shall be at the discretion of the City, unless otherwise required by ORS. Where public facilities and services are available and can be extended, the applicant shall be required to do so.

17.345.030 Notice of Public Hearing.

In addition to the requirements of CBMC Section 17.130.110 the following are also required for annexation applications:

- a. Mailed Notice. Notice of the annexation application shall be mailed to:
 - (1) The applicant, property owner and active electors in the affected territory;
 - (2) Owners and occupants of properties located within 300 feet of the perimeter of the affected territory;
 - (3) Affected special districts and all other public utility providers; and
 - (4) Coos County Planning Department, and Coos County Board of Commissioners.
- b. Published Notice. Notice of the City Council public hearing shall be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city
- c. Posted Notice. Notice of the City Council public hearing shall be posted in four public

places in the city for two successive weeks prior to the Council public hearing.

17.345.035 Annexation Criteria.

An annexation application may be approved only if the City Council finds that the proposal conforms to the following criteria:

- a. The affected territory proposed to be annexed is within the City's urban growth boundary, and is;
 - (1) Contiguous to the City limits; or
 - (2) Separated from the City only by a public right-of-way or a stream, lake or other body of water.
- b. The proposed annexation is consistent with applicable policies in the Coos Bay Comprehensive Plan.
- c. The proposed annexation will result in a boundary in which key services can be provided.
- d. Where applicable, fiscal impacts to the City have or can be mitigated through an Annexation Agreement or other mechanism approved by the City Council.
- e. The proposed annexation has a positive or neutral fiscal impact to the City.
- f. The proposed annexation complies with existing Comprehensive Plan policies.
- g. The City has, or will have capacity with financial resources provided by the annexed area, services and infrastructure to accommodate future development of the annexation.

17.345.040 Council Decision and Final action

- a. The City Council shall review the recommendation of the Planning Commission as specified in 17.130.110 (3) specific to the requirements of 17.345. The Planning Commission shall make a recommendation to the city council, based on substantial evidence in the record, consideration of the requirements and criteria of 17.345 and whether the proposed annexation is consistent with the comprehensive plan or that substantial changes in conditions have occurred which render the comprehensive plan inapplicable to the annexation. The council shall conduct a public hearing prior to adoption of an annexation ordinance, consistent with this title and applicable state law after review the planning commission recommendation and either affirm, alter, or remand the annexation proposal back to the planning commission consistent with ORS 220.111 through 220.183.
- b. Council action on the annexation shall be determined by ordinance concurrent with a resolution adopting an annexation agreement that includes but is not limited to a comprehensive plan designation and zoning of the annexed areas and annexation conditions noted in 17.345.025 (w) and (x).

17.345.045 Conditions.

The planning commission may recommend and the city council may impose special conditions necessary to mitigate potential social, environmental, and physical impacts resulting from the annexation and/or to facilitate the provision of public facilities and services. Council imposition of annexation conditions will be included in the Annexation agreement between the City and

applicant when the annexation is proposed by a property owner(s). [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.342.050].

17.345.050 Effective Date and Filing of Approved Annexation.

- a. The effective date of an approved annexation shall be set in accordance with ORS 222.040, 222.180 or 222.465.

- b. Filing of Approved Annexation.
 - (1) Not later than 10 working days after the passage of an Ordinance approving an annexation, the City shall:
 - (i) Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives, and telecommunications carriers (as defined in ORS 133.721) operating within the City; and
 - (ii) Mail a notice of the annexation to the Secretary of State, Department of Revenue, Coos County Clerk, Coos County Assessor, affected districts, and owners and electors in the affected territory. The notice shall include:
 - A. A copy of the Ordinance approving the annexation;
 - B. A legal description and map of the annexed territory;
 - C. The findings; and
 - D. Each site address to be annexed as recorded on Coos County assessment and taxation rolls. The notice to the Secretary of State will also include copies of the petitions signed by electors and/or owners of the affected territory as required in this Section.
 - (2) If the effective date of an annexation is more than one year after the City Council passes the Ordinance approving it, the City shall mail a notice of the annexation to the Coos County Clerk not sooner than 120 days and not later than 90 days prior to the effective date of the annexation.

17.345.55 Definitions

Affected District. Each special district named in a petition that contains or would contain territory for which a boundary change is proposed or ordered. Affected district also means a district or districts, named in a petition, for which a boundary change is proposed or ordered.

Affected Territory. Territory described in a petition. Affected territory also means an area within the urban growth boundary of a city that is otherwise eligible for annexation to a city where there exists an actual or alleged danger to public health as defined in ORS 222.

Annexation. The attachment or addition of territory to, or inclusion of territory in, an existing city or district.

Annexation Agreement. A written agreement between the City and owners of land requesting annexation that states the terms, conditions and obligations of the parties to mitigate fiscal and service impacts to the City associated with the annexation and future development of the property. The agreement may be used to ensure annexation consistent with the Comprehensive Plan.

Boundary Change. An action by the City Council duly authorized by ORS 222 that results in the adjustment of the City limits or the boundary of a special district.

Contiguous. Territory that abuts the City limits at any point along the property's exterior boundary or separated from the City limits by a public right of way or a stream, bay, lake, or other body of water.

Effective Date of Annexation. The effective date of the boundary changes as prescribed in ORS 222.040, 222.180, or 222.465.

Elector. An active registered voter at an address within the affected territory.

Filing. The submittal of materials to initiate a boundary change process.

Initiation Methods. Any of the following descriptions of participants and documentation necessary for commencement of City annexation process:

- a. All of the owners of land in the territory proposed to be annexed, and not less than 50 percent of the electors, if any, residing in the territory proposed to be annexed, have consented in writing to the annexation and file a statement of their consent to annexation with the City;
- b. More than half of the owners of land in the territory proposed for annexation who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation and file a statement of their consent to annexation with the City;
- c. A majority of the electors registered in the territory proposed to be annexed and owners of more than half of the land in that territory consent in writing to the annexation and file a statement of their consent to annexation with the City;

Legal Description. As defined in ORS 308.225(2), which states: the legal description of the boundary change shall consist of a series of courses in which the first course shall start at a point of beginning and the final course shall end at that point of beginning. Each course shall be identified by bearings and distances and, when available, refer to deed lines, deed corners, and other monuments, or, in lieu of bearings and distances, be identified by reference to:

- a. Township, range, section, or section subdivision lines of the U.S. Rectangular survey system.
- b. Survey centerline or right-of-way lines of public roads, streets or highways.
- c. Ordinary high water or ordinary low water of tidal lands.
- d. Right-of-way lines of railroads.
- e. Any line identified on the plat of any recorded subdivision defined in ORS 92.010.
- f. Donation land claims.
- g. Line of ordinary high water and line of ordinary low water of rivers and streams, as defined in ORS 274.005, or the thread of rivers and streams.

In lieu of the requirements of the above, boundary change areas conforming to areas of the U.S. Rectangular survey may be described by township, section, quarter-section or quarter-quarter section, or if the areas conform to subdivision lots and blocks, may be described by lot and block description.

Notice. An ordinance, resolution, order, or other similar matter providing notice authorized or required to be published, posted, or mailed.

Owner. The legal owner of record according to the latest available Coos County tax assessment roll or, where there is an existing recorded land contract that is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land, each consenting owner is counted as a fraction to the same extent as the interest of the other owners and the same fraction is applied to the parcel's land mass and assessed value for purposes of consent petition. If a corporation owns land in the affected territory, the corporation must be considered the individual owner of that land.

Petition. Any document such as signature sheets, resolutions, orders, or articles of incorporation, required for initiating an annexation, withdrawal, or provision of extraterritorial services. In the case of a petition initiated by property owners, the person signing on behalf of a corporation or business must provide evidence showing that person is authorized to sign legal documents for the firm.

Proposal. The set of documents required to initiate proceedings for a boundary change.

Special District. Any of the districts identified in ORS 198.

Urban Growth Boundary. A site-specific line, delineated on a map or by written description that separates urban and urbanizable land from rural lands, that is part of a Comprehensive Plan.

ATTACHMENT B

Chapter 17.345 ANNEXATION

Sections:

- 17.345.010 ~~General Purpose.~~
- 17.345.020 Initiation.
- 17.345.025 Application Requirements.
- 17.345.030 Notice.
- 17.345.035 Annexation Criteria.
- ~~17.345.030 Hearing.~~
- 17.345.040 Council Decision and Final Action. ~~Decision.~~
- 17.345.045 ~~50~~ Conditions. ~~Conditions~~
- ~~17.345.060 Zoning of annexed area.~~
- 17.345.057 0 Effective Final action Date and Filing of Approved Annexation
- 17.345.055 Definitions

17.345.010 Purpose. General.

Annexation procedures are meant to facilitate the orderly expansion of the city and the efficient extension of public facilities and services. They are also intended to provide adequate public review and establish a system for measuring the physical, environmental, and related social impacts of a proposed annexation. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.342.010].

17.345.020 Initiation.

In accordance with state law, initiation of an annexation may be made by a majority vote of the City Council or by initiation methods of the petition of a property owner(s) in the area proposed for annexation, ~~or by a majority vote of the city council.~~ [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.342.020].

17.345.025 Application Requirements.

An annexation application shall include information required by CBMC 17.130.040 and the following:

a. A list of all owners, including partial holders of owner interest, within the affected territory, indicating for each owner:

- (1) Affected tax lots, including the township, section and range numbers.
- (2) Street or site addresses within the affected territory identified by Coos County.
- (+)(3) List of all eligible electors registered at addresses within the affected territory.
- (4) For property owner-initiated annexation(s), a signed petition as specified in 17.345.025(b)

b. Written consent on City-approved petition forms that are:

- (1) Completed and signed, in accordance with ORS 222.125, by:
 - (i) All of the owners within the affected territory; and
 - (ii) Not less than 50 percent of the eligible electors, if any, registered within the affected territory; or
- (2) Completed and signed, in accordance with ORS 222.170, by:
 - (i) More than half the owners of land in the territory, who also own more than half the land in the contiguous territory and of real property therein representing

more than half the assessed value of all real property in the contiguous territory;
or

(ii) A majority of the electors registered in the territory proposed to be annexed and a majority of the owners of more than half the land.

(3) Publicly owned rights-of-way can be added to annexations initiated by these two methods without any consents.

c. A City Council resolution to initiate a boundary change, including but not limited to rights-of way.

b.d. In lieu of a petition form described in 17.345.025(b), an annex form that has not yet expired as specified in ORS 222.173.

e. Verification of Property Owners signed by the Coos County Assessor.

f. An ORS 195.305 waiver form signed by each owner within the affected territory.

g. A statement of consent signed by each owner within the affected territory as allowed by ORS 222.173; statements filed within any one-year period shall be effective, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city.

h. A legal description of the affected territory proposed for annexation consistent with ORS 308.225 that will include contiguous or adjacent right-of-way to ensure contiguity as required by ORS 222.111.

i. A map identifying the property territory and its relationship to the city limits, including but not limited to size, shape, configuration of the property, how the property would connect to city services, bearings and distances and the boundaries of parcels, lots, and tracts of land.

j. A vicinity map.

k. A list of the special districts providing services to the affected territory and evidence of communication with districts advising of application for annexation.

l. A utility plan describing how the proposed affected territory can be served by city facilities and services.

m. The distribution, location and extent of the proposed uses of the land within the annexation territory, including open space;

n. Standards for density, land use and building intensity proposed for area proposed to be annexed.

o. Proposed parks, open space, and conservation of natural resources;

p. The proposed distribution, location, phasing and extent of major components of traffic circulation, wastewater collection and treatment, water sources, drainage, schools, and other public services and facilities appropriate to serve development within the annexation territory.

g. Facilities and Services capacity analysis. Funded by the applicant, analysis of the city's capacity to provide facilities and services. The study shall assess the ability of the City to provide the various municipal facilities and services that will be necessary to accommodate the proposed annexation and planned development therein. These should include: wastewater collection and treatment; storm-water management; water supply and distribution; streets and circulation; fire protection; police services; parks; and others as appropriate.

r. Proposed standards and criteria for future development.

s. Annexation Study. Funded by the applicant and including city administrative costs, an Annexation study shall be prepared by a third-party consultant selected by mutual agreement between the City and the applicant to complete a comprehensive study of fiscal impacts of the proposed annexation to the City. The Study shall address the full range of revenues and expenditures anticipated for annexation of property into the City, including one-time capital costs of facilities and recurring operating costs and revenues over a 20-year period.

t. A study of fiscal effects on other governmental entities/tax agreements, funded by the applicant, shall be prepared and submitted by a third-party consultant selected by mutual agreement between the City and the applicant. As applicable, the third-party consultant shall also prepare, at the applicant's expense, proposed tax-sharing agreements.

u. A written narrative addressing the proposal's consistency with the criteria approval criteria specified in 17.345.035.

v. Land use amendment applications for Comprehensive Plan designation and related mapping and applicable policies and Zoning map and text changes consistent with the requirements of 17.360.

w. Annexation Agreement. Funded by the applicant, a draft Annexation Agreement shall be submitted noting potential fiscal impacts upon the City caused by the proposed annexation and how the fiscal impacts would be resolved. The draft Agreement shall address, at a minimum, connection to and extension of public facilities and services. Connection to public facilities and services shall be at the discretion of the City, unless otherwise required by ORS. Where public facilities and services are available and can be extended, the applicant shall be required to do so.

17.345.030 Notice of Public Hearing.

In addition to the requirements of CBMC Section 17.130.110 the following are also required for annexation applications:

- 1) Mailed Notice. Notice of the annexation application shall be mailed to:
 - a. The applicant, property owner and active electors in the affected territory;
 - b. Owners and occupants of properties located within 300 feet of the perimeter of the affected territory;
 - c. Affected special districts and all other public utility providers; and
 - d. Coos County Planning Department, and Coos County Board of Commissioners.
- 2) Published Notice. Notice of the City Council public hearing shall be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city
- 3) Posted Notice. Notice of the City Council public hearing shall be posted in four public places in the city for two successive weeks prior to the Council public hearing.

17.345.035 Annexation Criteria.

An annexation application may be approved only if the City Council finds that the proposal conforms to the following criteria:

a. The affected territory proposed to be annexed is within the City's urban growth boundary, and is;

(1) Contiguous to the City limits; or

(2) Separated from the City only by a public right-of-way or a stream, lake or other body of water.

b. The proposed annexation is consistent with applicable policies in the Coos Bay Comprehensive Plan.

c. The proposed annexation will result in a boundary in which key services can be provided.

d. Where applicable, fiscal impacts to the City have or can be mitigated through an Annexation Agreement or other mechanism approved by the City Council.

e. The proposed annexation has a positive or neutral fiscal impact to the City.

f. The proposed annexation complies with existing Comprehensive Plan policies.

g. The City has, or will have capacity with financial resources provided by the annexed area, services and infrastructure to accommodate future development of the annexation.

17.345.030 — Hearing.

~~Upon initiation of an annexation, the council shall set a date for a public hearing to be held before the planning commission in accordance with all provisions of this chapter to determine whether the proposed annexation complies with the comprehensive plan. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.342.030].~~

17.345.040 ~~040~~ Council Decision and Final action.

a. The City Council shall review the recommendation of the Planning Commission as specified in 17.130.110 (3) specific to the requirements of 17.345. The Planning Commission shall make a recommendation to the city council, based on substantial evidence in the record, consideration of the requirements and criteria of 17.345 and, whether the proposed annexation is consistent with the comprehensive plan or that substantial changes in conditions have occurred which render the comprehensive plan inapplicable to the annexation. The council shall conduct a public hearing prior to adoption of an annexation ordinance, consistent with this title and applicable state law after review the planning commission recommendation and ~~recommendation of the planning commission and~~ either affirm, alter, or remand the annexation proposal back to the planning commission consistent with ORS 220.111 through 220.183.

b. Council action on the annexation shall be determined by ordinance concurrent with a resolution adopting an annexation agreement that includes but is not limited to a comprehensive plan designation and zoning of the annexed areas and annexation conditions noted in 17.345.025 (w) and (x). [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.342.040].

17.345.004550 Conditions.

The planning commission may recommend and the city council may impose special conditions necessary to mitigate potential social, environmental, and physical impacts resulting from the annexation and/or to facilitate the provision of public facilities and services. Council imposition of annexation conditions will be included in the Annexation agreement between the City and applicant when the annexation is proposed by a property owner(s). [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.342.050].

17.345.060 — Zoning of annexed area.

~~Zoning regulations applicable to an area prior to its annexation shall continue to apply in accordance with state law unless at the time of annexation or at a subsequent time the city council rezones the annexed parcel consistent with the comprehensive plan and this title. The annexation ordinance shall expressly provide for the zoning of the annexed area. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.342.060].~~

17.345.070 — Final action.

~~The city council shall conduct a public hearing prior to adoption of an annexation ordinance, consistent with this title and applicable state law. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.342.070].~~

17.345.050 Effective Date and Filing of Approved Annexation.

a. The effective date of an approved annexation shall be set in accordance with ORS 222.040, 222.180 or 222.465.

b. Filing of Approved Annexation.

(1) Not later than 10 working days after the passage of an Ordinance approving an annexation, the City shall:

(i) Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives, and telecommunications carriers (as defined in ORS 133.721) operating within the City; and

(ii) Mail a notice of the annexation to the Secretary of State, Department of Revenue, Coos County Clerk, Coos County Assessor, affected districts, and owners and electors in the affected territory. The notice shall include:

(aa) A copy of the Ordinance approving the annexation;

(bb) A legal description and map of the annexed territory;

(cc) The findings; and

(dd) Each site address to be annexed as recorded on Coos County assessment and taxation rolls. The notice to the Secretary of State will also include copies of the petitions signed by electors and/or owners of the affected territory as required in this Section.

(2) If the effective date of an annexation is more than one year after the City Council passes the Ordinance approving it, the City shall mail a notice of the annexation to the Coos County Clerk not sooner than 120 days and not later than 90 days prior to the effective date of the annexation.

17.345.055 Definitions

1) **Affected District.** Each special district named in a petition that contains or would contain territory for which a boundary change is proposed or ordered. Affected district also means a district or districts, named in a petition, for which a boundary change is proposed or ordered.

2) **Affected Territory.** Territory described in a petition. Affected territory also means an area within the urban growth boundary of a city that is otherwise eligible for annexation to a city where there exists an actual or alleged danger to public health as defined in ORS 222.

3) **Annexation.** The attachment or addition of territory to, or inclusion of territory in, an existing city or district.

4) **Annexation Agreement.** A written agreement between the City and owners of land requesting annexation that states the terms, conditions and obligations of the parties to mitigate fiscal and service impacts to the City associated with the annexation and future development of the property. The agreement may be used to ensure annexation consistent with the

Comprehensive Plan.

5) **Boundary Change.** An action by the City Council duly authorized by ORS 222 that results in the adjustment of the City limits or the boundary of a special district.

6) **Contiguous.** Territory that abuts the City limits at any point along the property's exterior boundary or separated from the City limits by a public right of way or a stream, bay, lake, or other body of water.

7) **Effective Date of Annexation.** The effective date of the boundary changes as prescribed in ORS 222.040, 222.180, or 222.465.

8) **Elector.** An active registered voter at an address within the affected territory.

9) **Filing.** The submittal of materials to initiate a boundary change process.

10) **Initiation Methods.** Any of the following descriptions of participants and documentation necessary for commencement of City annexation process:

a. All of the owners of land in the territory proposed to be annexed, and not less than 50 percent of the electors, if any, residing in the territory proposed to be annexed, have consented in writing to the annexation and file a statement of their consent to annexation with the City;

b. More than half of the owners of land in the territory proposed for annexation who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation and file a statement of their consent to annexation with the City;

c. A majority of the electors registered in the territory proposed to be annexed and owners of more than half of the land in that territory consent in writing to the annexation and file a statement of their consent to annexation with the City;

11) **Legal Description.** As defined in ORS 308.225(2), which states: the legal description of the boundary change shall consist of a series of courses in which the first course shall start at a point of beginning and the final course shall end at that point of beginning. Each course shall be identified by bearings and distances and, when available, refer to deed lines, deed corners, and other monuments, or, in lieu of bearings and distances, be identified by reference to:

a. Township, range, section, or section subdivision lines of the U.S. Rectangular survey system.

b. Survey centerline or right-of-way lines of public roads, streets or highways.

c. Ordinary high water or ordinary low water of tidal lands.

d. Right-of-way lines of railroads.

e. Any line identified on the plat of any recorded subdivision defined in ORS 92.010.

f. Donation land claims.

g. Line of ordinary high water and line of ordinary low water of rivers and streams, as defined in ORS 274.005, or the thread of rivers and streams.

In lieu of the requirements of the above, boundary change areas conforming to areas of the U.S. Rectangular survey may be described by township, section, quarter-section or quarter-quarter section, or if the areas conform to subdivision lots and blocks, may be described by lot and block description.

12) **Notice.** An ordinance, resolution, order, or other similar matter providing notice authorized or required to be published, posted, or mailed.

13) **Owner.** The legal owner of record according to the latest available Coos County tax assessment roll or, where there is an existing recorded land contract that is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land, each consenting

owner is counted as a fraction to the same extent as the interest of the other owners and the same fraction is applied to the parcel's land mass and assessed value for purposes of consent petition. If a corporation owns land in the affected territory, the corporation must be considered the individual owner of that land.

14) **Petition.** Any document such as signature sheets, resolutions, orders, or articles of incorporation, required for initiating an annexation, withdrawal, or provision of extraterritorial services. In the case of a petition initiated by property owners, the person signing on behalf of a corporation or business must provide evidence showing that person is authorized to sign legal documents for the firm.

15) **Proposal.** The set of documents required to initiate proceedings for a boundary change.

16) **Special District.** Any of the districts identified in ORS 198.

17) **Urban Growth Boundary.** A site-specific line, delineated on a map or by written description that separates urban and urbanizable land from rural lands, that is part of a Comprehensive Plan.

ATTACHMENT C
CBMC section 17.360.060 Approval criteria and findings

Criteria (a) The proposed amendment is consistent with the applicable policies of the comprehensive plan or that a significant change in circumstances requires an amendment to the plan or map.

Finding #1: The Council finds that adoption of the requirements noted in this ordinance provide the City with a tool to identify if and how a future annexation request can authorize to assure compliance with the City's economic development and housing goals. The Council further finds that the City is in the process of updating the 2020 Housing Needs Analysis and hereby determines that while the Comprehensive Plan also identifies a goal to *“designate, maintain and amend when appropriate, an urban growth boundary (UBG) designed to restrain urban sprawl and minimize adverse “cost of growth” impacts on city taxpayers.* The current City annexation requirements lack specificity to fully analyze and measure said impacts and must be modified to appropriately address the requirements of the Comprehensive Plan.

The amendments to CBMC chapter 17.345 Annexations identify clear and comprehensive requirements for future annexation proposals for new development and activities to meet Coos Bay Comprehensive Plan Economic Development and Objectives to encourage and support economic growth, maintain and expand a diversified economy, recruit businesses, working to retain, expand and strengthen local businesses, recruit sustainable industries and industries that provide “green-collar” jobs, and to maximize use of Coos Bay's unique geographic and recreational assets and cultural heritage. These goals are supported with objectives to promote housing necessary for economic development and enhanced quality of life and establish a range of housing to accommodate a variety of price points and varying populations.

Criteria (b) The proposed amendment is in the public interest;

Finding #2: The City Council finds the amendment to CBMC Section 17.345 Annexations will enable the City to evaluate and assure availability of city resources will enable adequate evaluation of future contributions to the City by annexation applicants in exchange for annexation of property.

Criteria (c-f) Approval of the amendment will not result in a decrease in the level of service for capital facilities and services; (d) The proposed amendment is consistent with the city of Coos Bay's planned transportation system as described within the transportation system plan; (e) The proposed amendment is consistent with the adopted transportation system plan and would facilitate the planned function, capacity, and performance standards of the impacted facility or facilities; and (f) The proposed amendment shall be consistent with the OAR [660-012-0060](#) requirements. Where it is found that a proposed amendment would have a significant effect on a transportation facility in consultation with the applicable roadway authority, the city shall work with the roadway authority and applicant to modify the amendment request or mitigate the impacts in accordance with the TPR and applicable law.

Finding #3: The City Council finds the amendment will not decrease the level of service for capital facilities and services, is consistent with the Coos Bay transportation system as described within the transportation system plan; and will not impact the planned function, capacity, and performance standards of city facilities.

ATTACHMENT D

AFFIDAVIT OF PUBLICATION

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I, Dawn Smith, first duly sworn, deposed and say that I am the Legal Advertising Clerk for THE WORLD, a newspaper of general circulation published at Coos Bay, Oregon, in the aforesaid county and state; that I know from my personal knowledge that the matter of the **Public Hearing Notice** copy was published in the entire issue of said newspaper one time(s) in the following issue(s):

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Legal Clerk, Dawn Smith, Subscribed and sworn before on this 13th of March 2022



Notary Public of Oregon-My Commission expires March 14, 2025



City of Coos Bay Public Hearing Notice
Tuesday, March 15, 2022 at 7 PM
500 Central Ave in the City Council chambers
The Coos Bay City Council will hold a public hearing to 1) consider addition of Chapter 17.370 to the Municipal Code identifying annexation application criteria and standards and 2) consider modification of Municipal Code land use tables to allow for tourist habitation homestays in residential and commercial areas (Tables 17.220.020, 17.225.030 and 17.230.060.) Reports on the draft amendment(s) will be posted at coosbay.org on Tuesday, March 7, 2022 by 5 PM. Comments for Council consideration and further information may be sent to Carolyn Johnson, Community Development Administrator by calling 541-269-1181 extension 2287; emailing to cjohnson@coosbay.org; or a letter by US mail or in person delivery to the Community Development Department, City Hall, 500 Central Ave, Coos Bay. The City Council's final decisions may be appealed to the Land Use Board of Appeals pursuant to ORS 197.830.
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