



**Planning Commission
July 14, 2020 6 PM Public Hearing
Agenda Staff report**

Date: July 14, 2020

To: Planning Commission

From: Carolyn Johnson, Community Development Administrator

Subject: Quasi-Judicial¹ Review of Land Use application for Site Plan Review and Conditional Use Permits for project #187-20-000015-PLNG.

Applicant: Red Moon Development

Location: Lindy Lane - 25S-13W-28, TL 600 and 25S-13W-21C TL 900, 902 & 903.

Staff Recommendation: Planning Commission repeal of June 9, 2020 approval of project 187-20-000015-PLNG and approval of Land use Application 187-20-000015-PLNG subject to the Attachment A, Section 1 findings for approval and Section 2 project conditions

I. The Proposal/Project Description

Development of a 450 manufactured home park, clubhouse, children's play area, placement of manufactured homes, and all related on-site and off-site improvements (Project) as shown on Attachment B. The 450-unit manufactured home park would include applicant ownership of the land area and placement and sale of the individual manufactured homes.

II. Background

On April 24, 2019, a pre-application for the development of a Manufactured home park for 450 homes was reviewed by the City with the Applicant. The Pre-application notes can be found <http://coosbay.org/departments/community-development-department> under "Notable Projects." On April 6, 2020, the applicant submitted the Project land use application for the Site Plan Review and Conditional use permit. The application was deemed incomplete on May 6, 2020. Additional required information was submitted and the application was determined to be complete on May 18, 2020. The Planning Commission approved the project on June 9, 2020. Subsequently a public hearing noticing error was discovered that precluded participation in the public hearing process by property owners within 300 feet of the entire project site.

¹ Type III land use application
Land Use Application 187-20-000015-PLNG Planning Commission staff report. 07.14.2020

The project application form included a requirement to identify the tax lots of the subject application. Tax lot 902 was not included in the application form.

Staff reviewed the application for completeness, but in part because tax lot 902 was not listed on the application, did not catch that the proposed Lindy Lane sidewalk and erosion control infrastructure extended onto TL 902. Notification for the June 9 Planning Commission meeting was provided to individuals within 300 feet of Tax lots 600, 900 and 903, but not lot Tax lot 902. Mr. Jim McKee, the property owner at 565 Lindy Lane, was in contact with staff following the June 9 meeting and pointed out his property and others that should have been notified. (See Attachment C) Upon staff review of the land use application plans, staff discovered four sheets noting proposed project sidewalk and erosion control construction were identified on Lot 902. With this information and special land use counsel advisement, it was concluded, and the applicant agreed upon on a do-over of the June 9 public hearing.

III. Site issues and project requirements.

The Project has a combination of standard and unique design site attributes due to the topography and connection ability to the public sewer system. The constructed sewer and road facilities on site are to be owned and maintained by the owner until they connect to the public right-of-way. The ownership of improvements within the public ROW of Lindy Lane and Fulton Avenue will be transferred to the City of Coos Bay (City) at the completion and acceptance of the project. Site topography/grading, onsite drainage, a private sanitary sewer system, integration of the project into the public sewer system, the public stormwater system and transportation to and from the site were issues addressed with the application's assessment studies and staff analysis for compliance with City, State and technical study requirements. The following issues and studies are referenced in the Project Conditions, and technical information that can be found at <http://coosbay.org/departments/community-development-department> under "Notable Projects".

1) **Geotechnical requirements:** A December 27, 2019 report titled, "Preliminary Geotechnical Engineering Report", prepared by PBS specifies geotechnical recommendations and requirements. The Report notes, *"Prior to construction, PBS should be engaged to review the project plans and specifications, and update our recommendations as necessary."* A final Geotechnical Engineering report must be submitted for review & approval by the City prior to Building Permit issuance. These requirements are referenced in Attachment A, Section 2, Condition IV. (2).

2) **Project Stormwater:** A 1200-C NPDES Stormwater permit issued by the Oregon Department of Water Quality. This permit is required by DEQ for disturbance of site areas of more than one acre in size. The applicant will follow and implement the conditions of that permit and meet the requirements as defined in the Oregon DEQ Erosion and Sediment Control Manual Prevention throughout construction as noted in Attachment A, Section 2, Condition III. (1a).

3) **Property Drainage:** A May 15, 2020 Drainage Report prepared by Flagline Engineering addresses the City's permanent storm management controls and requirements and identifies measures for stormwater collection that include a sump and bioswales, consistency with the Geotechnical report, and an inspection and maintenance procedure manual for the permanent water quality features.

Also specified in the report were the Project site's existing and proposed conditions and as well as calculations for storm drainage. This report outlined the design of these facilities to limit post-construction flows to the pre-construction flow values for the 2- and 25-year 24-hour storm events consistent with the City's engineering standards. The report also notes that the proposed storm system was designed following standard design and sizing practices as outlined in section 5.4 of the City of Coos Bay Engineering Design Standards (Standards)."

- 4) **Wetlands:** For the wetlands on the site, supporting documentation/approvals/permits will be required for any fill of wetland area.

Mr. Jim McKee submitted an 06.15.2020 letter (Attachment C) stating: *There are streams in the area that have covered by N Hemstead Con in the past. Look back at the complaints in 2014 about the problem, they still apply today.*

Staff comment: Staff is not aware of any issue regarding impacts to streams. This project has a Department of Environmental Quality (DEQ) 1200-C permit for construction. The permit requires the project to employ the appropriate temporary sediment and erosion control measures. These measures protect downstream waters from sediment and construction pollutants.

- 5) **Wastewater Treatment:** The Jacobs Engineering memo related to wastewater treatment notes that because this site was tributary to wastewater treatment plant 1, but the applicant was proposing to convey the wastewater flows to the wastewater treatment plant 2, the City of Coos Bay contracted with Jacobs Engineering to evaluate the capacity of waste WWTP#2 to establish if WWTP#2 can accept the proposed sewer flows from the development. The results of the evaluation dated April 17, 2019 state, "Coos Bay Wastewater Treatment Plant 2 Current Capacity Analysis for Future [Timber Cove] Development". The Memorandum further states: WWTP 2 has existing capacity to accommodate wastewater flow and BOD and TSS loads from the proposed **400** single family residence development".

The 2020 land use application Project description references 450 homes. If Red Moon Development informs the City that applications will be submitted for 450 homes, prior to permit issuance, the Jacobs report must be updated to analyze the impact of the additional homes and determine if WWTP 2 has capacity. See Attachment A, Section 2, II. (5) and (16a)

- 6) **Sanitary Sewer on private property:** The City doesn't regulate sanitary sewer on private property, the applicant must obtain permits through the State to facilitate the construction of the private infrastructure which will include on-site sanitary sewer, a private pump station, and a force main to convey the proposed flows to the public system.

The private force main that conveys the flows from the project site to the public system is aligned offsite and on private property not owned by the applicant. Applicant will acquire all utility access/maintenance easements from private parties for the construction and maintenance of the private sewer lateral, located offsite, that will service the proposed development. See Attachment A, Section 2, II. (20).

- 7) **Sanitary Sewer on public property:** There is a small portion of private infrastructure within the public right of way along Fulton, east of Radar road. Private infrastructure that is to be installed within the City's R/W will comply with CBMC 18.20 Sanitary Sewer & CBMC 18.35 Engineering Design Standards. See Attachment A, Section 2, II (24).

Mr. Jim Behrends questioned the construction of the public sewer as follows; *What will the timeline for the installation of the sewer on Fulton, and will this sewer line still be direction drilling or will we have the road torn up? Our earlier understanding of this project was that the sewer was to be installed by direction drilling is this still the case? (See attachment F)*

Staff comment: Construction of the sewer to on Fulton would be required prior to issuance of the first certificate of occupancy. The method of construction on the sewer has not yet been determined. The City's design standards allow for both direction drilling and conventional trench placement.

8) **Water Service:** Water service is provided by the Coos Bay North Bend Water Board. See Attachment A, Section 2, II. (8).

9) **Public Sanitary Sewer:** The Project will include a new public sanitary sewer system within the Fulton Ave to convey the Timber Cove Estates sewer flows. The sewer will be located in the right of way and will extend from the intersection of Radar and Fulton Road and continue in a westerly direction to the Fulton and Empire Avenue, where the flows will be ultimately treated by Wastewater Treatment Plant 2.

10) **Public Storm Water System:** A new public storm water system and its infrastructure to serve Lindy Lane will be developed within the Lindy Lane Right of Way will be constructed to capture and safely convey all road runoff consistent with the Drainage report and CBMC Chapter 18.25 for the design of the proposed public storm water system. The Project will also include water quality measures in the public right of way to treat the street runoff. See Attachment A, Section 2, I. (11)

11) **Transportation:** The applicant secured Sandow Engineering to conduct for the Project a March 17, 2020 Traffic Impact Analysis (TIA) and to supplement the TIA, a May 1, 2020 Technical memo. Conclusions of these reports included but were not limited to:

- Restriping of Ocean Boulevard to include one lane in each direction and a center two-way left turn lane. This limit of the restriping configuration will extend from Merrill Street to the southwest to a point east of Lindy Lane and incorporate a 100-foot left turn storage east of Lindy Lane before beginning a taper and transition. No signal improvements are warranted as a result of this project.
- An approximately 900-foot-long queuing length for the northbound left turn movement on Lindy Lane at Ocean Boulevard and a cross-section to accommodate the left and right turn lanes on Lindy Lane at Ocean Grove and mitigate the long queuing length.

Attachment A Section 2 V, conditions 1, 2, and 4; these project conditions specifying transportation improvements to be complete prior to issuance of the first certificate of occupancy for the Manufactured home park.

A letter was received from Mr. Jim McKee and included in the record as Attachment C to this report. Each of Mr. McKee's comments that can be addressed by staff with factual information are noted below:

-The proposed subdivision is a repeat of 2014.

Staff comment: In 2013 the City of Coos Bay received an application (187-ZON13-037) for "Ocean Grove Homes" which proposed a two-phase development. The first phases primary goal was to provide an adequate number of beds and logistical services for temporary workers on the Jordan Cove LNG terminal construction. 163 buildings and 766 total units were proposed, which equals 1,356 total bedrooms.

The second phase involved modifying the interior living spaces of the existing buildings to provide market housing for permanent term residents. The building count was not expected to change, but the total number of residential units was expected to decrease to 642. The total bedroom count was expected to decrease to 1,116.

The development received land use approval on April 14, 2014. For special development permits if development is not commenced within a year after approval the approval is withdrawn. With subdivision, approval of a preliminary plat expires three years from the effective date of the decision approving it unless, within that time, an applicant files an application for an extension. A review of our records found no request for an extension; Therefore, all land use approvals expired on April 14, 2017.

-We need a stop light.

Staff comment: The project TIA indicates that no signal improvements are warranted as a result of the project.

-The Road must be paved.

Staff comment: Paving Lindy Lane is a condition of the project, see Attachment A, Section 2 Condition V.2 which specifies compliance with the TIA and all road improvements.

-If you make the road 50' wide some of my driveway will be removed.

Staff comment: The City's road standards require the 50' width. Street improvements on Lindy Lane are required of the applicant as a project condition.

In 2008, Mr. McKee was granted a building permit by the City to establish a storage building and agreed (Attachment F) that he would waive remonstrance against any future street improvement projects on Lindy Lane. Discussion with the City Attorney verifies that the agreement is binding and in force.

-The cars will be a traffic problem.

-The corner on Ocean will need to be changed

-Traffic on Ocean will be a big problem.

Mr. John Zimmerman provided an email to staff on June 29, 2020 which stated:

Regarding your notice about a 450-unit Manufactured Home Park approval: no such park should be allowed unless Ocean Blvd is 4 lanes, with turnouts, from downtown all the way to the Y. A 1 lane stretch with all the extra traffic would be too congested; involving another access light--and wait. Probably all new residents would have vehicles and would drive around town adding more congestion at the Newmark-Woodlawn intersection as well as overcrowding downtown 101 even further, let alone other bottlenecks. Additional public employees would be required necessitating more tax requirements which might offset new property tax revenues.

In any case you won't or can't widen the thoroughfares so adding additional homes irresponsible. It is past time to recognize that the Bay Area has no more room for expansion while maintaining our quality of life.

Staff comment: The TIA identifies mitigations to Ocean Blvd and Lindy Lane required of the applicant as a part of the project approval. These mitigations are improvements to both roads to accommodate the traffic from the project at the level of service required by the City. The City's consulting transportation engineer is available at the July 14, 2020 Planning Commission meeting to further elaborate.

Mr. Jim Behrends inquired: *Are the improvements to Lindy and Ocean at a level that exceeds the lowest requirement levels for this type of development. The question is are the left turn and right turn lanes and the relining and road improvements extensive enough to keep this section of Ocean fairly accident free? As we recall the traffic count numbers that were used for this project were somewhat dated, and Ocean has a long history of injury accidents involving left and right turning vehicles in to parking lots and side streets. Please keep in mind that Ocean will get much more traffic as the Empire Core is developed, and it is our view that current Transportation planning and the upcoming Bay Area TSPS does not reflect the "real" growth in the area.*

Staff comment: A response to Mr. Behrends was provided noting the left turn and right turn lanes and relining and road improvements to Lindy Lane and Ocean will meet the City's Transportation System Plan and Municipal Code Requirements. Sandow Engineering addressed intersection operations and safety aspects required by the City's regulations. Intersection capacity, queue lengths, available gaps in traffic, crash history, and sight distance were some of the issues evaluated and addressed. The project would include restriping Ocean Boulevard to include one lane in each direction and center two-way left turn lane. The limits of striping will extend from Merrill Street to a point 100 feet southeast of Lindy Lane. The taper will be in conformance with AASHTO guidelines. There will be a dedicated eastbound right turn drop lane on Ocean Boulevard at Lindy Lane. The required improvements will ensure that the intersection will be able to support the proposed project.

12) **Emergency Access:** Emergency access is provided to the east of Fulton and west of the project site.

Mr. Jim Behrends inquired about emergency access. *We were understanding that the purposed access road connecting to Fulton from this project was reviewed and as first proposed was not enough of a road to meet the evacuation standards for a community this size. What type of emergency access road is now purposed for this project?*

Staff comment: The proposed access to the east of Fulton and west of the project is for emergency purposes only and will not be open to the public. The emergency access will be a road extending westerly from the project property line of the project to the improved portion of Fulton Avenue. The public access will be Lindy Lane.

13) **Fire Breaks:**

Mr. Jim Behrends inquired: *We did not also see any attention given to fire breaks in this projects or vegetation management.*

Staff comment: The Fire Chief responded to Mr. Behrends noting that "The fire code does not provide clear authority for the management or maintenance of fire breaks, vegetation control or defensible space. Our best resource for regulating or ensuring that things are kept up is the Municipal code (8.10.040 Noxious Vegetation). This requires the property owner to maintain and/or remove vegetation that is or likely to become a health hazard, fire hazard or traffic hazard." The project Final Order (Attachment A) requires compliance with all city codes and requirements.

14) **Additional public comments and staff responses.**

City Engineering staff had an opportunity to accept and respond to questions from the public regarding the project proposal. Each are noted below;

Carolyn Johnson

To: Greg Hamblet
Subject: RE: Conversations with residents on Lindy Lane

From: Greg Hamblet <ghamblet@coosbay.org>
Sent: Friday, June 19, 2020 11:38 AM
To: Jennifer Wirsing <jwirsing@coosbay.org>
Cc: Carolyn Johnson <cjohnson@coosbay.org>
Subject: Conversations with residents on Lindy Lane

Jennifer,

Please be advised that yesterday June 18, 2020, I had a phone conversation with Kevin Brawley who lives @ 610 Lindy Lane. He had concerns regarding the Timber Cove Oasis development and wanted some questions answered. I have summarized our conversation below.

I have listed his questions and my responses below.

1. He asked about access to his property?
 - a. I advised him that we will require the applicant to maintain property access during construction and that improvements will involve permanent access to his property via curb cuts.
2. He asked about the culvert, he expressed concerns that the culvert has failed on or near his property and wanted to know if it would be replaced.
 - a. I advised him that the City and the developer have agreed to a cost share to replace the existing culvert.
3. He asked about trees on or adjacent to his property.
 - a. I advised that if a tree is in the R/W then it will probably be coming down. If any damage occurs to his private property during the construction of the of the roadway. The developer should be required to replace in kind or better condition.
 - i. He replied to this concern that he was not terribly concerned, he just wanted to know what would happen if...?
4. He asked about a traffic light at the intersection of Lindy Lane & Ocean Blvd.
 - a. I advised him that the intersection does not warrant a traffic signal at this time, and that the projection to 2028 did not warrant the installation of a traffic signal. I did discuss the proposed road striping on Lindy Lane & Ocean Blvd.
 - i. After this conversation his concerns were satisfied, or he did not voice any further concerns regarding this issue.

Today June 19, 2020, I had a conversation with the resident of 635 Lindy Lane. Melissa Shire called me to discuss concerns for the following topics. I have document my responses below as well.

1. She asked about their private sewer lateral that runs the entire length of Lindy Lane.
 - a. I advised her that the R/W will be paved with the Lindy Lane Improvements.
 - i. She followed that answer with who will be responsible for maintaining the sewer lateral if in the future it fails.
 1. I advised her that per the CBMC the homeowner is responsible to maintain their private sewer lateral from the residence to the connection at the mainline in good repair, and that any costs associated with a deficient lateral is born by the homeowner.
 - b. She asked about a traffic signal at Lindy Lane & Ocean Blvd.
 - i. I advised her that the intersection does not warrant a traffic signal at this time, and that the projection to 2028 did not warrant the installation of a traffic signal. I did discuss the proposed road striping on Lindy Lane & Ocean Blvd.
2. He asked about trees on or adjacent to his property.

- a. I advised that if a tree is in the R/W then it will probably be coming down. If any damage occurs to his private property during the construction of the of the roadway. The developer should be required to replace in kind or better condition.
 - i. She still had concerns regarding the trees adjacent to her property and stated that she was not sure if the trees were or were not on her property.
 1. I advised her that if she wants to know specifically know where her property lines are she has the option to reach out to a surveyor to establish her property lines. I did also let her know that the developer will survey the R/W.
3. Finally she inquired about school buses.
 - a. I advised her that the applicant is responsible to coordinate with the school bus companies.

Please let me know if you have any questions.

Greg Hamblet, CFM
Engineering Technician
Certified Erosion and Sediment Control LEAD ID# 82291
 City of Coos Bay - Public Works & Development Department
 500 Central Avenue Coos Bay, OR 97420
 Phone 541-269-1181 Ext 2249 / Cell 541-297-0533
ghamblet@coosbay.org

IV. Compliance with City of Coos Bay and State of Oregon requirements.

With additional analysis and Findings found in Attachment A, Section 1 and as conditioned in Attachment A, Section 2, the Planning Commission can find the proposed manufactured home park project to be consistent with City of Coos Bay and State of Oregon requirements.

For Commission reference, CBMC Section 17.347.040(2) specifies that:

(2) The planning commission may impose, in addition to regulations and standards expressly specified in this title, reasonable conditions of approval necessary to mitigate potential impacts. These conditions may include, but are not limited to, the following:

- (a) Increased setbacks, lot size or yard dimensions;*
- (b) Additional design features necessary to mitigate impacts related to building mass, parking, access, traffic, noise, vibration, exhaust and emissions, light, glare, erosion, odor, dust, heat, fire hazards, visibility, safety, and aesthetic considerations such as, but not limited to, the potential conditions listed below, such as noise, vibration, air pollution, glare, odor and dust;*
- (c) Restrictions on the location, number and design of vehicular access points to the property;*
- (d) Requirements of CBMC Title 12, Streets, Sidewalks and Public Places; CBMC Title 13, increases Public Utilities and Services; CBMC Title 15, Buildings and Construction; and CBMC Title 18, Engineering Design Standards; OMD&P.*
- (e) Increases in right-of-way dedication for street capacity warranted by increases in traffic generated or in turning movements that can be attributed to the project;*
- (f) Restrictions on the hours, days, place and manner of operations;*

- (g) Additional requirements for drainage and surfacing of maneuvering, off-street parking and loading areas;*
- (h) Limits on the location and intensity of outdoor lighting;*
- (i) Requiring increased buffering between uses, including berming, screening, landscaping and/or fencing;*
- (j) Arrangement of buildings and use areas on the site;*
- (k) Other conditions substantiated by state or federal regulations; and*
- (l) Mitigations for adverse impacts as further specified in Chapter 17.325 CBDC, Mitigation of Adverse Impacts.*

The Planning Commission may find it reasonable to impose certain conditions of approval besides those referenced in the project conditions in Attachment A, Section 2; however new conditions may not be contrary to the CBMC, OMD&P or any requirements of the technical information developed for the Project. Additionally, any new requirement must be justified by a finding in the Final Order (Attachment A).

Attachments:

- A – Planning Commission decision and Final Order, including project analysis and findings for consistency with City and State codes and requirements and project conditions
- B – Project plans, including the manufactured home layouts and a site plan
- C- 06.15.2020 letter from Mr. Jim McKee
- D - 06.09.2020 e-mail communication between staff and Mr. James Behrends
- E – 06.18.2020 letter from Mr. Jim McKee
- F – 11.26.2008 declaration of real covenant

Attachment A
CITY OF COOS BAY PLANNING COMMISSION
JULY 14, 2020 DECISION AND FINAL ORDER
AUTHORIZING A CONDITIONAL USE PERMIT AND
SITE PLAN REVIEW PERMIT FOR PROJECT
#187-20-000015-PLNG

Planning Commission final action is for the development of a 450-unit manufactured home Park with a clubhouse, children's play area, and all required private and public improvements associated with the development. Located at 800 Lindy Lane on Map 25S-13W-28, TL 600 and Map 25S-13W-21C TL 900, 902 & 903, the project as conditioned will be consistent with the 2002 Oregon Manufactured Dwelling and Parks Specialty Code, City of Coos Bay Development Standards, Coos Bay-North Bend Waterboard Standards, State Fire Code, and the State of Oregon Department of Environmental Quality and requirements of special studies noted in the Project July 14, 2020 staff report.

Based on the Findings in **Section 1**, the July 14, 2020 Planning Commission staff report and the applicant's submittal incorporated herein by reference, the Planning Commission hereby repeals the project #187-20-000015-PLNG June 9, 2020's Final Order and adopts this July 14, 2020 Final Order approving land use application #187-20-000015-PLNG with the all applicable city codes and requirements and the project conditions as specified in **Section 2**.

Planning Commission Vote:

Motion maker:
Second:

Yea:
Nay:
Abstain:
Absent:

APPEAL PROVISION: The July 14, 2020 Planning Commission Final Order may be appealed to the Coos Bay City Council by an affected party, by the applicant or applicant's representative or by any person, agency or firm with standing who offered oral or written testimony before the Planning Commission closed the public record in the case. (CBMC 17.130.130(2))

The party must file an intent to appeal with the City Recorder, which includes the required fee, within fifteen (15) days from the date of the decision, which would be July 29, 2020. Any appeal heard by the city council must be heard within the 120-day calendar days after the date the subject application was accepted by the City as technically complete. (CBMC 17.130.130(1)). The appeal and its associated appeal form and fee can be provided in person at the City Recorder's office no later than 5 PM on July 29, 2020 at City Hall located at 500 Central Ave in Coos Bay. The appeal and its associated form and fee can be mailed to the same address. The appeal shall include the appropriate fee required by the City and the following information:

- (a) An appeal form provided for that purpose by the city;
- (b) The case number as designated by the city;
- (c) The name of the applicant;
- (d) The name, address and signature of each appellant;
- (e) The reasons why each aspect is in error as a matter of fact or law; and
- (f) The evidence relied on to prove the error.

The scope of the review shall be limited to the issues raised in the request for appeal. The City Council will consider the record that was created during the Planning Commission review process, and oral or written arguments submitted at the City Council appeal hearing that are relevant to the issues under review. To review the entire appeal process, see Coos Bay Municipal Code Chapter 17.130.130. Questions regarding the appeal procedure may be directed to the Public Works and Development Department, City Hall, 500 Central, Coos Bay, Oregon or phone (541) 269-1181.

EFFECTIVE DATE OF APPROVAL: Per CBMC Chapter 17.130.140 Expiration and extension of decisions: “Unless the Planning Commission's approval is appealed, and except as otherwise expressly provided by the Coos Bay Development Code or the decision in question, decisions made pursuant to this chapter expire two years after the effective date of the decision” (July 14, 2022)” unless, within that time, the applicant or a successor in interest files an application for an extension of the decision or submits an application for project review or a building permit, or undertakes substantial development of the use authorized by the decision.

An application for extension of a decision is subject to a Type I process. An applicant for an extension shall submit the requisite fee, a completed application review form provided for that purpose by the city, and text describing how the application complies with the approval criteria for an extension, and basic facts and other substantial evidence to support the text.

Per CBMC Chapter 17.347.050 an approved conditional use permit is specific to the subject property and cannot be transferred to another property.

Date: July 14, 2020

Carolyn Johnson
Community Development Administrator

**ATTACHMENT A
SECTION 1
APPLICABLE FINDINGS FOR THE PROJECT**

I. SITE PLAN REVIEW PERMIT CRITERIA CONSISTENCY (CBMC 17.365.060 (2A-H))

a) *The proposed use is permitted within the district in which it is located.* The subject site spans four tax lots: Tax Lots 600 & 900 are zoned MDR-16; tax lots 902 & 903 are zoned LDR-6. In the MDR-16 and LDR-6 land use districts, Conditional Use and Site Plan Review Permits are required as part of the application approval process.

FINDING: The Project is permitted within the MDR-16 land use districts with City land use authorization of Conditional Use and Site Plan Review Permits. The Project is permitted in the LDR-6 land use district with authorization of a Site Plan Review Permit.

b) *The proposal meets the lot, yard, building, height and other dimensional requirements of the district within which it is located.*

FINDING: The Project as proposed and conditioned to meet the lot, yard, building, height and other dimensional requirements of the MDR-16 and LDR-6 land use districts as required by CBMC section 17.365.060(2b).

c) *The proposal meets the screening, buffering and landscape strip requirements, as set forth in Chapter 17.335 CBDC, Supplementary Development Standards.* Chapter 17.335 supplemental development standards applicable to the proposal are: height of fences and hedges, solid waste, lighting, and landscaping. The applicant does not propose any fences that are more than eight feet. No refuse containers for multiple units are proposed. Trash will be collected on a unit-by-unit basis and as such, no screening for shared waste collection areas will be required.

FINDING: As proposed and conditioned, the Project will comply with screening, buffering and landscape strip requirements specified in the Supplementary Development Standards (CBMC Chapter 17.335) as required by CBMC chapter 17.365.060(2c).

d) *Minimum parking and loading space requirements are met, as required by Chapter 17.330 CBDC, Off-Street Parking and Loading Requirements.* Each manufactured home unit site area has been sized to accommodate up to three off-street parking spaces within a carport or driveway, which exceeds the standard of two. Conditions of approval will apply to parking standards for common facilities. The applicant will address parking related to common facilities (club house) and playground.

FINDING: As proposed and conditioned, the Project will comply with the minimum parking and loading space requirements of CBMC Chapter 17.330 as required by CBMC Chapter 17.365.060(2d).

e) *Improvement requirements are provided in accordance with the applicable sections of the Coos Bay Development Code. (Chapter 17 of the Coos Bay Municipal Code)*

FINDING: All required improvements will be designed per CBMC; as proposed and conditioned the requirements of CBMC Chapter 17.365.060(2e) will be met.

f) *All conditions of any applicable previous approvals, e.g. conditional use, have been met.* No finding is required, CBMC Chapter 17.365.060 (2f) does not apply to the Project as the previous approval for development on the subject site has expired.

g) *Development subject to site plan review has provided underground public and private utility lines, including but not limited to those for electricity and communication.* The Applicant proposes to install required utilities underground and private infrastructure improvements that connect to public infrastructure. The City is requiring, prior to permit issuance, that the applicant provide a maintenance agreement for the following private infrastructure: Private access roads (Including the emergency access road), Private storm water system (including the post construction water quality measures), and Private sanitary sewer system (including the pump station and force main). See also Attachment A, Section 2, II. (7).

FINDING: Underground public and private utility lines, including but not limited to those for electricity and communication are a part of the Project as proposed and conditioned consistent with CBMC Chapter 17.365.060(2g)

h) *Public water, sewer and stormwater lines have been installed in conformance with the standards of the city code. Public water, sewer and stormwater lines within or along the frontage of a development have been extended to the extreme property lines of that development unless it can be demonstrated to the public works department that such extensions are impractical or infeasible or inappropriate.* Applicant will obtain water from Coos Bay North Bend Water Board as noted in Attachment A, Section 2, II (8). Applicant is proposing a new sanitary sewer system within Fulton Avenue. For stormwater, the applicant is proposing a new public storm water system within Lindy Lane right of way. The public water, sewer and stormwater lines can be installed in conformance with the CBMC. All utility systems have been designed in conformance with the CBMC.

FINDING: As proposed by the Project, conditioned by the City, and consistent with the criteria of CBMC Chapter 17.365.060(2h), public water, sewer and stormwater lines will be installed in conformance with the City code standards.

II. CONDITIONAL USE PERMIT CRITERIA CONSISTENCY (CBMC 17.347.040(1)).

1) *The planning commission shall approve or approve with conditions an application for conditional use review if it finds the applicant has sustained the burden of proving that:*

- a) *The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with this title;***
- b) *The site size, dimensions, location, topography, and access characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features.***

The layout of the site was influenced by the existing site terrain and grading achievable through design. In order to minimize earthwork on the site, proposed roads within the development will utilize vertical curves. Grading was designed to minimize the need to export or import excess material. Wetlands are present on the property and mitigation plans will be submitted prior to fill/removal within those regions and compliance with be provided with all State agency requirements.

FINDING: As proposed and conditioned the Project complies with the CBMC Chapter 17.347.040.(1)(a) as the Project will meet the applicable requirement of the MDR-16 and LDR-6 zone. The size, dimensions, location, topography, and access characteristics of the site are, with Project conditions of approval, suitable to accommodate the manufactured home use. As conditioned, the project will provide necessary mitigation of potential Project adverse impact and the project site natural features and meet the criterion of 17.347.040(1)(b).

c) All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity and design to serve the proposed use either as they exist, or as they may be modified by conditions of approval. Applicant will obtain water from Coos Bay North Bend Water Board. Applicant is proposing a new sanitary sewer system within Fulton Avenue. For stormwater, the applicant is proposing a new public storm water system within Lindy Lane right of way. Public water, sewer and stormwater lines can be installed in conformance with the city code and OMD&P.

FINDING: The Project complies with the CBMC Chapter 17.347.040(1)(c) criteria as the required public facility systems have been designed and conditioned to provide adequate capacity to serve the Manufactured Home Park use.

d) Any impacts related to building mass, parking, access, traffic, noise, vibration, exhaust and emissions, light, glare, erosion, odor, dust, heat, fire hazards, visibility, and safety are no greater than other uses permitted in the zone, or can be mitigated by imposing reasonable conditions of approval which specifically address the potential impact and are intended to reduce the impact to levels consistent with other uses permitted in the zone. Building mass for the proposed park development will not be any greater than building mass proposed for a traditional, single-family subdivision. The density proposed with this development falls under the requirements for home parks and under the density requirements for similar low- density residential developments. Consequently, as the project is conditioned it is reasonable to find that the proposed development will not contribute to any adverse effects to the surrounding areas greater than any other uses permitted in the subject zones and the criterion is met.

FINDING: The impacts of the Project related to building mass, parking, access, traffic, noise, vibration, exhaust and emissions, light, glare, erosion, odor, dust, heat, fire hazards, visibility, and safety are no greater than low or medium density stick-built dwelling units permitted in the MDR- 16 or LDR-6 zone. Impacts related to the Project will be mitigated with the Project conditions of approval. The Project meets the criterion of CBMC Chapter 17.347.040(1)(d).

III. CONSISTENCY WITH CITY BUILDING CODE AND OREGON MANUFACTURED DWELLING and PARKS SPECIALITY CODE (OMD &P)

The project can be approved to be in compliance with the OMD&P subject to the Conditions of Approval noted in Section 2 of this Final Order.

1) Access and Roads: The applicant was required to conduct a Traffic Impact Analysis (TIA). The TIA was reviewed by the City for concurrence and the project conditioned to meet the TIA requirements.

2) Fire Protection: The proposal is required to comply with OMD&P code requirements relating to fire protection as noted in the project conditions. This includes installation of new fire hydrants prior to the occupancy of any dwelling and installation of fire hydrants at one or more hydrant locations such that no occupied space remains at a greater distance than 500 feet, following the street right-of-way, from any hydrant.

3) Lighting: The proposal is required to comply with OMD&P submittal requirements City Building Department approval.

4) Fences and Walls: The visual fence and wall barriers referenced by the OMD&P are required.

- 5) **Landscaping:** Landscaping information and the OMD&P landscaping requirements will be met.
- 6) **Geotech Report:** A Geotech report consistent with the requirements of OMD&P Chapter 10, Section 2.3 of the standards for Manufactured Dwelling Park Construction.
- 7) **Site Plan:** The OMD &P site plan requirements are met.
- 8) **Parking:** Parking Plans are consistent with the OMD&P.
- 9) **Retaining Walls and Fences:** Compliance with Fence and retaining wall design is met as noted in OMD&P Section 1-6.9.
- 10) **Storm Water Drainage:** Consistent with Chapter 10, Section 4.3 of OMD&P, and the Project DEQ 1200-C Permit, the requirements for Engineer stamped plans identifying storm water drainage systems designed and sized by a professional engineer to the specifications are met.

FINDING: As discussed above and based on the findings, conclusions and conditions in Attachment A Section 2 of this Final Order, the Project will be consistent with and will meet the applicable criteria of the City of Coos Bay Building Code and OMD&P.

**ATTACHMENT A
SECTION 2
PROJECT CONDITIONS**

I. GENERAL CONDITIONS:

BUILDING

- 1) Compliance with OMD&P. Development shall comply with the requirements of the Oregon Manufactured Dwelling and Park Specialty Code 2002 Edition” (OMD&P). When referenced by the OMD&P, requirements of the Coos Bay Municipal Code (CBMC) shall apply. When there is a difference between referenced requirements, the more stringent shall apply.
- 2) OMD&P Section 10-4.2. Manufactured Dwelling Park electrical installations shall be reviewed by the State.
- 3) Club House Use. If the club house is open to the public, provide on the parking plan calculations and minimum required accessible parking location and facilities for the required vehicle charging station where required by the OSSC/ANSI 117.1. Applicant has noted that park clubhouse will be private for tenant use and not open to the public.
- 4) Required Permits. Site Development, Building, and Manufactured Home Park permits are required for development of the Project. All associated requirements for permit review and authorization shall be required as described in the 2002 Oregon Manufactured Dwelling and Parks Specialty Code, Coos Bay Municipal Code (CBMC), Coos Bay-North Bend Waterboard Standards, State Fire Code, and the State of Oregon Department of Environmental Quality for sanitary sewer facilities and technical studies related to the Project.
- 5) Technical Reports. CBMC, the OMD&P and technical reports for permit application review and authorization shall be provided by the applicant.
- 6) Signage. Any future development of a monument sign or any non-directional signage for the project is subject to review and approval by the City.
- 7) Gating. Gating of the Manufactured Home park is not a part of this approval.
- 8) Project minor revisions. The Director may authorize minor revisions to the Project that do not affect the design, use or intent of the Conditional Use Permit and Site Plan review and are consistent with the 2002 Oregon Manufactured Dwelling and Parks Specialty Code, Coos Bay Municipal Code, Coos Bay-North Bend Waterboard Standards, State Fire Code, and the State of Oregon Department of Environmental Quality for sanitary sewer facilities and technical studies related to the Project.

ENGINEERING

- 9) Regulatory Agency Approvals. Applicant shall obtain approvals and permits from the regulatory agencies, this can include but is not limited to Department of Environmental Quality, Army Corps of Engineers, Department of State Lands, State Historic Preservation Office, local tribes, etc.
- 10) Compliance with 1200-C NPDES Stormwater permit. Applicant is required to follow and implement the conditions of the 1200-C NPDES Stormwater permit issued by the Oregon Department of Environmental Quality and throughout construction, follow the requirements of the Oregon DEQ Erosion and Sediment Control Prevention Manual.

- 11) Stormwater Management consistent with CBMC and drainage report. Project shall comply CBMC 18.25 Stormwater Management Systems and the requirement that all projects disturbing 1,000 square feet or more incorporate permanent storm water management controls. Consistent with the Drainage report Rev 1 Prepared by Flagline Engineering, LLC dated May 15, 2020, the Coos Bay Standard Inlet (DWG S-7) for collection of stormwaters will include a sump to allow for density separation of pollutants. Removal of fuel and oil will be accomplished by proposed bioswales. Additionally, proposed bioswales will comply with CBMC 18.25.040. The permanent water quality measures shall conform to the requirements in the CBMC and final geotechnical recommendation.
- 12) Sanitary Sewer System. The public sanitary sewer system for the project shall be installed consistent with CBMC 18.20 Sanitary Sewer & CBMC 18.35 Engineering Design Standards.
- 13) Lindy Lane public stormwater infrastructure. Applicant will construct Lindy Lane public stormwater infrastructure to capture and safely convey all road runoff and to treat the street runoff within the Lindy Lane Right of Way. Construction shall be compliant with the recommendations of the Flagline Drainage report and CBMC Chapter 18.25 for the design of the proposed public storm water system. Any post construction water quality requirements will be the responsibility of the applicant to design and construct.
- 14) Post construction water quality. Compliance to design and construct consistent with post construction water quality requirements will be the responsibility of the applicant.
- 15) 25 MPH design speed. For the public portion of Lindy Lane, a design speed of 25 mph as specified in CBMC chapter 18.15 table 3-2 must be utilized unless the applicant provides documentation to the Engineering Department that ODOT has approved an alternative speed and confirm that vertical and horizontal curves meet the design speed of 25 mph or a speed approved by ODOT.

II. CONDITION COMPLIANCE PRIOR TO ISSUANCE OF A SITE DEVELOPMENT PERMIT

ENGINEERING

- 1) Project site grading and site plan specification review and compliance. The Geotechnical Engineer shall review the project grading and site plans and specifications, and update recommendations as necessary. Applicant shall provide documentation that their Geotechnical Engineer has reviewed the Grading and Site plans to conform to PBS's 12.27.2019 Preliminary Geotechnical Engineering Report recommendations, CBMC chapter 18.30 Site Grading and Erosion Control and the Oregon Manufactured Dwelling and Park Specialty Code (OMD&P 10-2) Land Use Compatibility and Park Location and OMD&P Chapter 3, section 3-4 Site and Stand Preparation, subsection 3-4.5 Stands.
- 2) Inspection and maintenance procedure manual. Applicant shall submit for review and approval an inspection and maintenance procedure manual for the permanent onsite water quality features.
- 3) Declaration and recordation of procedures for inspection and maintenance. Upon City approval of the permanent water quality features inspection and maintenance procedures, the procedures, with a Declaration of city authorization, shall be recorded with the Coos County Recorder by the applicant. The City will prepare the Declaration and the owner will be responsible for recording fees.

- 4) Wetland area fill authorization. Applicant shall provide supporting documentation of approvals/permits for the wetland area fill.
- 5) Update of Jacobs Engineering Memorandum. Verification of the number of new homes proposed is required. The Jacobs Engineering Memorandum titled "Coos Bay Wastewater Treatment Plant 2 Current Capacity Analysis for Future [Timber Cove] Development" shall be updated at the applicant's expense to analyze the impact of the number of homes to be developed at the site (the capacity report referenced 400 homes, currently 447 homes are referenced) and determine if WWTP 2 has capacity to serve these homes. If the applicant proposes more than 400 homes, the applicant will be responsible to update the capacity analysis to ensure that Plant 2 can accept the additional flows and loads.
- 6) Private infrastructure permitting. Applicant shall secure and submit to the City permits through the state of Oregon to facilitate the construction of the private infrastructure for the site which will include on-site sanitary sewer, a private pump station, and a force main to convey the proposed flows to the public system.
- 7) Utility Access/maintenance agreements. Applicant shall provide the City a copy of each utility access/maintenance easement from private parties for the construction and maintenance of the private sewer lateral, located offsite that will service the proposed development.
- 8) Water service. Written verification shall be provided by the applicant that water service is available and authorized by the Coos Bay North Bend Water Board.
- 9) Sanitary sewer system plan consistency with CBMC. Applicant shall submit plans for public sanitary sewer system consistent with the requirements of CBMC 18.20.
- 10) DEQ approval of sanitary sewer system. After approval of the public sanitary sewer system design by the City, the applicant shall submit the design for review and approval by the Department of Environmental Quality.
- 11) Agreement regarding Lindy Lane culvert. The applicant and the Public Works Director shall prepare and execute an agreement that will: 1) define the scope of work and schedule for the replacement of a Lindy Lane culvert that will serve the project; 2) determine a cost estimate for the culvert replacement; and 3) determine the sharing of cost between the applicant and the City for the culvert replacement.
- 12) Maintenance agreement for private infrastructure. A maintenance agreement shall be required for private access roads (including the emergency access road), private storm water system (including the post construction water quality measures), private sanitary sewer system (including the pump station and force main).
- 13) Private sewer infrastructure/laterals in the City ROW. Private sewer infrastructure/laterals installed within the City's ROW shall comply with CBMC 18.20 Sanitary Sewer & CBMC 18.35 Engineering Design Standards. Applicant shall submit for review and approval detailed plans showing these structures construction methodology.
- 14) Operations/Maintenance manual for water quality measures in City ROW. Applicant will provide the City with an operations and maintenance manual for any water quality measure that they are proposing in the public right of way.
- 15) Copies of Regulatory permit approval. Copies of all regulatory permit approvals shall be provided.

- 16) Geotechnical report revisions/clarifications.
- a) PBS 12/27/2019 Geotechnical Report references 400 new homes. The Drainage report references 449 new homes, and the Basis of Design report references 450 new homes. If the Applicant intends to submit permit applications for more than 400 new homes, the PBS Geotechnical Report shall be revised to reflect the increased number of homes. In no case are more than 450 homes authorized.
 - b) The geotechnical report excludes assessments of the wetlands. Some of the new roadways and lots are located on top of existing wetlands. Clarification and update of the report is required.
 - c) The geotechnical report must be revised to include an assessment of retaining walls, access road subgrades, Lindy Lane subgrades, and storm water ponds.
- 17) Pond 2. Pond 2 has slopes approaching 19 to 20 feet in height. It appears some cuts for the gravel access road are 15+ feet in height. Address these cuts; the geotechnical report limited cuts and fills of 15 feet or less with slopes of 2H:1V in medium dense or better clayey sand or sand or compacted structural fill. The exact material types at all cut sites is not easily identified in the plans, the Geotechnical Engineer shall confirm the proposed cuts and fills.
- 18) Location of drainage outfalls. Confirm locations of all drainage outfalls. The Preliminary PBS Geotechnical Report dated 12/27/2019 indicates on page 2, that there are four outfalls. The project plans indicate an outfall from Lindy Lane to the existing culvert under Lindy Lane, there is a ditch that has an outlet, and Pond 1 has an outlet. Where are the other outfalls?
- 19) Drainage ponds. Confirm that the drainage ponds will not create a natural pond that is annually full of standing groundwater/springs that would reduce storage volume in the ponds., patios, carports etc. must be shown or referenced in the calculations.
- 20) Private Sewer lateral offsite easements and maintenance agreements. Provide offsite easement(s) and maintenance agreements for the private sewer lateral that will service the proposed development.
- 21) Turning radius adequacy. The turning radius from Ocean Blvd right onto Lindy shall be adequate to convey fire trucks and school buses etc.
- 22) ADA improvements. Design and install ADA improvements at the Lindy Lane and Ocean Blvd intersection.
- 23) Private infrastructure within the City ROW along Fulton, east of Radar road. Methodology for construction shall be submitted by the applicant City review and approval of plans showing in detail the methodology of the construction of the private infrastructure within the City ROW along Fulton, east of Radar Road consistent with CBMC 18.20 Sanitary Sewer & CBMC 18.35 Engineering Design Standards.

BUILDING

- 24) Professional Stamp. Plans and engineering, reports etc., must be properly stamped and signed by the design professional and any "temporary", "preliminary" or "not for construction" stamps should be removed and a proper stamp provided in accordance with Oregon OSBEELS rules shall be placed on all submittal documents. As noted in section 1-6.9 Park Plans. Plans must be submitted to the authority having jurisdiction for the construction of new manufactured dwelling parks, such park plans must be prepared and stamped by an Oregon professional engineer or architect.

25) OMD&P Section 10-43 Storm Water Drainage. The applicant shall provide Oregon professional engineer stamped plans for City review that identify storm water drainage systems designed and sized by an Oregon professional engineer to the specifications provided by the authority having jurisdiction and the Department of Environmental Quality (DEQ).

III. CONDITION COMPLIANCE PRIOR TO BOND RELEASE

ENGINEERING

1) Consistency with 1200-C NPDES Stormwater permit. The project site shall be fully stabilized consistent with the requirements of the 1200-C NPDES Stormwater permit issued by the Oregon Department of Environmental Quality and the requirements of the Oregon DEQ Erosion and Sediment Control Manual Prevention.

2) Sewer bond. A sewer bond will be required with the installation of the public sewer infrastructure, the bond amount will be determined once final plan designs are submitted for review and approval by City staff.

3) Public storm water/sewer inspections. Fulltime inspection is required for all public storm water/sewer. The inspection shall be performed by a licensed engineer and shall include manhole testing with a log provided to the City. Public sanitary sewer lines must be air tested per the 2015 Oregon Standard Specifications for construction, Part 00400 – Drainage and Sewers with documentation of the air test provided to the City. Recorded drawings shall be submitted to the City and be prepared by a licensed engineer. Record drawings (As-Builts) are required prior to the City adopting the improved public infrastructure and releasing the bond.

4) Recordation of utility access/maintenance easements. Applicant shall record with the Coos County Recorder the City authorized utility access/maintenance easements from private parties for the construction and maintenance of the private sewer lateral, located offsite, that will service the proposed development.

IV. CONDITION COMPLIANCE PRIOR TO ISSUANCE OF A BUILDING PERMIT

ENGINEERING

1) Geotechnical Engineer review. Applicant shall provide documentation that the Geotechnical Engineer has reviewed the Grading and Site plans to conform with Geotechnical Engineers recommendations, as well as compliance of CBMC chapter 18.30 Site Grading and Erosion Control and the Oregon Manufactured Dwelling and Park Specialty Code (OMD&P 10-2) Land Use Compatibility and Park Location and OMD&P Chapter 3, section 3-4 Site and Stand Preparation, subsection 3-4.5 Stands.

2) Final Geotechnical engineers report. A final Geotechnical Engineering report from the applicant's Geotechnical Engineer must be submitted for review & approval.

3) Drainage report compliance. Applicant shall submit detailed plans following the recommendations of the Drainage Report Rev 1 for the Timber Cove Estates Development, prepared by Flag Line Engineering, LLC. Drainage report and shall comply with CBMC Chapter 18.25 Storm Water Management Systems and chapter 10-4 Utilities and Storm Water Drainage of the OMD&P 10-4.3.

- 4) Utility access/maintenance easements. Applicant shall acquire, record with the County and submit to the City all utility access/maintenance easements from private parties for the construction and maintenance of the private sewer lateral, located offsite, that will service the proposed development.
- 5) Lindy Lane detailed civil drawings. Applicant shall provide detailed civil drawings that support a cross section for the public portion of Lindy Lane that includes 2 twelve-foot travel lanes and a multi-use path that is a minimum of 10-foot-wide or as approved by the director. Multi use path must conform to ADA requirements where applicable.
- 6) Lindy Lane improvements analysis. Applicant shall provide justification/supporting analysis for the length of the pocket turn lane on Lindy Lane and detailed civil engineering drawings that mitigate for the long queuing length for northbound left turn movement on Lindy Lane at Ocean Boulevard and safe right-hand turning movements onto ocean boulevard.
- 7) Ocean Boulevard civil drawings and restriping plans. Detailed civil drawings that supports restriping of Ocean Boulevard as outlined in the March 17, 2020 Sandow TIA to include one lane in each direction and a center two-way left turn lane extending from Merrill Street to the southwest to a point east of Lindy Lane. Restriping plans shall incorporate a 100-foot left turn storage east of Lindy Lane before beginning a taper and transition and shall be in accordance with AASHTO recommended guidelines for site distance.
- 8) Eastbound right turn drop lane on Ocean Blvd at Lindy Lane. Applicant shall provide detailed civil engineering drawings that shows an eastbound right turn drop lane on Ocean boulevard at Lindy Lane.

BUILDING

- 9) Geotechnical report recommendations. Compliance with recommendations of the project Geotechnical report are required.
- 10) Special inspection and observation schedule. Applicant shall provide a special inspection and observation schedule and acknowledgement of an agreement with a licensed Geotechnical Engineer which identifies the frequency and the process for ensuring these observations occur per the report recommendations. Report noted that gray, high plasticity fat clay was observed in TP-2 from 1 to 6 feet bgs between sand layers, contained fine-grained sand, and was moist. Footings should not be founded on the soft, high plasticity clay encountered in TP-2 and these locations would require remediation and Geotechnical approval of an alternate foundation design. Delineate these areas on the site plan and clarify with the project engineer of record that structures, roads, etc. will not be constructed without additional design approved by the Geotechnical Engineer.
- 11) Geotechnical Engineer engagement. The Geotechnical Engineer shall be engaged at the applicant's expense to review the final project plans and specifications and update their recommendations as needed. The recommendations in the stamped final report shall be submitted to the Building Official and City Engineer. Compliance with the Geotechnical Engineer recommendations are required. Reference Geotechnical Report sections; (3.1, 4.1.1, 5.0, 6.0).
- 12) OMD&P Section 10-23 Geotechnical report requirements. Compliance with the PBS Geotechnical report recommendations shall be required. The provided PBS Geotechnical report has critical recommendations for on-site requirements and for the required on-site engineers' observation to confirm studies and assumptions of soil and fill material capacity within the park.

13) OMD&P Section 10-6 Park Structures. Separate Permits are required per 2019 OSSC. Applicant shall identify building use as an "affected building" or not in current submittal for review purposes.

14) OMPD&P Section 10-6.2 Accessory Buildings and Structures. At the discretion of the Building Official, compliance with Chapter 8 or the Oregon Residential Specialty Code for accessory buildings and structures is required. Accessory buildings and accessory structures shall be built according to Chapter 8 and, where not specific, to the current Oregon Residential Specialty Code.

15) OMPD&P Section 10-6.4 Retaining Walls and Fences. All fences and retaining walls will require a stamped engineered design in conformance with the 2019 OSSC and as noted in OMD&P Section 1-6.9. This is in addition to project conditions for site plan notations. Engineering and geotechnical stamped design approval will be required with the permit application. Where the manufactured prefabricated retaining wall blocks are altered for fence post installations the engineer shall provide engineer's stamped design approval for that alteration.

16) Perimeter Foundation Drains. The perimeter border drains shall be installed as per the recommendations of the Geo Report. Geo Report has also stated that due to the relatively low permeability of site soils and the potential for perched groundwater at the site, they recommend perimeter foundation drains be installed around all proposed structures. The foundation sub drainage system shall include a minimum 4-inch diameter perforated pipe in a drain rock envelope.

17) Consistency with Geo Report 3.5.2 and 3.5.3. Provide the details for the performance and installation of this system around manufactured homes with concrete runners or a full slab. (3.5.2 and 3.5.3 of Geo Report). A non-woven geotextile filter fabric, such as Mirafi 140N or an approved equivalent, shall be used to completely wrap the drain rock envelope, separating it from the native soil and footing backfill materials. The design shall be incorporated into the plan details as this requirement is an alternate method for manufactured home installation.

18) Access roads required for Fire Department. Provide engineered calculations and design for access roads to meet these minimum requirements based on the geotechnical and soils reports. Apparatus access must be designed to conform to the Oregon Fire Code Appendix D Section 0102.1 and be capable of supporting the imposed load of fire apparatus weighing up to 75,000 lbs.

V. CONDITION COMPLIANCE PRIOR TO ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY

ENGINEERING

1) ADA improvements/public ROW. Applicant shall design and construct ADA improvements or provide justification as to why ADA improvements are exempt at the intersections of Lindy Lane/Ocean Boulevard and Fulton Avenue/Empire Boulevard. The justification must be in conformance with ADA requirements and the document titled Public Right of Way Accessibility Guidelines.

2) Improvements consistency with engineering reports. Improvements to Lindy Lane shall be completed consistent with the requirements of the Sandow Engineering March 17, 2020 TIA and its supplemental technical memo dated May 1, 2020.

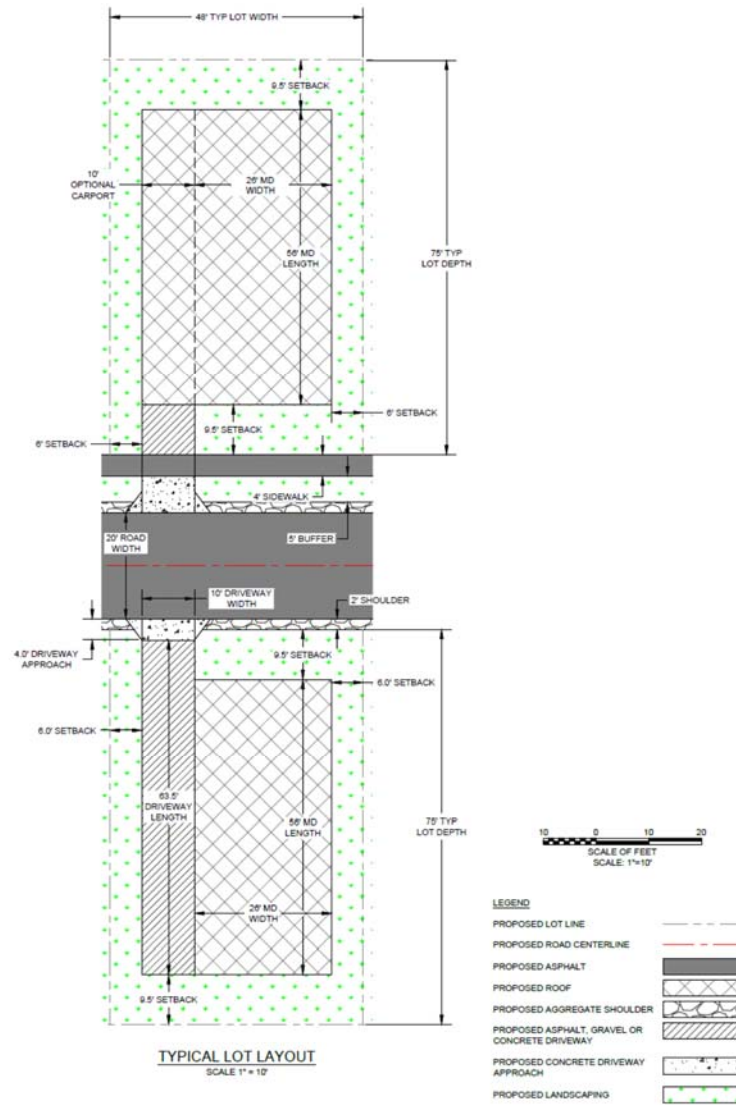
- 3) Multi-use path on Lindy Lane. A 10' foot multi-use path shall be constructed with the two twelve-foot travel Lanes on Lindy Lane, unless approved otherwise by the Director of Public Works.
- 4) Completion of off-site infrastructure and improvements. All off-site infrastructure and improvements must be completed.

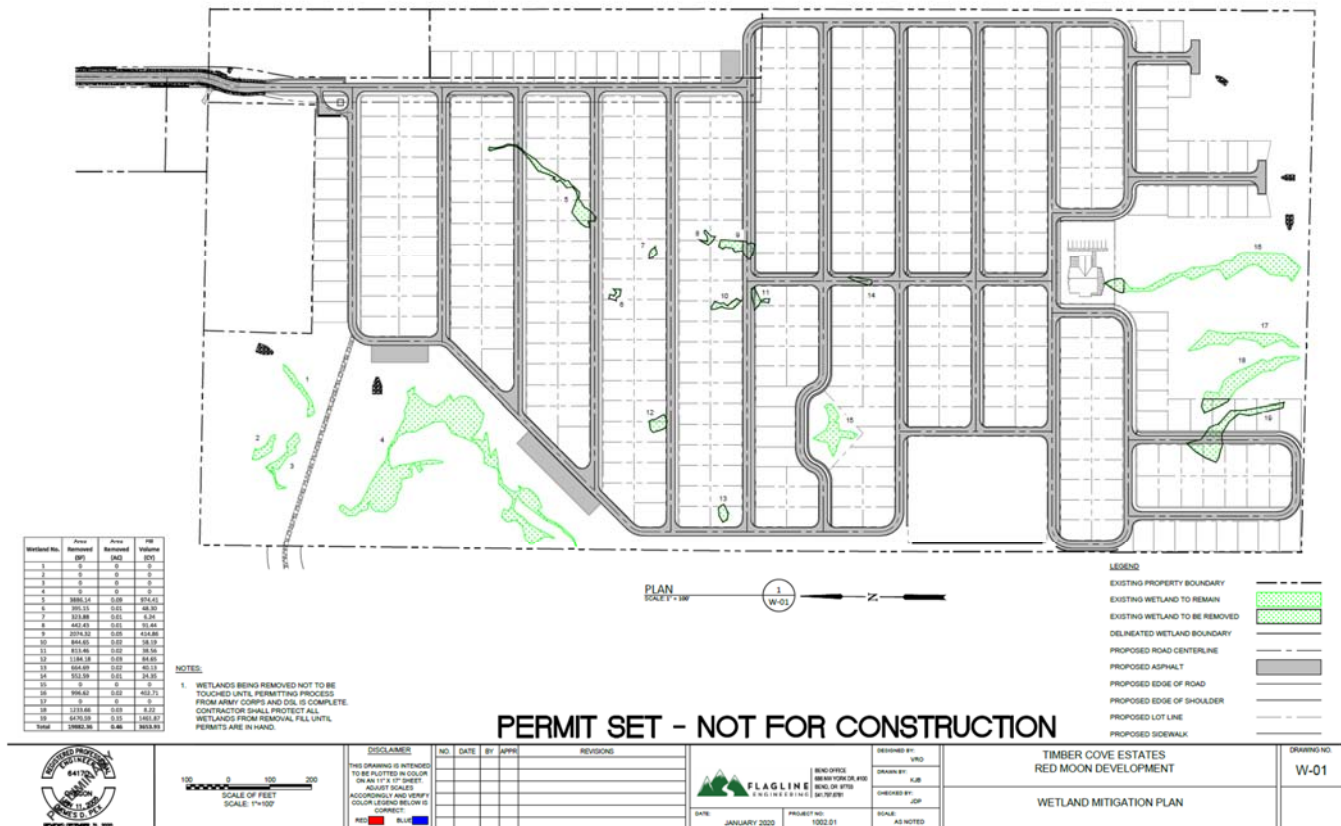
BUILDING

- 5) Covenant. A draft copy of the covenant must be submitted to the City for review and approval. Upon City approval the covenant must be recorded with all easement documents and the approved "Development Site Plan" at the County Clerk's office and a copy of the recorded document must be returned to the City of Coos Bay, prior to the occupancy of any dwelling. The covenant shall include:
 - a) Specifications for the preservation and continued maintenance of property and/or structures commonly owned and/or held for common use. This shall be guaranteed by a covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances.
 - b) Designated Off-Street Parking for each individual home site (MFH space/lot) must also be addressed insuring the required three off-street parking space remain available and unobstructed by structures or storage items.
- 6) Review by others. The applicant will provide copies of permits authorized by other state and local agencies related to the manufactured home park to the Building Official.

END

ATTACHMENT B PROJECT PLANS





ATTACHMENT C
06.15.2020 LETTER FROM JIM MCKEE

City of Coos Bay.

June 15, 2020

I live at the corner of lindy lane and Ocean Blvd.
east corner.

The proposed subdivision is a repeat of 2014.

I'll list my gripes.

We will need a stop light!

and another ~~exit~~.

The road must be paved.

If you make the road 50' wide some of my driveway
will be removed.

The cars will be a Traffic problem.

The corner will need to ~~be~~ be changed.
Traffic on ocean will be a big problem.

~~Now~~

There are streams in the area that have been
covered by ~~the~~ Hempstead Con. in the past.

Look back at the complaints in 2014 about
the problems. They still apply today.

Do not let this mess
become real

Jim McKee
565 lindy lane
Coos Bay OR 97420
541-404-0130





Date: 5/20/2019

1 inch = 60 feet

ATTACHMENT D
06.09.2020 COMMUNICATION BETWEEN STAFF AND MR. JAMES BEHREND

Carolyn Johnson

From: Carolyn Johnson
Sent: Saturday, June 6, 2020 7:23 AM
To: jamesbehrends@yahoo.com
Cc: Mark Anderson; Jennifer Wirsing
Subject: RE: Timber Cove Project this is more detailed than the phone message we left.

Hello Mr. Behrends,

Thank you for sharing your thoughts on the Timber Cove Project application. After review with other City staff, below are responses to your inquiry:

Sewer construction. Construction of the sewer to on Fulton would be required prior to issuance of the first certificate of occupancy. The method of construction on the sewer has not yet been determined. The City's design standards allow for both direction drilling and conventional trench placement.

Emergency Access. The proposed access to the east of Fulton and west of the project is for emergency purposes only and will not be open to the public. The emergency access will be a road extending westerly from the project property line of the project to the improved portion of Fulton Avenue. The public access will be Lindy Lane.

Road improvements. The left turn and right turn lanes and relining and road improvements to Lindy Lane and Ocean will meet the City's Transportation System Plan and Municipal Code Requirements. Sandow Engineering addressed intersection operations and safety aspects required by the City's regulations. Intersection capacity, queue lengths, available gaps in traffic, crash history, and sight distance were some of the issues evaluated and addressed. The project would include restriping Ocean Boulevard to include one lane in each direction and center two-way left turn lane. The limits of striping will extend from Merrill Street to a point 100 feet southeast of Lindy Lane. The taper will be in conformance with AASHTO guidelines. There will be a dedicated eastbound right turn drop lane on Ocean Boulevard at Lindy Lane. The required improvements will ensure that the intersection will be able to support the proposed project.

For your reference should you have additional questions on the above issues, contact Jennifer Wirsing, jwirsing@coosbay.org, our Coos Bay City Engineer.

Fire breaks. Regarding your fire break question, I've copied Fire Chief Mark Anderson manderson@coosbay.org for a response.

More information on the project proposal can be found in the staff report prepared for the Planning Commission - here's a City website link to the report published 06.05.20:
<https://coosbay.novusagenda.com/agendapublic/AttachmentViewer.ashx?AttachmentID=3247&ItemID=1754>.

Sincerely,

Carolyn

Carolyn Johnson
Community Development Administrator
City of Coos Bay, 500 Central Ave. Coos Bay, Oregon 97420
541.269.8924/cjohnson@coosbay.org

From: james behrends <jamesbehrends@yahoo.com>
Sent: Thursday, June 4, 2020 3:02 PM
To: Carolyn Johnson <cjohnson@coosbay.org>
Subject: Timber Cove Project this is more detailed than the phone message we left.

Good Afternoon

We are reviewing the the material for the upcoming planning commission meeting on this project. It is unclear to us if the developer still intends to have a emergency access road from the west side of this project to connect with Fulton Ave? Also what will the timeline for the installation of the sewer on Fulton, and will this is sewer line still be direction drilling or will we have the road torn up? Our earlier understanding of this project was that the sewer was to be installed by direction drilling is this still the case? Also we were understanding that the purposed access road connecting to Fulton from this project was reviewed and as first proposed was not enough of a road to meet the evacuation standards for a community this size. What type of emergency access road is now purposed for this project. We did not also see any attention given to fire breaks in this projects or vegetation management. If we missed this information on the information packet we are sorry, but we did not see the answers to these questions on the material available. Are the improvements to Lindy and Ocean at a level that exceeds the lowest requirement levels for this type of development. The question is are the left turn and right turn lanes and the relining and road improvements extensive enough to keep this section of Ocean fairly accident free? As we recall the traffic count numbers that were used for this project were some what dated, and Ocean has a long history of injury accidents involving left and right turning vehicles in to parking lots and side streets. Please keep in mind that Ocean will get much more traffic as the Empire Core is developed, and it is our view that current Transportation planning and the up coming Bay Area TSPS does not reflect the "real" growth in the area.

We as a community are in favor of any project that increases the housing inventory in this community, but we are also aware that efforts need to be made to insure that the overall effect of a development does not lower the quality of life for ALL of the members of the community.

Sorry about the bad writing

Thank you

James Behrends
1190 Fulton Ave
Coos Bay Oregon
541 888 3772

ATTACHMENT E
06.18.2020 LETTER FROM JIM MCKEE

6-18-2020

city of Coos Bay.

I am repeat my self. I am not in favor of
Red Moon Const Plan to Develop Lindy
lane.

The City staff did not send any type
of notification...

you people rammed this on us. All of this
is a repeat of 2014.

I have spoken to the people Below. No body
was informed.

Mark + Lucia Jackson 541-267-3189

Clark Van Natta 541-404-9388

Jasm Lyons 541-982-4672-541-297-7507

Tim Novatny 541-266-4300 Bay City ambulance

Jim McKee 541-404-0130

copy to Mayor
.. .. World newspaper
.. .. KCBY TV
My ~~law~~ lawyer

Jim McKee
565 Lindy Lane
Coos Bay 97420



ATTACHMENT F
11.26.2008 DECLARATION OF REAL COVENANT

AMENDMENT TO RECORDED DOCUMENT #2008-11834
Amending Future Development Requirements
DECLARATION OF REAL COVENANT

I, the undersigned owner of real property in the City of Coos Bay, County of Coos, State of Oregon, described as follows: 527 Lindy Lane, Coos Bay, Oregon, more particularly described as follows:

Beginning at the point of intersection of the east boundary of the NW quarter of the SW quarter of Section 21, Township 25 south, Range 13 west with the southerly boundary of the right of way of Ocean Boulevard, thence South along the east boundary of said NW quarter of the SW quarter Section 21, a distance of 630 feet, more or less, to the SE corner thereof; thence West along the south boundary of said NW quarter of the SW quarter of said Section 21, for a distance of 165.00 feet; thence North along a line parallel to the and a distance of 165.00 feet west from the east boundary of the NW quarter of the SW quarter of said Section 21 for a distance of 665.00 feet, more or less to the southerly boundary of the right of way of Ocean Boulevard; thence Easterly along the southerly boundary of the right of way of Ocean Boulevard a distance of 165.00 feet, more or less, to the point of beginning. EXCEPTING THEREFROM that portion lying within the limits of Ocean Boulevard; EXCEPTING THEREFROM the south 100 feet thereof; EXCEPTING THEREFROM that portion lying within the limits of Lindy Lane, as recorded in the office of the Coos County Clerk as Microfilm Reel #2007-7305, all found in Section 21CB, Township 25 South, Range 13 West of the Willamette Meridian, Coos County Oregon.

for and in consideration of Building Permit #BLD2008-00191 granted by the City of Coos Bay for the establishment of a storage building as defined by the 2007 Oregon Structural Specialty Code, Section 406.1.2, without stipulations to street development and surfacing the access, maneuvering, and off-street parking area, prior to a final inspection, hereby covenant and agree for themselves and their heirs, successors, grantees, and assigns, that:

The owner(s) and all subsequent purchasers understand that remonstrance against any future street improvement project(s) for Lindy Lane has been waived; and that the owner(s) are responsible for surfacing (City approved asphalt or concrete) the driveway, any maneuvering area and the portion of the private vehicular access located within the public right of way. Said improvements must be completed within twelve (12) months after Lindy Lane is surfaced; further,

The owner(s) and all subsequent purchasers understand that if the use of the building changes from commercial storage to ANY OTHER USE, compliance with Land Development Ordinance No. 93, Chapter 3.15 and the current Oregon Structural Specialty and Fire Code shall be required. Based on the proposed change in use or occupancy, the requirements could include, but not be limited to, street improvements, surfacing of the access, maneuvering and off-street parking areas to City standards, installation of an internal sprinkler system, compliance with American Disabilities Act, and Fire and Life Safety standards. Compliance with said improvements would be required prior to the change in use and/or change in occupancy.

It is understood and agreed that this covenant runs with the land and shall be binding on all parties and all persons claiming under them.

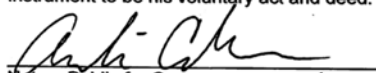
The undersigned has executed this agreement on the 26 day of November, 2008.


James E. McKee Trustee

State of OREGON
County of COOS



Personally appeared the above named individual and acknowledged the foregoing instrument to be his voluntary act and deed. This 26 day of November, 2008.


Notary Public for Oregon
My Commission Expires: 6/26/2011

RETURN TO: City of Coos Bay, Public Works, 500 Central Ave. Coos Bay, OR 97420

COOS COUNTY CLERK, OREGON TOTAL \$26.00
TERRI L. TURI, CCC, COUNTY CLERK

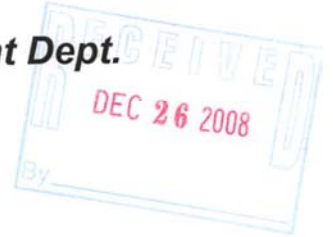
12/19/2008 #2008-12482
11:38AM 1 OF 1



City of Coos Bay

Public Works and Development Dept.

500 Central Ave., Coos Bay, Oregon 97420
Phone (541) 269-8918 • Fax (541) 269-8916



TRANSMITTAL

TO: Coos County Clerk's Office
Coos County Courthouse
250 N. Baxter
Coquille, OR 97423

FROM: Pam Patton, Codes/Planning Specialist

SUBJECT: No Remonstrance Recording

DATE: November 26, 2008

Enclosed is a Declaration of Real Covenant/No Remonstrance and check for the recording fee.

Once recorded, please return to:

City of Coos Bay
Public Works and Development
500 Central Avenue
Coos Bay, OR 97420

Please give me a call at 269-8918 if there are any questions.

G:\DCS\Administration\FORMS\527 Lindy Ln - Bld2008-00191 County Clerk - Transmittal.doc