

Chapter 17.130

PROCEDURES

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17.130.005 Purpose.

The purpose of the Coos Bay development code (CBDC) procedures is to specify transparent public processes to assess and ensure compatibility between new developments, existing uses, and future developments consistent with the Coos Bay comprehensive plan (CBCP) goals and objectives. Land use and development approvals are required to promote land uses and development harmonious with their surroundings, maintain a high quality of life for area residents, and to ensure new developments are planned and designed to comply with the standards and criteria for development and land use in the Coos Bay Municipal Code. [Ord. 532 § 2 (Att. B), 2020].

17.130.010 Applicability.

Land use project review and approval is required prior to issuance of building permits as required in this chapter. ~~for the following:~~

~~(1) The division of land or alteration of existing lot (parcel) lines;~~

~~(2) All conditional uses and new uses in any district;~~

~~(3) All changes in the use of a structure that increase the intensity of use, such as by increasing the gross floor area, height or bulk of the structure, number of access points or parking spaces, number or size of signs, or other measures of intensity or the structure location or significant elements of the design; and~~

~~(4) Building and demolition permits or any change, except painting and minor repair, to the exterior of properties listed on the National Register of Historic Places.~~

~~(5) No use shall be established, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved plan which is in conformance with the requirements set out in CBDC 17.130.050. Land use project review and approval are subject to a Type I, II or III review process prior to issuance of a building permit or as specified in this title, changes in land use.~~

~~(6) No amendment to the text of this title or the comprehensive plan shall be permitted without a Type IV authorization.~~

~~(7) Exclusions from Permits. The following activities are permitted in each land use district but are excluded from the requirement of obtaining a land use permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with applicable standards, conditions, and other provisions of the development code.~~

~~(a) Operation, maintenance, and repair of existing transportation facilities identified in the transportation system plan;~~

~~(b) Dedication of right of way, authorization of construction, and the construction of transportation facilities and improvements, where the improvements are planned improvements identified in the transportation system plan or are otherwise consistent with clear and objective dimensional standards;~~

~~(c) Changes in transit services. [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

17.130.020 — Pre-application review.

~~(1) Requirement. Unless otherwise expressly provided in this title, all applications subject to Type III or Type IV review are subject to pre-application review unless the director waives the requirement in writing.~~

~~(2) Waiver. The director may waive a pre-application review; however, the applicant shall acknowledge on the pre-application waiver form that s/he understands that waiver of pre-application review may increase the maximum time for review for technically complete status and may increase the risk that the application will be rejected, or processing will be delayed.~~

~~(3) Application Requirements and Contents. A pre-application submittal shall include a nonrefundable pre-application fee, a completed pre-application form provided by the city with the requisite fee and three paper copies to fit on an eight and one half inch by 11-inch page and one electronic copy of the following information:~~

~~(a) A preliminary site plan which shall include, where applicable, a north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights of way, development, access, parking, maneuvering, structures and landscaping on the site; existing and proposed natural features on the site, including vegetation, topography and grades; existing and proposed utilities (water, sewer, drainage, fire hydrants); and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. Principal features of the plan shall be dimensioned by architectural scale;~~

~~(b) Drawings showing proposed elevations or a likeness of the proposed structures;~~

~~(c) Proposed dedications to the city or other agency, if applicable;~~

~~(d) A written description of the proposed use or development. The descriptions shall identify any variances, adjustments or exceptions needed for approval of the plan.~~

~~(4) Scheduling, Notice and Attendees.~~

~~(a) Within seven calendar days after receipt of an application for pre-application review, the city shall mail or otherwise convey written notice of the pending pre-application conference to the applicant and other interested agencies. The notice shall state the date, time and location of the pre-application conference, the purposes of pre-application review, and the nature of the conference.~~

~~(b) The pre-application conference shall be scheduled not more than 21 calendar days after the notice is mailed or otherwise conveyed.~~

~~(c) The director shall determine who shall be invited to the meeting. In addition to the applicant and representatives, possible attendees include the design assistance team (DAT), the director, the city engineer, a representative from affected service districts, including transportation and transit agencies and representatives from interested state agencies and neighborhood associations recognized by the city council or by Coos County.~~

~~(5) Meeting Summary. Within 14 calendar days after a pre-application conference, the director will provide a written summary of the conference to the applicant and to other persons who request it. The written summary shall:~~

~~(a) Summarize the proposed application(s);~~

~~(b) Provide the relevant approval criteria and development standards in the city code or other applicable law; and exceptions, adjustments or other variations from applicable criteria or standards that may be necessary;~~

~~(c) Evaluate the information offered by the applicant to comply with the relevant criteria and standards, and identify specific additional information that is needed to respond to the relevant criteria and standards or is recommended to respond to other issues;~~

~~(d) Identify applicable application fees in effect at the time, with a disclaimer that fees may change;~~

~~(e) Identify information relevant to the application that may be in the possession of the city or other agencies of which the city is aware, such as:~~

~~(i) Comprehensive plan map designation and zoning on and in the vicinity of the property subject to the application;~~

~~(ii) Physical development limitations, such as steep or unstable slopes, wetlands, or water bodies, that exist on and in the vicinity of the property subject to the application;~~

~~(iii) Other applications that have been approved or are being considered for land in the vicinity of the property subject to the proposed application that may affect or be affected by the proposed application.~~

~~(6) Time Limit. The written summary of a pre-application conference is valid for up to one year from the date of the meeting summary provided by the city. If more than one year has elapsed~~

~~between the date of the last pre-application conference and the date an application is submitted, a new pre-application conference shall be required for future development subject to CBDC 17.130.020. [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

17.130.0320 Application types and classification.

(1) Applicability. Applications for land use review are subject to procedures in this chapter unless otherwise expressly provided in other chapters of the CBDC.

(2) Concurrent Application. If the applicant requests more than one type of review for a given development, an applicant shall submit all applications required for the development at one time, unless otherwise prohibited from doing so by law. Concurrent applications for a given development are subject to the highest type procedure that applies to any of the applications.

(3) Summary of Procedure Types and Processes. Application review of development proposals shall follow one of four types of procedures based on performance standards or application type. ~~There are four types of land use review procedures. This chapter or the chapter that authorizes an application generally identifies the type of procedure that applies to the application. Procedures for specific land use applications are identified in CBDC Table 17.130.020(3) Summary of Applications and Procedures. Procedures based on performance standards are listed in CBDC 17.130.030(4).~~ If the appropriate procedure is not clearly defined, the director shall decide which of the four procedures will apply with the following considerations:

(a) ~~A Type I process involves nondiscretionary standards or standards that require the exercise of professional judgment by the director about technical issues, that are clear and objective. The Type I process does not involve public notice or a public hearing prior to the decision. Refer to CBDC 17.130.080 for Type I procedure. Type I reviews include:~~

~~(i) Residential proposals creating less than 10 new units.~~

~~(ii) Modifications to interior of an existing structure that does not change the intensity or a use.~~

~~(iii) Installation or replacement of underground utilities.~~

~~(iv) Painting and minor repair to the exterior of properties listed on the National Register of Historic Places.~~

~~(v) Other development the director determines does not result in an appreciable increase in land use activity and intensity and does not create an additional significant adverse impact.~~

(b) A Type II process is based on a review of criteria that requires a limited amount of discretion. The Type II process includes public notice of the application and an opportunity for citizens to provide comments prior to the decision. The process does not include a public hearing unless the decision is appealed. Notice of the decision is provided to allow the applicant or an adversely affected person to appeal the decision to a higher local review authority. Refer to CBDC 17.130.090 for Type II procedure. ~~involves a mix of discretionary and nondiscretionary standards that require the exercise of limited discretion by the director about nontechnical issues and about which there may be a limited public interest. Type II reviews include:~~

~~(i) Changes in use of an existing structure or site.~~

~~(ii) New construction or expansions of existing development which does not exceed:~~

~~(A) Four thousand square feet of floor area.~~

~~(B) Twenty new parking spaces.~~

~~(C) Residential proposals with four structures with up to and including 10 units.~~

~~(D) All changes in the use of a structure that increase the intensity of use by increasing the gross floor area by more than 20 percent up to a total of 4,000 square feet or introducing a use requiring more than 15 percent of the parking required by the original use up to and including 20 new spaces.~~

~~(iii) Property line adjustments and partitions.~~

~~(iv) Other development the director determines appropriate for a Type II review due to community interest and/or benefit.~~

(c) A Type III process is a decision-making process in which the planning commission or a hearings officer makes the initial decision. The Type III process includes public notice and a public hearing, as well as the opportunity for a local appeal to be filed by the applicant, an individual who testified orally or in writing during the initial public hearing. Refer to CBDC 17.130.100 for Type III procedure.~~involves standards that require the exercise of substantial discretion by the planning commission or a hearing officer and about which there may be a broad public interest. Type III reviews include:~~

~~(i) New construction or expansions of existing construction of any of the following:~~

~~(A) Four thousand one square feet or more floor area.~~

~~(B) Twenty one or more new parking spaces.~~

~~(C) Residential proposals with more than 10 units.~~

~~(ii) Building and demolition permits or any change, except painting and minor repair, to the exterior of properties listed on the National Register of Historic Places.~~

~~(iii) Subdivisions.~~

(d) A Type IV process is a decision-making process in which the planning commission reviews the application and forwards a recommendation to the city council, which holds a public hearing and makes a final decision. The Type IV process includes public notice and public hearings before the planning commission and city council prior to the final decision. The city council decision is the final local decision. Refer to CBDC 17.130.110 for Type IV procedure.~~involves the creation, implementation or amendment of city land use policies or law by the city council, with recommendation by the planning commission.~~

Table 17.130.020(3) Summary of Applications and Procedures <i>D = Director, HO = Hearings Officer, DAT = Design Assistance Team, PC = Planning Commission, CC = City Council, LUBA = Land Use Board of Appeals</i>				
<u>Application</u>	<u>Type</u>	<u>Applicable Regulations</u>	<u>Review Authority</u>	<u>Appeal Authority</u>
<u>Accessory Dwelling Unit located in a historic district</u>	<u>I</u>	<u>17.312 (2a) Accessory Dwelling Units</u>	<u>D</u>	<u>PC</u>
<u>Adjustment Review, Minor</u>	<u>II</u>	<u>17.362 Adjustment Review</u>	<u>D</u>	<u>PC</u>
<u>Adjustment Review, Major</u>	<u>III</u>	<u>17.362 Adjustment Review</u>	<u>PC or HO</u>	<u>CC</u>
<u>Annexation</u>	<u>IV</u>	<u>17.345 Annexation</u>	<u>CC</u>	<u>LUBA</u>
<u>Architectural Review</u>	<u>II or III</u>	<u>17.240 Waterfront Heritage</u> <u>17.250 Hollering Place</u> <u>17.316 Empire Waterfront Settlement Design Review</u>	<u>DAT</u> <u>(advisory),</u> <u>D, HO or PC</u>	<u>CC</u>
<u>Code Interpretation</u>	<u>I</u>	<u>17.120.040 Interpretation</u>	<u>D, HO or PC</u>	<u>PC or CC</u>
<u>Conditional Use Permit</u>	<u>III</u>	<u>17.347 Conditional Uses</u>	<u>PC or HO</u>	<u>CC</u>
<u>Conditional Use Permit, Modification</u>	<u>II</u>	<u>17.347 Conditional Uses</u>	<u>D</u>	<u>PC</u>
<u>Comprehensive Plan Amendment</u>	<u>IV</u>	<u>17.360 Plan Amendments and Zone Changes</u>	<u>PC</u> <u>(advisory),</u> <u>CC</u>	<u>LUBA</u>
<u>Floodplain Development Permit</u>	<u>II</u>	<u>17.318 Flood Damage Prevention</u>	<u>D</u>	<u>PC</u>
<u>Cultural Resource Designation, Development, Alteration, or Demolition</u>	<u>II or III</u>	<u>17.349 Cultural Resources</u>	<u>DAT</u> <u>(advisory),</u> <u>D, PC</u>	<u>CC</u>
<u>Partition</u>	<u>II</u>	<u>17.359 Partitions</u>	<u>D</u>	<u>PC</u>
<u>Permitted Residential Use, General Review</u>	<u>N/A</u>	<u>17.130.015 General Review</u>	<u>N/A</u>	<u>N/A</u>
<u>Permitted Residential Use</u>	<u>I</u>	<u>Section 2. Zoning</u>	<u>D</u>	<u>PC</u>
<u>Permitted Residential Use, Subject to Higher Level of Review</u>	<u>III</u>	<u>Section 2. Zoning</u>	<u>CC</u>	<u>LUBA</u>
<u>Property Line Adjustment, including Lot Consolidation</u>	<u>I</u>	<u>17.363 Replats and Property Line Adjustments</u>	<u>D</u>	<u>PC</u>
<u>Subdivision</u>	<u>II or III</u>	<u>17.367 Subdivisions,</u> <u>17.130.020 (4b) and (4c) Procedures</u>	<u>D</u>	<u>PC</u>
<u>Temporary Use Permit</u>	<u>I</u>	<u>17.337 Temporary Use Permit</u>	<u>D</u>	<u>PC</u>
<u>Zoning Code Amendment</u>	<u>III</u>	<u>17.360 Plan Amendments and Zone Changes</u>	<u>PC or HO</u>	<u>CC</u>
<u>Zoning District Map Change</u>	<u>IV</u>	<u>17.360 Plan Amendments and Zone Changes</u>	<u>PC</u> <u>(advisory),</u> <u>CC</u>	<u>LUBA</u>

(4) Procedure types based on development performance standards.

(a) Type I reviews include:

(i) Changes in use of an existing structure or site.

(ii) Installation or replacement of underground utilities.

(iii) New construction or expansions of existing development of any of the following:

(A) Commercial, industrial, institutional, or multi-unit dwelling development that adds less than twenty percent (20%) floor area.

(B) New non-residential development up to 5,000 square feet.

(C) Residential proposal, including subdivisions, RV parks, and certified manufactured home parks, with 4 to 10 new units

(D) Parking lot not directly related to a primary use on the site with up to 20 new parking spaces.

(iv) A modification to an originally approved permit for land development or land use that includes minor changes determined by the director not affecting the use, originally approved design or intent of the reviewing body of the originally approved permit for land development or land use.

(v) Estuary and shoreland uses and activities subject to the requirements of CBDC 17.352.

(vi) As determined by the director, a property line adjustment consistent with CBDC 17.363.020.

(vii) Other development or uses authorized by and not prohibited in the underlying zoning district that the director determines does not result in an appreciable increase in land use activity and intensity nor create a significant adverse impact.

(b) Type II reviews include:

(i) New construction or expansion of existing development of any of the following:

(A) Commercial, industrial, institutional, or multi-unit dwelling development that adds twenty percent (20%) or more to existing floor area.

(B) Non-residential development of 5,001 to 20,000 square feet.

(C) Residential proposals, including subdivisions, RV parks, and certified manufactured home parks, with 11 to 20 units.

(D) Parking lots not directly related to a primary use on the site with 21-50 spaces.

(ii) Vacation rentals as defined in CBDC 17.150.

(iii) Single room occupancies identified in CBDC 17.370.

(iv) A technically complete application for a preliminary partition identified in CBDC 17.359.010.

(v) Other development or use the director determines appropriate for a Type II review that is authorized by and not prohibited in the underlying zoning district and that does not result in an appreciable increase in land use activity or intensity, does not create significant adverse impact to the vicinity of the proposed use or development, and is compatible with surrounding land uses.

(vi) Adjustment review, as specified in CBDC 17.372 for development noted in CBDC 17.130.020 (4)(b)(i), (ii), (iv), and (vi).

(vii) Conditional Use Permits associated with projects of size, scope and size noted in CBDC 17.130.020 (4) (b) (i), (ii), (iv) and (vi).

(viii) Cultural Resources permit associated with projects of size, scope and size noted in CBDC 17.130.020 (4) (c) (i), (ii), (iii) and (vi).

(c) Type III reviews include:

(i) Non-residential development greater than 20,001 square feet.

(ii) Residential proposals, including subdivisions, RV parks, and certified manufactured home parks, with 21 or more units.

(iii) Parking lots not directly related to a primary use on the site with 51 or more parking spaces.

(iv) Other development or use the director determines appropriate for a Type III review that is authorized by and not prohibited in the underlying zoning district and that does not result in an appreciable increase in land use activity or intensity, does not create significant adverse impact to the vicinity of the proposed use or development, and is compatible with surrounding land uses.

(iv) Adjustment Review as specified in CBDC 17.372 for development noted in CBDC 17.130.020 (4) (c) (i), (ii), (iii) and (iv).

(v) Conditional Use Permits associated with projects of size, scope and size noted in CBDC 17.130.020 (4) (c) (i), (ii), (iii), and (iv).

(vi) Cultural Resources permit associated with projects of size, scope and size noted in CBDC 17.130.020 (4) (c) (i), (ii), (iii), and (iv).

(45) Undefined Review. If this title is silent as to the type of review procedure required, the director shall, using a Type I review process, determine the appropriate level of review.

(56) At the discretion of the director, uses determined similar to uses specified in this title may be permitted subject to the provisions of this chapter.

(67) Highest Review Level. If a review is subject to multiple permits, the highest level of review for any one of the permits shall be required for all permits. [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.030 General review.

The development and land uses noted in CBDC Table 17.130.030 do not require a land use application if an allowed land use in the zoning district but are subject to applicable standards and conditions of the Development Code and other provisions of the applicable Municipal Code requirements and State law.

<u>Table 17.130.030 General Review</u>	
(a)	<u>Operation, maintenance, and repair of existing transportation facilities identified in the transportation system plan</u>
(b)	<u>Dedication of right-of-way, authorization of construction, and the construction of transportation facilities and improvements, where the improvements are planned improvements identified in the transportation system plan or are otherwise consistent with clear and objective dimensional standards</u>
(c)	<u>Changes in transit services</u>
(d)	<u>Modification to the interior of an existing structure that does not change the use or the intensity of a use</u>
(e)	<u>Physical expansion of existing structure by ten percent (10%) or less, occurring in a single expansion over a two-year time period</u>
(f)	<u>Regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair</u>
(g)	<u>Fences adhering to standards required in CBDC 17.335.020 and CBMC chapter 8.10.</u>
(h)	<u>Change in occupancy from one allowed land use to another allowed land use if a permitted use in the zoning district</u>
(i)	<u>Single-unit dwelling (including manufactured home on its own lot)</u>
(j)	<u>Duplex on a single lot</u>
(k)	<u>Home occupation</u>
(l)	<u>Accessory structures that do not require a building permit</u>
(m)	<u>Accessory dwelling units not subject to CBDC 17.312.040(2)</u>
(n)	<u>Public improvements required by city standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), except where a condition of approval requires a land use review</u>
(o)	<u>Land use compatibility statement</u>
(p)	<u>Signs consistent with CBDC 17.333</u>
(q)	<u>Traffic Impact Analysis subject to Title 18</u>

17.130.035 Pre-application review.

(1) Requirement. Unless otherwise expressly provided in this title, all applications subject to Type III or Type IV review are subject to pre-application review unless the director waives the requirement in writing.

(2) Waiver. The director may waive a pre-application review; however, the applicant shall acknowledge on the pre-application waiver form that s/he understands that waiver of pre-application review may increase the maximum time for review for technically complete status and may increase the risk that the application will be rejected, or processing will be delayed.

(3) Application Requirements and Contents. A pre-application submittal shall include a nonrefundable pre-application fee, a completed pre-application form provided by the city with the requisite fee and three paper copies to fit on an eight-and-one-half-inch by 11-inch page and one electronic copy of the following information:

(a) A preliminary site plan which shall include, where applicable, a north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering, structures and landscaping on the site; existing and proposed natural features on the site, including vegetation, topography and grades; existing and proposed utilities (water, sewer, drainage, fire hydrants); and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. Principal features of the plan shall be dimensioned by architectural scale;

(b) Drawings showing proposed elevations or a likeness of the proposed structures;

(c) Proposed dedications to the city or other agency, if applicable;

(d) A written description of the proposed use or development. The descriptions shall identify any variances, adjustments or exceptions needed for approval of the plan.

(4) Scheduling, Notice and Attendees.

(a) Within seven calendar days after receipt of an application for pre-application review, the city shall mail or otherwise convey written notice of the pending pre-application conference to the applicant and other interested agencies. The notice shall state the date, time and location of the pre-application conference, the purposes of pre-application review, and the nature of the conference.

(b) The pre-application conference shall be scheduled not more than 21 calendar days after the notice is mailed or otherwise conveyed.

(c) The director shall determine who shall be invited to the meeting. In addition to the applicant and representatives, possible attendees include the design assistance team (DAT), the director, the city engineer, a representative from affected service districts, including transportation and transit agencies and representatives from interested state agencies and neighborhood associations recognized by the city council or by Coos County.

(5) Meeting Summary. Within 14 calendar days after a pre-application conference, the director will provide a written summary of the conference to the applicant and to other persons who request it. The written summary shall:

(a) Summarize the proposed application(s);

(b) Provide the relevant approval criteria and development standards in the city code or other applicable law; and exceptions, adjustments or other variations from applicable criteria or standards that may be necessary;

(c) Evaluate the information offered by the applicant to comply with the relevant criteria and standards, and identify specific additional information that is needed to respond to the relevant criteria and standards or is recommended to respond to other issues;

(d) Identify applicable application fees in effect at the time, with a disclaimer that fees may change;

(e) Identify information relevant to the application that may be in the possession of the city or other agencies of which the city is aware, such as:

(i) Comprehensive plan map designation and zoning on and in the vicinity of the property subject to the application;

(ii) Physical development limitations, such as steep or unstable slopes, wetlands, or water bodies, that exist on and in the vicinity of the property subject to the application;

(iii) Other applications that have been approved or are being considered for land in the vicinity of the property subject to the proposed application that may affect or be affected by the proposed application.

(6) Time Limit. The written summary of a pre-application conference is valid for up to one year from the date of the meeting summary provided by the city. If more than one year has elapsed between the date of the last pre-application conference and the date an application is submitted, a new pre-application conference shall be required for future development subject to CBDC 17.130.020. [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.040 Application contents for all application types.

~~An applicant for development and/or land use review shall submit the requisite nonrefundable fee and three paper copies and one electronic copy of the information required by CBDC 17.130.050 except as otherwise provided therein. Additional copies may be required, depending upon who the review authority is for the application type. [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

(1) All land use applications subject to a Type I, II, III, or IV review shall contain at a minimum the contents listed in CBDC Table 17.130.040(1) Minimum Requirements for All Applications.

<u>Table 17.130.040(1) Minimum Requirements for All Applications</u>	
<u>(a)</u>	<u>Required nonrefundable application fee. Applications subject to a pre-application conference may apply the nonrefundable pre-application conference fee to a Type I, II, III, or IV application</u>
<u>(b)</u>	<u>A completed city land use application form</u>
<u>(c)</u>	<u>A copy of the pre-application conference summary, if the application was subject to or requested pre-application review, which shall include all information required by the director to address issues, comments and concerns in the summary</u>
<u>(d)</u>	<u>Most recent conveyance document (deed) showing current ownership</u>
<u>(e)</u>	<u>Written authorization to file the application signed by the owner of the property that is the subject of the application, if the applicant is not the same as the owner as listed by the Coos County assessor</u>
<u>(f)</u>	<u>A written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries, and construction schedule including project phasing, if known</u>

<u>Table 17.130.040(1) Minimum Requirements for All Applications</u>	
(g)	<u>A written description of how the application complies, or with conditions can comply, with each applicable CBCP, CBDC Title 17, and other city policy and regulation approval criterion applicable to the application. Basic facts and other substantial evidence supporting the description must also be included in the application</u>
(h)	<u>A legal description of the site</u>

(2) A project site plan identifying existing conditions to remain and the proposed development. The site plan shall include all relevant information from CBDC Table 17.130.040(2) Site Plan Requirements determined by the director to demonstrate if or how the scale and design of the development proposal complies, or can be conditioned to comply, with each applicable CBCP, CBDC Title 17, and other city and state policies, regulations, and approval criteria applicable to the application.

<u>Table 17.130.040(2): Site Plan Requirements</u>
<u>Site plan drawn to scale of no less than 11 inches by 17 inches</u>
<u>Graphic scale of the drawing and the direction of true north</u>
<u>Vicinity map showing location of subject site within the city of Coos Bay and the surrounding existing street system</u>
<u>Zoning and uses of subject site</u>
<u>Zoning and uses of properties adjacent to subject site</u>
<u>Property boundaries, dimensions and size of the subject site</u>
<u>A floor plan at a one-quarter- or one-eighth-inch scale</u>
<u>Architectural exterior elevations, showing north, south, west and east exterior elevations at a one-quarter or one-eighth-inch scale</u>
<u>Location, scaled dimensions of structures, setbacks between buildings and property lines, parking spaces, drive aisles, walkways and height of proposed structures</u>
<u>Location and scaled dimensions of on-site and off-site parking areas, including required parking landscaping islands; pedestrian cross-aisles; and indicate whether proposed parking is standard, compact, or handicapped-accessible and parking lot lighting</u>
<u>Calculations indicating:</u> <ul style="list-style-type: none"> <u>• Total site area</u> <u>• Dimensions of the subject property drawn to scale.</u> <u>• The total square footage of existing and proposed structures including percentage of total site area.</u> <u>• The total square footage amount of existing and proposed pervious area and landscaping area, including percentage of total site area.</u> <u>• The total amount of dedicated parking area, including percentage of total site area, and</u> <u>• The required and proposed number of parking spaces, including the number of standard parking spaces, the number of compact parking spaces and the number of handicapped-accessible parking spaces.</u>
<u>Location of on-site driveways and access points within 100 feet of the subject site</u>
<u>Location, centerline, and dimensions of existing public rights-of-way, private streets and easements on site and within 100 feet of the site</u>
<u>Location of all public and private easements on the site</u>
<u>Location of existing fire hydrants</u>
<u>Detailed landscaping plan consistent with CBDC 17.335.060 indicating specific code standards that will be met in each location</u>
<u>Location of exterior lighting consistent with CBDC 17.335.040 indicating specific code standards that will be met</u>

<u>Table 17.130.040(2): Site Plan Requirements</u>
<u>Location of existing aboveground and underground electrical, telephone or utility equipment and traffic control poles</u>
<u>Location, centerline, and dimensions of proposed dedications, and identification of proposed frontage improvements, including roadway improvements, curb and gutter installation, landscaped planter strip installation and public sidewalk installation</u>
<u>Approximate on-site slopes and grades</u>
<u>Proposed project-phasing boundaries</u>
<u>Demonstration of compliance with applicable state and federal guidelines, including, but not limited to, adequate sizing, the provision of handicapped access ramps and appropriate labeling and signing</u>
<u>Location of significant trees and other natural resources on site</u>
<u>Location and dimensions of all on-site pedestrian connections</u>
<u>The location and dimensions of loading and service areas, recreational or open space features, aboveground and underground utilities, and the size and location of solid waste and recyclable storage areas</u>

(3) Any additional information included in CBDC Table 17.130.040(3) Additional Contents if required by the director to demonstrate the development proposal complies, or with conditions can comply, with applicable CBCP, CBDC Title 17, CBMC, state or federal law evaluation or approval criteria applicable to the application.

<u>Table 17.130.040(3) Additional Contents</u>
<u>A survey prepared by a registered land surveyor or an existing conditions plan prepared by a registered land surveyor, licensed architect, landscape architect or civil engineer</u>
<u>Preliminary grading, erosion control, and drainage plans</u>
<u>Preliminary utility plan indicating the proposed location, size, connection points to existing public systems, and terminus points for sanitary sewer, water and stormwater drainage and control. Public and private easements for sanitary sewer, water and stormwater shall also be indicated</u>
<u>Traffic impact analysis if applicable. Note, a traffic impact analysis is required for proposals to create 20 or more residential units (e.g., single-family residential lots, apartment/condo units, manufactured home parks), 20,000 square feet or more of commercial/industrial space, or similar land use as determined by the director. The TIA shall be consistent with CBDC 18.40.010 and 18.40.020 and state of Oregon requirements</u>

(4) Additional application contents associated with a specific application required with the proposal. See CBDC Table 17.130.040(4) for specific permit/review applications and applicable code sections with additional application contents and process requirements.

<u>Table 17.130.040(4): Additional Applications and Code Sections</u>	
<u>Permit/Review</u>	<u>Code Section</u>
<u>Adjustment Review</u>	<u>17.372 Adjustment Review</u>
<u>Conditional Use Permit</u>	<u>17.347 Conditional Uses</u>
<u>Partitions</u>	<u>17.359 Partitions</u>
<u>Comprehensive Plan Amendments</u>	<u>17.360 Plan Amendments and Zone Changes</u>
<u>Replats and Property Line Adjustments</u>	<u>17.363 Replats and Property Line Adjustments</u>
<u>Sign Permit</u>	<u>17.333 Signs</u>
<u>Subdivisions</u>	<u>17.367 Subdivisions</u>
<u>Temporary Use Permit</u>	<u>17.337 Temporary Use Permits</u>
<u>Zoning Amendments</u>	<u>17.360 Plan Amendments and Zone Changes</u>

17.130.050 Review for technically complete status.

(1) Applicability and Schedule. Before accepting an application subject to a Type I, II, III or IV review, the director shall determine within 30 calendar days after the application is submitted whether the application is technically complete.

(2) Technically complete status. An applicant for development and/or land use review shall submit the requisite nonrefundable fee and three paper copies to fit on an 8.5-inch by 11-inch page and one electronic copy of the information required by CBDC 17.130.040 except as otherwise provided therein. Additional copies may be required, depending upon who the review authority is for the application type. [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

~~(2) Standards for Technical Completeness for a Type II Application. An application is technically complete if it includes the information required by the CBDC section(s) that apply to the application in question. If the CBDC does not list the information a given application is required to contain, then such an application is technically complete if it includes three hard copies and one electronic copy of the following information:~~

- ~~(a) Required nonrefundable application fee;~~
- ~~(b) A copy of the pre-application conference summary, if the application was subject to pre-application review, which shall include all information required by the director to address issues, comments and concerns in the summary;~~
- ~~(c) A written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries and construction schedule including project phasing, if known;~~
- ~~(d) A written description of how the application complies, or with conditions can comply, with each applicable CBCP, CBDC, and other city policy and regulation approval criterion applicable to the application. Basic facts and other substantial evidence supporting the description must also be included in the application;~~
- ~~(e) Applications necessarily associated with the proposal, such as applications for variances as specified in Chapter 17.372 CBDC; or for modifications to the road standards that are required to approve the proposal;~~
- ~~(f) If required by the director, a traffic impact analysis consistent with CBMC 18.40.010 and 18.40.020 and state of Oregon requirements;~~
- ~~(g) A legal description of the site;~~
- ~~(h) Three copies of a preliminary site plan at a scale of no more than one inch equals 200 feet of a size no smaller than 11 inches by 17 inches with:
 - ~~(i) North arrow, date, and graphic scale identifying the subject site,~~
 - ~~(ii) Total site area,~~
 - ~~(iii) Location of on-site driveways and access points within 100 feet of the subject site,~~
 - ~~(iv) Locations and lot coverage dimensions of the proposed building and proposed building setbacks,~~~~

- ~~(v) Existing and proposed lots, tracts, easements, rights-of-way and structures on the site;~~
 - ~~(vi) Existing lots, tracts, easements, rights-of-way and structures abutting the site;~~
 - ~~(vii) Legend indicating:
 - ~~(A) Total site area;~~
 - ~~(B) The total square footage of proposed building or structures including percentage of total site area;~~
 - ~~(C) The total square footage amount of impervious area square footage, including percentage of total site area;~~
 - ~~(D) The total square footage amount of on-site landscaping, including percentage of total site area and the information specified in subsection (7) of this section;~~
 - ~~(E) The total amount of dedicated parking area, including percentage of total site area, the proposed number of parking spaces, including the number of standard parking spaces, the number of compact parking spaces and the number of handicapped-accessible parking spaces. The required number of parking spaces should also be indicated;~~~~
 - ~~(i) A floor plan at a one-quarter or one-eighth inch scale;~~
 - ~~(j) Elevations of all sides of the proposed structure at a one-quarter or one-eighth inch scale;~~
 - ~~(k) Existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide three copies of the plan of a size no smaller than 11 inches by 17 inches;~~
 - ~~(l) Preliminary grading, erosion control and drainage plans may be required depending upon the application and if required shall be consistent with applicable provisions of this or other applicable city documents;~~
 - ~~(m) Information about proposed utilities, including water and sanitary waste;~~
 - ~~(n) A landscaping plan meeting the standards of CBDC 17.335.060, Landscaping;~~
 - ~~(o) A lighting plan meeting the standards of CBDC 17.335.040, Lighting.~~
- ~~(3) Standards for Technical Completeness for a Type III application. An application is technically complete if it includes the information required by the CBDC section(s) that apply to the application in question and three hard copies (24 inches by 36 inches) and one electronic copy of:~~
- ~~(a) A completed city land use application form;~~
 - ~~(b) Required nonrefundable application fee;~~
 - ~~(c) Most recent conveyance document (deed) showing current ownership;~~

- ~~(d) The name, email address, mailing address, and telephone number of the owner(s) and official contact regarding the application;~~
- ~~(e) Written authorization to file the application signed by the owner of the property that is the subject of the application, if the applicant is not the same as the owner as listed by the Coos County assessor;~~
- ~~(f) Copy of pre-application conference report and any other items requested in the pre-application conference report, if completed;~~
- ~~(g) Written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries and construction schedule, including project phasing, if known;~~
- ~~(h) A written description of how the application complies, or with conditions can comply, with each applicable CBCP, CBDC Title 17, and other city policy and regulation approval criterion applicable to the application. Basic facts and other substantial evidence supporting the description must also be included in the application;~~
- ~~(i) Applications necessarily associated with the proposal, such as applications for variances as specified in Chapter 17.372 CBDC; or for modifications to the road standards that are required to approve the proposal;~~
- ~~(j) A legal description of the site;~~
- ~~(k) A floor plan at a one-quarter or one-eighth inch scale;~~
- ~~(l) Architectural elevations, showing north, south, west and east elevations at a one-quarter or one-eighth inch scale;~~
- ~~(m) A project site plan identifying existing conditions drawn to a minimum scale of one inch equals 200 feet with the following information:~~
 - ~~(i) Vicinity map showing location of subject site within the city of Coos Bay and the surrounding existing street system;~~
 - ~~(ii) Existing and proposed property boundaries, dimensions and size of the subject site;~~
 - ~~(iii) Graphic scale of the drawing and the direction of true north;~~
 - ~~(iv) Zoning and uses of subject site and of properties within 100 feet of the subject site;~~
 - ~~(v) Current structural or landscaped setbacks;~~
 - ~~(vi) Location of on-site driveways and access points within 100 feet of the subject site;~~
 - ~~(vii) Location of existing on-site structures and the approximate location of existing structures within 100 feet of the site;~~
 - ~~(viii) Location, dimensions, setbacks of buildings to property lines and height of proposed buildings;~~
 - ~~(ix) Location of existing aboveground electrical, telephone or utility poles and traffic control poles;~~

- ~~(x) Location of existing fire hydrants;~~
- ~~(xi) Location of structures within 100 feet of the site;~~
- ~~(xii) Location, centerline and dimensions of existing public rights-of-way and easements on site and within 100 feet of the site;~~
- ~~(xiii) Location, centerline and dimensions of existing private streets on site and within 100 feet of the site;~~
- ~~(xiv) Approximate on-site slopes and grades within 100 feet of the site;~~
- ~~(xv) Location of building accesses;~~
- ~~(xvi) Proposed project phasing boundaries, if applicable;~~
- ~~(xvii) Location of proposed access points including vehicular driveways and designated pedestrian access points, including the proposed depth of the vehicular driveway throats;~~
- ~~(xviii) Location and dimensions of proposed on-site parking areas, including required parking landscaping islands and indicating whether proposed parking is standard, compact or handicapped-accessible;~~
- ~~(xix) Demonstrate compliance with applicable state and federal guidelines, including, but not limited to, adequate sizing, the provision of handicapped access ramps and appropriate labeling and signing. On-site cross-aisles and circulation areas shall be indicated including their dimensions;~~
- ~~(xx) Location and dimensions of proposed on-site pedestrian connections between the public street and buildings, between on-site buildings, between on-site buildings and on-site or off-site parking areas;~~
- ~~(xxi) Location and size of off-site parking areas, if applicable, including details on the number and type of off-site parking spaces and existing or proposed cross-aisles and circulation areas including dimensions;~~
- ~~(xxii) Location, centerline and dimensions of proposed on-site public or private streets and public and private easements;~~
- ~~(xxiii) Location, centerline and dimensions of proposed dedications, and identification of proposed frontage improvements, including roadway improvements, curb and gutter installation, landscaped planter strip installation and public sidewalk installation;~~
- ~~(xxiv) The location and dimensions of loading and service areas, recreational or open space features, aboveground utilities, existing structures to be retained on the site and their distance from the property line, proposed structures (including signs, fences, etc.) and their distance from property lines and the size and location of solid waste and recyclable storage areas;~~
- ~~(xxv) Specialized site treatments, including but not limited to pedestrian plazas, heavy-duty paving, concrete score patterns, bicycle parking and outdoor seating areas;~~
- ~~(xxvi) Proposed easements or dedications to the city or other agency, if applicable;~~

~~(n) Preliminary grading, erosion control and drainage plans may be required depending upon the application and if required shall be consistent with applicable provisions of this or other applicable city documents;~~

~~(o) Information about proposed utilities, including water and sanitary waste;~~

~~(p) Legend indicating:~~

~~(i) Total site area,~~

~~(ii) The total square footage of proposed building or structures including percentage of total site area,~~

~~(iii) The total square footage amount of impervious area square footage, including percentage of total site area,~~

~~(iv) The total square footage amount of on-site landscaping, including percentage of total site area and the information specified in subsection (7) of this section,~~

~~(v) The total amount of dedicated parking area, including percentage of total site area, the proposed number of parking spaces, including the number of standard parking spaces, the number of compact parking spaces and the number of handicapped-accessible parking spaces. The required number of parking spaces should also be indicated;~~

~~(q) Preliminary utility plan indicating the proposed location, size, connection points to existing public systems, and terminus points for sanitary sewer, water and stormwater drainage and control. Public and private easements for sanitary sewer, water and stormwater shall also be indicated;~~

~~(r) Landscape plan consistent with CBDC 17.335.060 indicating:~~

~~(i) The location of proposed vegetation, landscaping proposed in and around buildings, on the perimeter of the site and within proposed parking areas shall be indicated. In addition, street trees or other forms of landscaping within the public rights-of way shall be indicated,~~

~~(ii) The common and botanical name of the proposed vegetation,~~

~~(iii) The initial planting size (height or gallon) and the mature planting size and proposed methods of irrigation, if any;~~

~~(s) Lighting plan consistent with CBDC 17.335.040 and indicating the location, height and type of proposed exterior lighting fixtures (pole-mounted or wall-mounted);~~

~~(t) Traffic impact analysis if applicable. Note, a traffic impact analysis is required for proposals to create 20 or more residential units (e.g., single family residential lots, apartment/condo units, manufactured home parks), 20,000 square feet or more of commercial/industrial space, or similar land use as determined by the director. The TIA shall be consistent with CBDC 18.40.010 and 18.40.020 and state of Oregon requirements;~~

~~(u) Sign plan(s) (if applicable).~~

(3) Additional information. Additional information may be requested by the director.

(4) Excluded Information and Application Fees. The director may accept as technically complete an application without information listed as being required if such information is not necessary to make a finding required by the law. However, no application shall be accepted for review without required nonrefundable application fees.

(5) Missing Information. If the director determines an application is not technically complete, within 30 calendar days after the city receives the application the director shall send the applicant a written statement rejecting the application. Incompleteness shall be based solely on failure to pay required fees, failure to address the relevant criteria or development regulations, or failure to supply information to assure the decision maker and public understanding of the application. The statement shall:

- (a) List what is required to make the application technically complete;
- (b) Specify a date by which the required missing information must be provided;
- (c) State that the applicant can apply to extend the deadline for filing the required information, and explain how to do so; and
- (d) Include recommendations for additional information that, although not necessary to make the application technically complete, are recommended to address other issues that are or may be relevant to the review.

(6) Final Actions for a Technically Incomplete Application. If the director decides that all of the required information is not submitted by the date specified, or as extended, s/he shall:

- (a) Provide a letter rejecting the application for lack of completeness and stating the reasons for the return; or
- (b) Issue a decision denying the application based on a lack of information.

(7) The application will be deemed complete by the director for the purpose of this section upon receipt of:

- (a) All the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

(8) Pursuant to ORS 227.178, the city will reach a final decision that approves, approves with conditions, or denies the application. The city will reach its decision within 120 calendar days from the date that the application was determined to be complete or deemed complete (unless the applicant agrees to extend the 120-calendar-day timeline or unless state law provides otherwise); including time for any possible appeal up to an appeal by the Land Use Board of Appeals (LUBA). However, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city.

(9) The 120-calendar-day timeline may be extended at the written request of the applicant.

(10) The applicant may amend the application up to and including 14 calendar days after the application has been deemed complete.

(11) Amendments to an application submitted more than 14 calendar days after the application is deemed complete may be determined by the director to be so substantial that the application shall be treated as having been refiled. In such a case, the director shall provide the applicant with the following options: provide the city with a waiver of the 120-day time frame set forth in ORS 227.178 of a minimum of 14 calendar days from the date the amendment was submitted; treat the application as having been refiled as of the date the amendment was submitted; or decide the application on the basis of the applicant's materials without the amendment.

(12) For any application which has been on file with the city for more than 90 calendar days and the applicant has not met the obligations of this section, the application will be deemed withdrawn. [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.060 Reserved.

[Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.070 Approval criteria.

The authorizing authority shall approve a land use application if the applicant has sustained the burden of proving that:

(1) The application complies with the applicable regulations of the Coos Bay comprehensive plan and development code; or that the application can comply with all applicable regulations by complying with adopted conditions of approval; or that necessary variances have been approved; or that adopted conditions of approval have been met prior to final plat approval.

(2) The development makes adequate provision for public services consistent with the level of service provided in adopted city policies, plans and regulations.

(3) The development will not have a significant adverse effect on adjacent properties or public facilities. [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.075 Approval compliance and occupancy.

(1) All development and/or land use authorized for a property shall conform to the authorized site plans, floor plans and elevations imposed thereon unless amended or replaced by a subsequent city approval.

(2) Compliance with all conditions of approval for development and/or land use authorized for a property shall be met prior to occupancy. If authorized by the director, conditions specific to public and site improvements may be accomplished in phases by performance bonds or other suitable security as determined by the director to secure an applicant's obligation to comply with development and/or land use authorization conditions of the approval. [Ord. 532 § 2 (Att. B), 2020].

17.130.080 Type I procedure.

(1) Application contents as noted in CBDC 17.130.040.

(2) Notice of Application. No notice is required for a Type I application.

(43) Decision. Within 30 calendar days after the date an application subject to a Type I process is accepted as technically complete, the director shall issue a notice of decision that the application is approved, approved with conditions, or denied; provided, an applicant may agree in writing to extend that time and may provide additional information within that time at the request

~~of the city. The notice of decision shall include a brief summary of the relevant facts and applicable standards for the application and of how the application complies with those standards based on the facts and evidence, including any conditions of approval. The city shall provide an electronic copy and hard copy of the decision to the applicant and applicant's representative(s).~~

(a) Notice of Decision. The notice of decision shall include a brief summary of the relevant facts and applicable standards for the application and of how the application complies with those standards based on the facts and evidence, including any conditions of approval. The city shall provide an electronic copy and hard copy of the decision to the applicant and applicant's representative(s).

(i) Contents of a Notice of a Decision. Notice of a decision shall contain at least the following information:

(A) A copy or summary of the written decision;

(B) The appeal closing date;

(C) A description of how to file an appeal of the decision, including applicable fees;

(D) A statement that the public record in the case is available for review and the place, days and times for review; and

(E) The name and telephone number of the city staff person to contact for information about the case or to review the case file.

~~(24) Appeal of a Type I Decision, and Post Decision Review. The notice of decision shall state the date by which the appeal must be filed pursuant to CBDC 17.130.130 or state that the applicant may apply for post decision changes pursuant to CBDC 17.130.160. [Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

(a) Deadline. An appeal together with the requisite fee and information must be received by the city within 15 calendar days of the date of the final order being issued. Any appeal heard by the city's planning commission or city council must be heard within the 120-day appeal period pursuant to CBDC 17.130.080(4)(f).

(b) Standing. A final decision regarding an application subject to a Type I process may be appealed only by the applicant or applicant's representative.

(c) Appeal Contents. An appeal shall include the appropriate fee and the following information:

(i) A form provided for that purpose by the city;

(ii) The case number as designated by the city;

(iii) The name of the applicant;

(iv) The name, address and signature of each appellant;

(v) The reasons why each aspect is in error as a matter of fact or law; and

(vi) The evidence relied on to prove the error.

(d) Scope of Review. An appeal of a Type I decision shall be conducted de novo. "De novo" means a hearing by the appeal authority can be held as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review. Except as otherwise specified in this code, or required by state law, the appeal authority may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that additional testimony or other evidence could not reasonably have been presented at the prior hearing. The appeal authority shall consider all of the following in making such a decision:

(i) Prejudice to the parties.

(ii) Convenience or availability of evidence at the time of the initial hearing.

(iii) Surprise to opposing parties.

(iv) The competency, relevancy and materiality of the proposed testimony or other evidence.

(v) Such other factors as may be determined by the reviewing body to be appropriate.

(e) Appeal Authority. Within seven calendar days after a timely, complete appeal is filed regarding a decision subject to a Type I process, the city shall send to the planning commission a copy of the appeal and the case file together with any new evidence submitted with the appeal. Within 21 calendar days after a timely, complete appeal is filed, the planning commission shall send to the city a final decision for distribution to the applicant and applicant's representative.

(f) Review Body Decision.

(i) Upon review, the appeal authority shall by final order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review.

(A) When the appeal authority modifies or renders a decision that reverses a decision, the final order shall set forth its findings and state the reasons for taking the action.

(B) When the appeal authority modifies or renders a decision, the final order shall set forth its findings and state the reasons for taking the action.

(C) When the appeal authority remands the matter back to the lower review body for further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.

(ii) Action by the appeal authority shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. Pursuant to ORS 227.178, the city shall issue the final decision within 120 calendar days from the date the application was deemed technically complete unless the applicant agrees to extend the 120-calendar-day timeline or unless state law provides otherwise. In no case shall the review body render its decision later than 60 calendar days after the filing of the request for review. The city shall file the final decision within five working days after it is rendered. [Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.090 Type II procedure.

(1) Application contents as noted in CBDC 17.130.040.

(42) Notice of Application. Twenty days prior to a Type II review, the city shall mail a written notice of the application ~~as specified in CBDC 17.130.120(1) and (4) to property owners~~ within 150 feet of the application site.

(a) Contents of a Notice of Application Subject to Type II Review. The notice of Type II application shall contain at least the following information:

(i) The file number;

(ii) The name(s) and address(es) of the applicant and owner;

(iii) The legal description of the site;

(iv) The street address or other easily understood geographical reference to the subject property;

(v) A description of the proposal and a listing of the approval criteria by applicable code section number;

(vi) A statement that the application can be reviewed at City Hall during working hours, and that copies can be obtained for a fee equal to the city's cost for providing the copies;

(vii) The name and contact information of the city representative to contact regarding the application;

(viii) An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;

(ix) A statement outlining the appeals process.

(2b) Comments. The city shall ~~mail to the applicant~~ make available to the applicant a copy of comments timely received in response to the notice.

(3) Decision.

(a) Pursuant to CBDC 17.130.050(7), within Within 120 calendar days after the date an application subject to a Type II process is accepted as technically complete, the review authority shall issue a decision that approves, approves with conditions, or denies the application; including time for any possible appeal up to an appeal by the Land Use Board of Appeals (LUBA); provided, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city.

(b) The decision shall include a brief summary of the relevant facts and applicable standards for the application and a summary of how the application complies with those standards based on the facts and evidence, including any conditions of approval.

(3c) Notice of Final Order. Notice of Decision. Within seven calendar days after issuing a decision, the city shall mail notice of the decision to interested agencies and property owners within 150 feet of the subject application area, ~~as provided in CBDC 17.130.120(3).~~

(i) Contents of a Notice of a Decision. Notice of a decision shall contain at least the following information:

(A) A copy or summary of the written decision;

(B) The appeal closing date;

(C) A description of how to file an appeal of the decision, including applicable fees;

(D) A statement that the public record in the case is available for review and the place, days and times for review; and

(E) The name and telephone number of the city staff person to contact for information about the case or to review the case file.

(ii) Distribution of Notices by Mail. The city shall mail notice of application subject to Type II review to:

(A) The applicant and the applicant's representative;

(1) The property owner of record; shall be the person(s) listed in the records of the Coos County assessor; and

(2) Failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing executed by the person who did the mailing shall be conclusive evidence that notice was mailed to parties listed or referenced in the certificate;

(B) Agencies with jurisdiction, including transportation and transit agencies; and

(C) Other persons with standing who request such notice in writing.

(d) Effective Date of Decision. Unless a condition of approval specifies otherwise or the decision is appealed pursuant to subsection CBDC 17.130.090(7), a Type II decision becomes effective upon the date the City mails the Notice of Decision.

(4) Appeal of a Type II Decision, and Post-Decision Review. The notice of decision shall state the date by which the appeal must be filed pursuant to CBDC 17.130.130 or state that the applicant may apply for post-decision changes pursuant to CBDC 17.130.160. [Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

(a) Deadline. An appeal together with the requisite fee and information must be received by the city within 15 calendar days of the date of the final order being issued. Any appeal heard by the city's planning commission or city council must be heard within the 120-day appeal period pursuant to CBDC 17.130.090(4)(f).

(b) Standing. A final decision regarding an application subject to a Type II process may be appealed by the applicant or applicant's representative or by any person, agency or firm with an interest in the matter.

(c) Appeal Contents. An appeal shall include the appropriate fee and the following information:

(i) A form provided for that purpose by the city;

(ii) The case number as designated by the city;

(iii) The name of the applicant;

(iv) The name, address and signature of each appellant;

(v) The reasons why each aspect is in error as a matter of fact or law; and

(vi) The evidence relied on to prove the error.

(d) Scope of Review. An appeal of a Type II decision shall be conducted de novo. "De novo" means a hearing by the appeal authority can be held as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review. Except as otherwise specified in this code, or required by state law, the appeal authority may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that additional testimony or other evidence could not reasonably have been presented at the prior hearing. The appeal authority shall consider all of the following in making such a decision:

(i) Prejudice to the parties.

(ii) Convenience or availability of evidence at the time of the initial hearing.

(iii) Surprise to opposing parties.

(iv) The competency, relevancy and materiality of the proposed testimony or other evidence.

(v) Such other factors as may be determined by the reviewing body to be appropriate.

(e) Appeal Authority. For an appeal regarding a decision subject to a Type II process, the city shall schedule a public hearing to be held by the planning commission not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for applications subject to a Type III process in CBDC 17.130.100.

(f) Review Body Decision.

(i) Upon review, the appeal authority shall by final order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review.

(A) When the appeal authority modifies or renders a decision that reverses a decision, the final order shall set forth its findings and state the reasons for taking the action.

(B) When the appeal authority modifies or renders a decision, the final order shall set forth its findings and state the reasons for taking the action.

(C) When the appeal authority remands the matter back to the lower review body for further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.

(ii) Action by the appeal authority shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. Pursuant to ORS 227.178, the city shall issue the final decision within 120 calendar days from the date the application was deemed technically complete unless the applicant agrees to extend the 120-calendar-day timeline or unless state law provides otherwise. In no case shall the review body render its decision later than 60 calendar days after the filing of the request for review. The city shall file the final decision within five working days after it is rendered. [Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

(5) Revocation of or Amendments to Type II permits.

(a) Revocation of Type II permits may be initiated by the director with a 60-day notification by mail to a property owner that the permit requirements are not being satisfied. Notification to surrounding property owners will be provided pursuant to CBDC 17.130.090(2). Notification will include a statement that the revocation determination can be reviewed at City Hall during working hours and that copies can be obtained for a fee equal to the city's cost for providing the copies

(b) Revocation or Amendment by the Director. The director may revoke or amend a Type II permit if s/he finds that:

(i) The Type II use or development is not consistent with its authorization or other applicable standards of this title; and

(ii) The applicant has failed to remedy the alleged violation within 60 calendar days after the director mails notice of the alleged violation to the operator and/or owner of a Type II use or development.

(c) Revocation of Type II permits are subject to CBDC 17.130.090(4).

17.130.100 Type III procedure.

(1) Application contents as noted in CBDC 17.130.040.

(2) Notice of Application. Twenty days prior to a Type III review, the city shall mail a written notice of the application to property owners within 300 feet of the application site.

(a) Contents of a Notice of Application Subject to Type III Review. The notice of Type III application shall contain at least the following information:

(i) The file number;

(ii) The name(s) and address(es) of the applicant and owner;

(iii) The legal description of the site;

(iv) The street address or other easily understood geographical reference to the subject property;

(v) A description of the proposal and a listing of the approval criteria by applicable code section number;

(vi) A statement that the application can be reviewed at City Hall during working hours, and that copies can be obtained for a fee equal to the city's cost for providing the copies;

(vii) The name and contact information of the city representative to contact regarding the application;

(viii) An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;

(ix) A statement outlining the appeals process.

(x) The date, time and place of the hearing;

(xi) A statement that the planning commission will conduct the hearing in accordance with the rules of procedure adopted by the planning commission;

(xii) A statement that the staff report will be available at least seven days prior to the hearing and how the report may be viewed; and

(xiii) A statement that interested parties may testify orally or in writing at the public hearing.

(b) Comments. The city shall make available to the applicant a copy of comments timely received in response to the notice.

(43) Public Hearing. An application subject to a Type III process will be considered at one or more public hearings before the city's planning commission or a hearings officer.

(2a) Notice of Hearing. At least 20 calendar days before the date of the hearing, the city shall mail public notice of the hearing to adjoining property owners within a 300-foot radius of the application site as provided in CBDC 17.130.100(2), ~~CBDC 17.130.120(1), (2) and (4).~~

(3b) Staff Report. At least seven calendar days before the date of the hearing, the director shall make available a hard copy of the staff report regarding the application available at City Hall, an electronic copy of the staff report available on the city website, and shall mail a hard copy of the staff report to the planning commission, the applicant, and the applicant's representative(s) and other parties who request it. The staff report shall set out the relevant facts and applicable standards for the application and a summary of how the application complies with those standards based on the facts and evidence, including any conditions of approval.

(4c) Public Hearings Procedure. Public hearings shall be conducted in accordance with the rules of procedure adopted by the planning commission or the hearings officer. A public hearing shall be recorded on audio or audiovisual tape.

(a) At the beginning of a hearing an announcement shall be made to those in attendance that:

(iA) Lists the applicable approval criteria by development code section number.

(iiB) Testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the comprehensive plan or development code which the person believes to apply to the application.

(iiiC) Failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the decision-making authority and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

(ivD) Failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the city to respond to the issue precludes an action for damages in circuit court.

(vE) The decision-making authority must be impartial and that members of the decision-making authority shall not have any bias or personal or business interest in the outcome of the application. Prior to the receipt of any testimony, members of the decision-making authority must announce any ex-parte contacts. The decision-making authority shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest, or ex-parte contacts.

(viF) State that if any member of the decision-making authority has visited the site, they shall describe generally what was observed.

(viiG) Summarizes the procedure of the hearing.

(bii) After the announcements, the chair shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.

(ciii) After the presentation of the staff report, the chair shall call for the applicant's testimony, opposition testimony and neutral testimony, in that order.

(div) At the conclusion of the hearing on each application, the planning commission shall announce one of the following actions:

(iA) That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.

(iiB) That the public record is held open to a date and time certain. The planning commission shall state where additional evidence and testimony can be sent and shall announce any limits on the nature of the evidence that will be received after the hearing.

(iiiC) That the application(s) is/are taken under advisement, denied, approved, or approved with conditions, together with a brief summary of the basis for the decision, and that a final order will be issued as provided in this section.

(54) Decision. Within 14 calendar days after the date the record closes regarding a given application(s), the director shall submit to the city a written decision regarding the application(s). The decision shall set out the relevant facts and applicable standards for the application(s) and a summary of how the application(s) complies with those standards based on the facts and evidence, including any conditions of approval.

(6a) Notice of Decision. Within seven calendar days of the date of the decision, the city shall mail a notice of decision as provided in CBDC 17.130.120(3) to property owners within a 300-foot radius of the application site.

(i) Contents of a Notice of a Decision. Notice of a decision shall contain at least the following information:

(A) A copy or summary of the written decision;

(B) The appeal closing date;

(C) A description of how to file an appeal of the decision, including applicable fees;

(D) A statement that the public record in the case is available for review and the place, days and times for review; and

(E) The name and telephone number of the city staff person to contact for information about the case or to review the case file.

(ii) Distribution of Notices by Mail. The city shall mail notice of a hearing regarding an application subject to a Type III process to:

(A) The applicant and the applicant's representative;

(1) The property owner of record; shall be the person(s) listed in the records of the Coos County assessor; and

(2) Failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing executed by the person who did the mailing shall be conclusive evidence that notice was mailed to parties listed or referenced in the certificate.

(B) Agencies with jurisdiction.

(C) Other persons with standing who request such notice in writing. [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

(b) Effective Date of a Decision. The decision is adopted by ordinance, and it becomes final and takes effect as specified in the enacting ordinance. Where the proposal is not approved, the decision to deny is final on the date the City Council makes its decision.

~~(75) Appeal of a Type III Decision, and Post-Decision Review. The notice of decision shall state the date by which the appeal must be filed pursuant to CBDC 17.130.130 or state that the applicant may apply for post decision changes pursuant to CBDC 17.130.160. [Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

(a) Deadline. An appeal together with the requisite fee and information must be received by the city within 15 calendar days of the date of the final order being issued. Any appeal heard by the city's planning commission or city council must be heard within the 120-day appeal period.

(b) Standing. A final decision regarding an application subject to a Type III process may be appealed by the applicant or applicant's representative or by any person, agency or firm who offered oral or written testimony before the planning commission or hearings officer closed the public record in the case.

(c) Appeal Contents. An appeal shall include the appropriate fee and the following information:

(i) A form provided for that purpose by the city;

(ii) The case number as designated by the city;

(iii) The name of the applicant;

(iv) The name, address and signature of each appellant;

(v) The reasons why each aspect is in error as a matter of fact or law; and

(vi) The evidence relied on to prove the error.

(d) Scope of Review. The appeal authority scope of review of a Type III decision is limited to the record of the original action on the application.

(e) Appeal Authority. For an appeal regarding a decision subject to a Type III process, the city shall schedule a public hearing to be held by the city council not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for applications subject to a Type III process in CBDC 17.130.100.

(f) Review on the Record.

(i) The record on appeal of a Type III decision shall be limited to:

(A) A factual report prepared by the director.

(B) All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.

(C) The written transcript or electronic recording of the hearing and a detailed summary of the evidence.

(ii) The appeal authority shall make its decision based upon the record after first granting the right of argument on the record, but not the introduction of additional evidence, to any party who has filed a notice of appeal. The appeal authority shall decide if the correct procedure was followed and, if so, was the correct or appropriate decision made based on the applicable policies.

(g) Review Body Decision.

(i) Upon review, the appeal authority shall by final order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review.

(A) When the appeal authority modifies or renders a decision that reverses a decision, the final order shall set forth its findings and state the reasons for taking the action.

(B) When the appeal authority modifies or renders a decision, the final order shall set forth its findings and state the reasons for taking the action.

(C) When the appeal authority remands the matter back to the lower review body for further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.

(ii) Action by the appeal authority shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any

subsequent meeting. Pursuant to ORS 227.178, the city shall issue the final decision within 120 calendar days from the date the application was deemed technically complete unless the applicant agrees to extend the 120-calendar-day timeline or unless state law provides otherwise. In no case shall the review body render its decision later than 60 calendar days after the filing of the request for review. The city shall file the final decision within five working days after it is rendered. [Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

(6) Revocation of or Amendments to Type III permits.

(a) Revocation of Type III permits may be initiated by the director with a 60-day notification by mail to a property owner that the permit requirements are not being satisfied. Notification to surrounding property owners will be provided pursuant to CBDC 17.130.100(2). Notification will include a statement that the revocation determination can be reviewed at City Hall during working hours and that copies can be obtained for a fee equal to the city's cost for providing the copies.

(b) Revocation by the Planning Commission. The planning commission may revoke or amend a Type III permit if they find that:

(i) The Type III use or development is not consistent with its authorization or other applicable standards of this title; and

(ii) The applicant has failed to remedy the alleged violation within 60 calendar days after the director mails notice of the alleged violation to the operator and/or owner of a Type III use or development. [Ord. 518 § 8 (Exh. 1), 2019].

(b) Revocation of Type III permits are subject to CBDC 17.130.100(5), Appeal.

17.130.110 Type IV procedure.

(1) Application contents as noted in CBDC 17.130.040.

(2) Notice of Application. Twenty days prior to a Type IV review, the city shall mail a written notice of the application to property owners within 300 feet of the application site. If the subject application has citywide implications, the site shall be posted with a 3' x 4' public notice funded by the applicant and a public hearing notice advertised in the local paper of record twenty days prior to the Planning Commission and City Council review.

(a) Contents of a Notice of Application Subject to Type IV Review:

(i) The file number;

(ii) The name(s) and address(es) of the applicant and owner;

(iii) The legal description of the site;

(iv) The street address or other easily understood geographical reference to the subject property;

(v) A description of the proposal and a listing of the approval criteria by applicable code section number;

(vi) A statement that the application can be reviewed at City Hall during working hours, and that copies can be obtained for a fee equal to the city's cost for providing the copies;

(vii) The name and contact information of the city representative to contact regarding the application;

(viii) An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;

(ix) A statement outlining the appeals process.

(x) The date, time and place of the hearing;

(xi) A statement that the planning commission will conduct the hearing in accordance with the rules of procedure adopted by the planning commission;

(xii) A statement that the staff report will be available at least seven days prior to the hearing and how the report may be viewed;

(xiii) A statement that interested parties may testify orally or in writing at the Council public hearing;

(xiv) A statement of the date, time, and place for the City Council public hearing in accordance with the rules of procedure adopted by the City Council; and

(xv) A statement that the staff report will be available at least seven days prior to the hearing and how the report may be viewed.

(b) Comments. The city shall make available to the applicant a copy of comments timely received in response to the notice.

(43) Public Hearing. An application subject to a Type IV process will be considered at one or more public hearings before the planning commission and one or more public hearings before the city council. The planning commission and city council may combine their meetings into one public meeting.

(2a) Notice of the Initial Planning Commission Hearing. At least 20 calendar days before the date of the first planning commission hearing regarding an application subject to a Type IV process, the director shall mail public notice of the hearing to parties who have requested such notice and to other individuals, firms or agencies as deemed appropriate. If the Type IV procedure is related to a specific property, public notice shall be mailed as specified in CBDC 17.130.110(2) ~~CBDC 17.130.120(1), (2) and (4)~~ to property owners within 300 feet of the application site. At least 10 days before the date of the hearing, the city shall cause notice of the hearing to be posted at City Hall and on the city website.

(3b) Staff Report. At least seven calendar days before the date of the first planning commission or joint planning commission/council hearing, the city shall issue a written staff report regarding the application. The staff report shall set out the relevant facts and applicable standards for the application and a summary of how the application complies with those standards. The city shall mail a copy of the staff report to the review authority and to other parties who request it and post an electronic copy of the staff report on the city website. Copies of the staff report also shall be available at the public hearing.

(4c) Public Hearings Procedures. Public hearings shall be conducted in accordance with the rules of procedure adopted by the review authority, except to the extent waived by the review authority. A public hearing shall be recorded on audio or audiovisual tape.

(a) At the conclusion of a planning commission or joint planning commission/council hearing on an application subject to a Type IV process, the planning commission or, in the case of a joint planning commission/council meeting, the council shall announce one of the following actions, which may not be appealed:

(i) That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed or published. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing; or

(ii) That the planning commission recommends against or in favor of approval of the application(s) with or without certain changes, or that the planning commission makes no recommendation regarding the application(s), together with a brief summary of the basis for the recommendation.

(iii) That, in the case of a joint planning commission/council hearing, the council may take action as noted in subsection (c)(iii) of this section.

(b) At least 14 calendar days before the date of the first hearing before the city council, the city shall mail public notice of the hearing to parties who have requested such notice and to other individuals, firms or agencies as deemed appropriate. At least 10 days before the date of the hearing, the city shall cause notice of the hearing to be posted at City Hall and on the city website.

(c) At the conclusion of its initial hearing noted in subsection (c)(i) or (ii) of this section, the city council may continue the hearing, take an action forwarding the application for further review consistent with the CBDC, or take an action to terminate or postpone further consideration of the application. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.

(5) Decision. Within 14 calendar days after the date the record closes regarding a given application(s), the director shall submit to the city a written decision regarding a Type IV application requested by a property owner specific to a particular property.

(a) Notice of Decision. The city shall issue a notice of decision regarding the application(s) within seven calendar days of the date of the decision. The city shall mail the notice of decision as provided in ~~CBDC 17.130.120(3)~~ CBDC 17.130.120(2) to property owners within a 300-foot radius of the application site.

(b) Effective Date of a Decision. The decision is adopted by ordinance, and it becomes final and takes effect as specified in the enacting ordinance. Where the proposal is not approved, the decision to deny is final on the date the City Council makes its decision.

(7) Appeal of a Type IV Decision, and Post-Decision Review. An application subject to a Type IV process is not subject to appeal or post-decision review before the city. [Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016]. For an appeal regarding a decision subject to a Type IV process, the applicant, the applicant's representative, any person, agency or firm on either side who offered oral or written testimony may appeal to the Land Use Board of Appeals (LUBA). The party must file a notice of intent to appeal with the Land Use Board of Appeals, with the required fees, within 21 days after the land use decision becomes final as described by OAR 661-010-0010(3) and 661-010-0015(1)(b). The scope of the review (the record)

consists of the materials submitted to, and not rejected by, the decision makers in the course of the local proceedings.

~~17.130.120 — Notices.~~

~~(1) Contents of a Notice of Application Subject to Type II Review. The notice of Type II application shall contain at least the following information:~~

- ~~(a) The file number;~~
- ~~(b) The name(s) and address(es) of the applicant and owner;~~
- ~~(c) The legal description of the site;~~
- ~~(d) The street address or other easily understood geographical reference to the subject property;~~
- ~~(e) A description of the proposal and a listing of the approval criteria by applicable code section number;~~
- ~~(f) A statement that the application can be reviewed at City Hall during working hours, and that copies can be obtained for a fee equal to the city's cost for providing the copies;~~
- ~~(g) The name and contact information of the city representative to contact regarding the application;~~
- ~~(h) An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;~~
- ~~(i) A statement outlining the appeals process.~~

~~(2) Contents of a Notice of a Public Hearing for an Application Subject to a Type III Process. Mailed notice of a public hearing shall contain the following information:~~

- ~~(a) The information required by subsection (1) of this section;~~
- ~~(b) The date, time and place of the hearing;~~
- ~~(c) A statement that the planning commission will conduct the hearing in accordance with the rules of procedure adopted by the planning commission;~~
- ~~(d) A statement that the staff report will be available at least seven days prior to the hearing and how the report may be viewed; and~~
- ~~(e) A statement that interested parties may testify orally or in writing at the public hearing.~~

~~(3) Contents of a Notice of a Decision. Notice of a decision subject to a Type I, Type II or Type III process shall contain at least the following information:~~

- ~~(a) A copy or summary of the written decision;~~
- ~~(b) The appeal closing date;~~
- ~~(c) A description of how to file an appeal of the decision, including applicable fees;~~

~~(d) A statement that the public record in the case is available for review and the place, days and times for review; and~~

~~(e) The name and telephone number of the city staff person to contact for information about the case or to review the case file.~~

~~(4) Distribution of Notices by Mail.~~

~~(a) The city shall mail notice of application subject to Type II review to:~~

~~(i) The applicant and the applicant's representative;~~

~~(A) The property owner of record; shall be the person(s) listed in the records of the Coos County assessor; and~~

~~(B) Failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing executed by the person who did the mailing shall be conclusive evidence that notice was mailed to parties listed or referenced in the certificate;~~

~~(ii) Agencies with jurisdiction, including transportation and transit agencies; and~~

~~(iii) Other persons with standing who request such notice in writing.~~

~~(b) The city shall mail notice of a hearing regarding an application subject to a Type III process to:~~

~~(i) The applicant and the applicant's representative;~~

~~(A) The property owner of record; shall be the person(s) listed in the records of the Coos County assessor; and~~

~~(B) Failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing executed by the person who did the mailing shall be conclusive evidence that notice was mailed to parties listed or referenced in the certificate.~~

~~(ii) Agencies with jurisdiction.~~

~~(iii) Other persons with standing who request such notice in writing. [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

17.130.130 — Appeal.

~~(1) Deadline for Appeal. An appeal together with the requisite fee and information must be received by the city within 15 calendar days of the date of the final order being issued. Any appeal heard by the city's planning commission or city council must be heard within the 120-day appeal period pursuant to CBDC 17.130.050(7).~~

~~(2) Standing.~~

~~(a) A final decision regarding an application subject to a Type I process may be appealed only by the applicant or applicant's representative.~~

~~(b) A final decision regarding an application subject to a Type II process may be appealed by the applicant or applicant's representative or by any person, agency or firm with an interest in the matter.~~

~~(c) A final decision regarding an application subject to a Type III process may be appealed by the applicant or applicant's representative or by any person, agency or firm who offered oral or written testimony before the planning commission or hearings officer closed the public record in the case.~~

~~(d) Appeal of a Type IV Decision. For an appeal regarding a decision subject to a Type IV process, the applicant, the applicant's representative, any person, agency or firm on either side who offered oral or written testimony may appeal to the Land Use Board of Appeals (LUBA). The party must file a notice of intent to appeal with the Land Use Board of Appeals, with the required fees, within 21 days after the land use decision becomes final as described by OAR 661-010-0010(3) and 661-010-0015(1)(b). The scope of the review (the record) consists of the materials submitted to, and not rejected by, the decision makers in the course of the local proceedings.~~

~~(3) Appeal Contents. An appeal shall include the appropriate fee and the following information:~~

- ~~(a) A 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.~~

~~(4) Scope of Review.~~

~~(a) An appeal of a Type I or Type II decision shall be conducted de novo. "De novo" means a hearing by the appeal authority can be held as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review. Except as otherwise specified in this code, or required by state law, the appeal authority may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that additional testimony or other evidence could not reasonably have been presented at the prior hearing. The appeal authority shall consider all of the following in making such a decision:~~

- ~~(i) Prejudice to the parties.~~
- ~~(ii) Convenience or availability of evidence at the time of the initial hearing.~~
- ~~(iii) Surprise to opposing parties.~~
- ~~(iv) The competency, relevancy and materiality of the proposed testimony or other evidence.~~
- ~~(v) Such other factors as may be determined by the reviewing body to be appropriate.~~

~~(b) Type III Decision. The reviewing body shall state the scope of review on appeal to be restricted to the record made on the decision being appealed and limit the appeal to issues the reviewing body determines necessary for a proper resolution of the matter.~~

~~(5) Appeal Authority.~~

~~(a) Appeal of a Type I Decision. Within seven calendar days after a timely, complete appeal is filed regarding a decision subject to a Type I process, the city shall send to the planning commission a copy of the appeal and the case file together with any new evidence submitted with the appeal. Within 21 calendar days after a timely, complete appeal is filed, the planning commission shall send to the city a final decision for distribution to the applicant and applicant's representative.~~

~~(b) Appeal of a Type II Decision. For an appeal regarding a decision subject to a Type II process, the city shall schedule a public hearing to be held by the planning commission not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for applications subject to a Type III process in CBDC 17.130.100.~~

~~(c) Appeal of a Type III Decision. For an appeal regarding a decision subject to a Type III process, the city shall schedule a public hearing to be held by the city council not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for applications subject to a Type III process in CBDC 17.130.100.~~

~~(6) Review on the Record.~~

~~(a) The record on appeal of a Type III decision shall be limited to:~~

~~(i) A factual report prepared by the director.~~

~~(ii) All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.~~

~~(iii) The written transcript or electronic recording of the hearing and a detailed summary of the evidence.~~

~~(b) The appeal authority shall make its decision based upon the record after first granting the right of argument on the record, but not the introduction of additional evidence, to any party who has filed a notice of appeal. The appeal authority shall decide if the correct procedure was followed and, if so, was the correct or appropriate decision made based on the applicable policies.~~

~~(7) Review Body Decision.~~

~~(a) Upon review, the appeal authority shall by final order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review.~~

~~(i) When the appeal authority modifies or renders a decision that reverses a decision, the final order shall set forth its findings and state the reasons for taking the action.~~

~~(ii) When the appeal authority modifies or renders a decision, the final order shall set forth its findings and state the reasons for taking the action.~~

~~(iii) When the appeal authority remands the matter back to the lower review body for further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.~~

~~(b) Action by the appeal authority shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. Pursuant to ORS 227.178, the city shall issue the final decision within 120 calendar days from the date the application was deemed technically complete unless the applicant agrees to extend the 120-calendar-day timeline or unless state law provides otherwise. In no case shall the review body render its decision later than 60 calendar days after the filing of the request for review. The city shall file the final decision within five working days after it is rendered. [Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

17.130.140 Expiration and extension of decisions.

(1) Except as otherwise expressly provided by the Coos Bay Development Code or the decision in question, decisions made pursuant to this chapter expire four years after the effective date of the decision unless, within that time, the applicant or a successor in interest files an application for an extension of the decision or the permit is inaugurated as defined in Chapter CBDC 17.150 CBDC. ~~Approval of a preliminary subdivision or partition shall expire within five years from the date of approval.~~

(2) 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.

(3) The director may approve two one-year extensions of a decision if he or she finds that:

(a) Relevant facts and the law have not changed substantially since the original approval.

(b) The application can comply with the law in effect on the date the application for the extension was filed by complying with applicable additional and/or modified conditions of approval, and those additional conditions and/or modifications are adopted.

(c) The applicant must demonstrate that he or she has pursued development and/or a subdivision in good faith as evidenced by: ~~progress by evidence of application for final permits, property surveying, engineering or compliance with project conditions specified when the project was approved.~~

(i) For development projects, a building permit has been secured and construction has commenced. For the land use permit to remain valid, construction under the building permit must successfully complete the first inspection within six months or issuance of the building permit. A foundation permit shall be treated as equivalent to a building permit, but grading, demolition, electrical, mechanical or plumbing permits shall not be considered or treated as building permits; or

(ii) For partitions or subdivisions, recordation of the final plat.

(d) At the director's discretion, any extension application may be referred to the planning commission for action. [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.145 Modifications to permits.

~~Modifications to previously issued permits may be issued subject to the following:~~

~~(1) A modification in density or intensity of use of 10 percent or less than the approved density and intensity of use that will not affect the design, use or intent of the originally approved project is considered a minor modification and may be reviewed and authorized by the director in compliance with the requirements of CBDC 17.130.080 (Type I procedure). The director shall determine whether a proposed project modification is of a minor or major nature.~~

~~(2) Modification exceeding the limitations of subsection (1) of this section are considered major modifications subject to review by the authorizing authority and review procedures of the originally approved project.~~

~~(3) Major modifications to Type II permits shall require compliance with the requirements of CBDC 17.130.090.~~

~~(4) Minor modifications to Type II permits shall require compliance with the requirements of CBDC 17.130.080.~~

~~(5) Major modifications to Type III permits shall require planning commission review and approval pursuant to the requirements of CBDC 17.130.100.~~

~~(6) Minor modifications to Type III permits may be approved by the director. The director, at his/her discretion, may refer the minor modification to the planning commission. [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019].~~

After the effective date of the approval of a previously approved permit, modifications to the approved permit may be considered in accordance with the Type II application procedures pursuant to CBDC 17.130.090. The director shall approve the request only if it complies with the following criteria:

(1) The proposed modification is not materially inconsistent with the conditions of the original approval; and

(2) The proposed modification will result in insignificant changes in the physical appearance of the development, the use of the site, and impact on the surrounding properties.

If the requested modification does not meet the criteria for approval, the application will be denied. Nothing in this land use code shall preclude the applicant from initially submitting the requested modification as a new land use permit application.

17.130.150 — Revocation of Type II and Type III permits.

~~(1) Revocation of Type II and Type III permits may be initiated by the director with a 60-day notification by mail to a property owner that the permit requirements are not being satisfied. Notification to surrounding property owners will be provided pursuant to CBDC 17.130.120(1)(a) through (d) and (g) through (i). Notification will include a statement that the revocation determination can be reviewed at City Hall during working hours and that copies can be obtained for a fee equal to the city's cost for providing the copies.~~

~~(2) Revocation or Amendment by the Director. The director may revoke or amend a Type II permit if s/he finds that:~~

~~(a) The Type II use or development is not consistent with its authorization or other applicable standards of this title; and~~

~~(b) The applicant has failed to remedy the alleged violation within 60 calendar days after the director mails notice of the alleged violation to the operator and/or owner of a Type II use or development.~~

~~(3) Revocation of Type II and Type III permits are subject to CBDC 17.130.130, Appeal.~~

~~(4) Revocation by the Planning Commission. The planning commission may revoke or amend a Type III permit if they find that:~~

~~(a) The Type III use or development is not consistent with its authorization or other applicable standards of this title; and~~

~~(b) The applicant has failed to remedy the alleged violation within 60 calendar days after the director mails notice of the alleged violation to the operator and/or owner of a Type III use or development. [Ord. 518 § 8 (Exh. 1), 2019].~~

17.130.160 — Post decision review.

~~(1) Generally. Post decision review may change decisions and conditions of approval without necessarily subjecting the change to the same procedures as the original decision. Changes may be warranted by ambiguities or conflicts in a decision and by new or more detailed information, permits or laws. Post decision review cannot substantially change the nature of the development approved pursuant to a given decision and can only be conducted regarding a decision that approves or conditionally approves an application. An application that is denied is not eligible for post decision review.~~

~~(2) Eligibility and Contents. An applicant or successor in interest may, at any time, file an application for post decision review of a Type I, II or III decision, describing the nature of and the basis for the proposed change to the decision, including the applicable facts and law, together with the fee prescribed for that application by the city council.~~

~~(3) Relationship to an Appeal. An application for post decision review does not extend the deadline for filing an appeal of the decision being reviewed and does not stay appeal proceedings.~~

~~(4) Preliminary Processes.~~

~~(a) Pre application review is optional.~~

~~(b) An application for post decision review is subject to technical completeness review, CBDC 17.130.050; provided, the review authority shall not require an application for post decision review to contain information that is not relevant and necessary to address the requested change or the facts and law on which it is based. As part of the technical completeness review, the director shall:~~

~~(i) Determine whether the proposed change can be reviewed as a post decision review or shall be subject to a new application on the merits of the request;~~

~~(ii) Classify an application for post decision review as a Type I, II or III process based on the circumstances of the original decision and the guidelines in subsection (5) of this section.~~

~~(c) Notify the applicant in writing of the determination and classification.~~

~~(i) The classification of the application is subject to appeal as part of the decision on the merits of the post decision review.~~

~~(ii) A decision denying post decision review and requiring a new application may be appealed to the planning commission.~~

~~(5) Post Decision Review Guidelines.~~

~~(a) An application for post decision review of a Type I decision shall be subject to a Type I process.~~

~~(b) An application for post decision review of a Type II decision shall be subject to a Type I process if the director finds the requested change:~~

~~(i) Is consistent with the applicable law or variations permitted by law, including permits to which the development is subject; and~~

~~(ii) Does not involve an issue of broad public interest, based on the record of the decision.~~

~~(c) An application for post decision review of a Type II decision shall be subject to a Type II process if it does not qualify for a Type I process.~~

~~(d) An application for post decision review of a Type III decision shall be subject to a Type I review process if the director finds the requested change:~~

~~(i) Unambiguously reduces the adverse impacts of the development authorized by the decision;~~

~~(ii) Is consistent with the applicable law or variations permitted by law, including permits to which the development is subject; and~~

~~(iii) Does not involve an issue of broad public interest, based on the record of the decision.~~

~~(e) An application for post decision review of a Type III decision shall be subject to a Type II review process if director finds the requested change:~~

~~(i) Is needed to address a minor change in the facts or the law, including permits to which the development is subject;~~

~~(ii) Involves limited discretion; and~~

~~(iii) Does not involve an issue of broad public interest, based on the record of the decision.~~

~~(f) An application for post decision review of a Type III decision shall be subject to a Type III review process if it is not subject to Type I or II review.~~

~~(g) Modifications to a decision other than by a timely appeal or post decision review shall be by new application. [Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.130.150].~~

Chapter 17.150

DEFINITIONS

Sections:

- 17.150.010 Purpose.
- 17.150.020 Definitions.

17.150.010 Purpose.

The purpose of this chapter is to define terms used in the CBDC and other terms that may arise interpreting the CBDC.

- (1) Applicability. The definitions in this chapter apply to actions and interpretations of the CBDC.
- (2) General Provisions. Terms not identified herein shall have their ordinary accepted meanings within the context they are used pursuant to the current edition of the Websters New International Dictionary of the English Language, unabridged. Where the singular variation of a term is used it also includes the plural.
- (3) Conflicting Definitions. Where a term is listed in this chapter but defined by another section of this title, the term is not redefined in this chapter for purposes of that other code or statute. Unless the context clearly requires otherwise, the definitions in this section shall apply to terms in this title. In addition to definitions provided below, there are chapter-specific or section-specific definitions in this title.
- (4) All definitions related to the city's flood management regulations can be found in CBDC 17.318.060. [Ord. 518 § 8 (Exh. 1), 2019].

17.150.020 Definitions.

The following definitions are organized alphabetically.

A.

Abutting – Adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than eight feet in a single direction.

Access – The place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use, as required by this title.

Access easement – An easement conveyed for the purpose of providing pedestrian, vehicle, bicycle, and/or pedestrian similar access.

Access way – Pedestrian and/or bicycle connections between streets, rights-of-way, or a street or right-of-way and a building, school, park, transit stop, or other destination.

Accessory building/structure – A detached, subordinate building located on the same lot with the main building (except as provided by ~~Chapter CBDC~~ 17.314 ~~CBDC~~) occupied by or devoted to an accessory use. If an accessory building is attached to the main building in a substantial manner as by a wall or roof, or as determined by the building official, the building shall be considered part of the main building. Examples of accessory structures include but are not limited

to: buildings not attached to the main building (e.g., garages, carports, guest houses, workshops, and sheds), arbors, gazebos, and mechanical equipment.

~~Accessory dwelling unit~~ – ~~An interior, attached or detached residential structure that is used in connection with or that is accessory to a single family dwelling.~~

Accessory use – A use customarily incidental and subordinate to the principal use of the building or land and located on the same lot (except as provided by Chapter CBDC 17.314 CBDC). In no case shall the accessory use dominate in area, extent, or purpose the principal lawful use of the building or land.

Addition (to an existing building) – Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is considered to be new construction.

Adjacent – Near, close; for example, an industrial district across the street or highway from a commercial district shall be considered as “adjacent.”

Adjoin – The same as “abutting.”

Adjustment review – A review process to allow greater flexibility in site planning and building design than afforded by Title 17 development standards to encourage innovative and desirable projects; workforce, affordable and senior housing; energy conservation; and economic development.

Administrative service – Consulting, record-keeping, clerical, or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles, and excludes commercial use type “professional and administrative service.” Typical use types are associated with governmental offices.

Affordable housing – Decent, safe, quality housing that costs no more than 30 percent of a household’s gross monthly income for rent/mortgage and utility payments.

Agricultural sales – Sale of feed, grain, fertilizers, pesticides, and similar goods from the premises. Typical uses include hay, feed, and grain stores.

Agricultural service – Establishments or places of business providing agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include tree service firms or landscape services.

Agricultural uses – The use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities; and provided further, that the above uses shall not include slaughterhouses and meat packing or commercial feeding of animals.

Alley – A narrow street through a block providing only secondary access to abutting property at the rear or side property lines.

Amusement park or center – A group of amusement devices for children and/or adults and their accessory uses. Such a park or center may include miniature golf areas, bumper cars, batting cages, arcades, bumper boats, go-carts and other such activities.

Animal husbandry – The commercial raising and breeding of livestock or other nondomestic animals or insects.

Animal sales and service – Establishments or places of business primarily engaged in animal-related sales and services. The following are animal sales and services use types:

Animal sales and service: auction – Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding a 48-hour period. Typical uses include animal auctions or livestock auction yards.

Animal sales and service: grooming – Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.

Animal sales and service: kennel – Boarding, raising, caring, and training services for dogs, cats, and similar small animals. Typical uses include animal day care, boarding kennels (overnight) or dog training centers.

Animal sales and service: pet shop – Establishment for the retail sale of household pets and pet supplies.

Animal sales and services: veterinary (large animals) – Veterinary services for large animals. Typical uses include animal hospitals or veterinary hospitals.

Animal sales and service: veterinary (small animals) – Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.

Animal waste processing – The processing of animal waste and by-products, including, but not limited to, animal manure, animal bedding waste, and similar by-products of an animal-raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting for commercial purposes.

~~**Apartment** – A room or suite of rooms within an apartment house or apartment hotel, used as a dwelling unit for one family with facilities that function or are intended to function for living, sleeping, and cooking.~~

Applicant – Any person or his or her authorized agent or representative who has applied for a permit and who has a valid, existing legal interest in the property proposed to be developed.

Appropriate area, minimum – The smallest total area of property allowed in a particular zone.

Architectural feature – Features shall include, but not be limited to, a cornice, eave, belt course, sill, chimney, uncovered/unenclosed porch, platform landing, deck, or stairway.

Area of special flood hazard – The land in the floodplain subject to a one percent chance or greater of flooding in any given year as shown on flood insurance rate maps (FIRM) or except as otherwise determined by the Federal Emergency Management Agency (FEMA).

~~**Arterial S**~~~~**street**~~. See “Street, ~~M~~Major arterial” and “Street, ~~m~~Minor arterial.”

Assessment – An estimation or determination of the significance, importance, or value of land, buildings, or a proposed development activity.

Automotive equipment – Establishments or places of business primarily engaged in motorized vehicle-related sales or services. The following are automotive and equipment use types:

- (a) Cleaning. Washing and polishing of automobiles. Typical uses include auto laundries or car washes.
- (b) Fleet Storage. Fleet storage of vehicles used regularly in business operation but not for the long-term storage of vehicles, nor for vehicles available for sale. Typical uses include taxi fleets, mobile catering truck storage, or auto storage garages.
- (c) Parking. Parking of private motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots or garages.
- (d) Repairs, Heavy Equipment. Repair of trucks, construction and logging equipment, as well as the sale, installation, or servicing of automotive equipment and parts, together with body repairs, painting, and steam cleaning. Typical uses include truck transmission shops, body shops, or motor freight maintenance groups.
- (e) Repairs, Light Equipment. Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts, but excluding body repairs and painting. Typical uses include muffler shops, auto or motorcycle repair garages, or auto glass shops.
- (f) Sales/Rentals, Heavy Equipment. Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, trucks, and aircraft together with incidental maintenance. Typical uses include aircraft dealers, farm, logging, and heavy construction equipment dealers, or tractor trailers.
- (g) Sales/Rentals, Light Equipment. Sale, retail, or wholesale, and/or rental from the premises of autos, noncommercial trucks, motorcycles, motor homes, recreational vehicles, boats, and trailers with generally less than a 10,000-pound gross cargo weight together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies, and small boat sales.
- (h) Storage, Nonoperating Vehicles. Storage of nonoperating motor vehicles. Typical uses include storage of private parking tow-away or impound yards.

Awning/marquee – Any movable roof-like structure cantilevered or attached to and entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening or rolled or folded back to a position flat against the building or a cantilevered projection thereof, or which is detachable.

B.

Bakery – An establishment where products such as breads, cakes, pies, pastries, etc., are baked or produced and sold on premises for wholesale and/or retail sale.

Bar and/or cocktail lounge – Any premises wherein alcoholic beverages are sold at retail for consumption on the premises. A Class H retailer's license is required for serving liquor by the bottle or by the drink.

Base flood – The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year” flood.

Basement – The portion of a building between floor and ceiling which is wholly or partly below grade and so constructed that the vertical distance from grade to the floor is equal to or greater than the vertical distance from grade to ceiling.

Bedroom – Any space in a dwelling unit which contains a minimum of seventy square feet of floor area exclusive of garages, attic space, or similar spaces which are not habitable, such as foyers, storage closets, utility rooms, or unfinished attics and basements.

Billboard – A surface whereon advertising matter is set in view conspicuously and the advertising thereon does not apply to the premises or any use of the premises whereon it is displayed or posted.

Block – A group of lots, tracts, or parcels within well-defined and fixed boundaries.

Boarding house – A dwelling where meals or lodging and meals are provided for compensation to at least one person and no more than 16 persons by prearrangement for definite periods of at least one week’s duration. A boarding house is to be distinguished from a hotel.

Bollard – A post permanently affixed into the ground or pavement, at least two feet and no more than four feet in height after installation, whose purpose is to segregate automotive traffic from certain areas.

Border lots – Residential lots abutting the urban growth area boundary which may be larger in size than most urban lots to allow for a smoother transition to larger rural lots lying outside the boundary.

Breezeway – A covered walkway connecting the main building on a property with other main buildings or accessory buildings. The structure may not be more than 12 feet high at the ridge. More than 50 percent of the total area of the structure may not be enclosed with any material other than that necessary for roof supports.

Buffer area – A landscaped or natural area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another, or intended to reduce the impact of noise levels generated on one property from the surrounding properties and intended to enhance the level of safety and promote the aesthetic qualities of the area.

Buildable area – The space remaining after demonstrating compliance with the minimum open space and yard setback requirements of this title.

Buildable land – Land not constrained by critical areas and public rights-of-way or infrastructure.

Building – A structure constructed for the support, shelter, or enclosure of persons, animals, or property of any kind.

Building, Nonconforming – A legally existing building that fails to comply with this title (for height, number of stories, size, area, yards, location, or use) applicable to the district in which the building is located

Building coverage – The usable floor area under the horizontal projection of any roof or floor above, excluding eave overhang.

Building height – Height measured from the lowest finished grade level to the highest point on the roof ridge.

Building line – The point at the outermost face of any vertical support, exterior wall line, or foundation.

~~**Building, nonconforming** – A legally existing building that fails to comply with this title (for height, number of stories, size, area, yards, location, or use) applicable to the district in which the building is located.~~

Building permit – The document or certificate issued by the city of Coos Bay that sanctions adherence to all applicable building and development regulations and gives permission to the applicant to proceed with the actions for which the permit was requested.

Building/property maintenance service – Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

Building setback line – A line parallel to the front lot line and passing through the most forward point or plane of the building closest to the front lot line.

Building site – A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

Bus shelter – A building for the purpose of providing shelter from weather while waiting for mass public transportation. The shelter shall be construction consistent with the city's established design which frame shall be a three-by-three-by-12-inch A500 steel tube finished with two-component high solids polyurethane rust inhibitive primer, plus two-component high solids finish. The walls are one-quarter-inch clear tempered safety glass with simulated metal muntins. Roof is standing seam sheet metal with sheet steel ceiling soffit (both are finished to match frame).

C.

Camper – A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreational, and/or vacation use.

Camping trailer – A structure mounted on wheels and designed for travel, recreational, and/or vacation uses.

~~**Canopy** – A roof like structure made of any material that projects from the wall of a building and overhangs a sidewalk. A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.~~

Car wash – A building, or portion thereof, containing facilities for washing automobiles utilizing mechanical devices.

~~**Carport** – A building designed to cover, but not enclose, automobile parking spaces. An accessible and usable covered space enclosed on not more than two sides, designed, constructed, and maintained for the parking or storage of one or more motor vehicles.~~

Cemetery – A place for the burial or interment of dead persons or household pets.

Certified cultural resource – Any structure, natural feature, site or area or archaeological site listed on the National Register of Historic Places, or which receives federal matching grants in aid for restoration or receives special assessment status for an historic property under Oregon law.

Certified factory-built home. – A certified factory-built home may include the following:

(a) A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962. Residential trailers shall only be allowed in the city of Coos Bay upon submittal of evidence to the building official indicating substantial compliance with the standards required for an insignia of compliance.

(b) A mobile house or mobile home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

(c) A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

(d) A modular or prefabricated home, a residential structure consisting of many components which meets the requirements of the International Building Code and is constructed in a factory, transported to the building site, and then partially constructed at the site following the same construction requirements as for a site-built home.

Certified factory-built home park – An individual lot, tract, or parcel of land under single ownership with two or more certified factory-built home sites. The primary purpose of a certified factory-built home park is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental, lease, or use of facilities or to offer space free in connection with securing the trade or patronage of such a person. It shall include all buildings as part of the facilities. Certified factory-built home park may also be referred to as “Manufactured dwelling park.”

Child care facility – Establishments authorized by state licensure or certification to provide supervisory or day care services for 13 or more children, excluding uses classified as educational facilities or medical facilities, and where communal kitchen/dining facilities may be provided. Typical uses include day care centers, day care facilities, or drop-in centers.

Child care facility (fewer than 13) – Establishments authorized by state licensure or certification to provide supervisory or day care services for fewer than 13 children, excluding uses classified as educational facilities or medical facilities, and where communal kitchen/dining facilities may be provided. Typical uses include day care centers, day care facilities, or drop-in centers.

Civic use types – The performance of utility, educational, recreational, cultural, protective, governmental, and other uses which are strongly vested with public or social importance.

Clinic – A facility for the treatment of human ailments operated by a group of physicians, dentists, chiropractors, or other licensed practitioners for the treatment and examination of outpatients.

Club – Buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational, fraternal, civic, religious, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

~~**Commercial recreational vehicle park** – Land designed, maintained, or used for the purpose of supplying temporary accommodation for recreational vehicles, trailers, or any other mobile living unit.~~

Commercial use types – The distribution and sale or rental of goods, and the provision of services other than those classified as “civic use types.”

Commission – The planning commission of the city.

Common area – The total area not designed for rental or sale to tenants and that is available for common use by all tenants or groups of tenants and their guests, including such areas as parking lots and their appurtenances, lobbies, malls, sidewalks, landscaped areas, public restrooms, truck and service facilities, etc.

Common courtyard – A common area for use by residents of a multi-unit dwelling. A common courtyard may function as a community yard that serves residents of the multi-unit dwelling for which the courtyard was developed. Hard and soft landscape features may be included in a common courtyard, such as lawn, groundcover, trees, shrubs.

Communication services – Establishments primarily engaged in the provision of broadcasting and other information-relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as “minor utilities and services.” Typical uses include television studios, telecommunication service centers, or telegraph service offices.

Community recreation – Recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, or community recreation buildings. (This shall mean the same as “recreation facility, low-intensity” and “recreation facility, high-intensity.”)

Compatible use – A use that is capable of existing in harmony with other uses situated in its immediate vicinity.

Comprehensive plan – The goals, objectives and policies, documents and maps adopted by motion by the council to guide the physical development of the city; to coordinate city programs, services and controls; and to promote the general welfare.

Concomitant rezone – A site- or area-specific rezone which uses an agreement to impose conditions on, or limitations on, uses and/or standards. It may also require performance by the applicant(s) which is/are directly related to mitigation of probable on- and off-site impacts to adjacent uses, public services and the environment. The agreement may be in the form of a covenant running with the land.

Concrete slab – A broad, flat, somewhat thick concrete surface extending under a manufactured home or built-in place to the extent of the structure which rests upon it which meets applicable IBC standards.

Conditional use – A use allowed in one or more zones as defined by this title but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone.

~~**Condominium** – Subject to ORS statutes in effect at the time of authorization, the private ownership of single units in a multiple unit structure with common or single ownership of land and facilities.~~

~~**Construction** – The building of, or substantial improvement to, any structure or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land.~~ Building, erection, enlargement, alteration, conversion or movement of any building, structures, or land. When appropriate to the context, “construction” refers to the act of construction or the result of construction.

Construction sales and service – Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale from the premises of materials used in the construction of buildings or other structures other than solely retail sale of paint, fixtures, and hardware; but excludes those classified as one of the “automotive and heavy equipment” use types. The following are construction sales and service use types:

- (a) Light. Service and/or sales with no outside storage of material, equipment, or display. Typical uses include electrical contractors, cabinet makers, finish contractors.
- (b) Heavy. Service and/or sales requiring the outside storage of building materials and equipment. Typical uses include building materials stores, tool and equipment rental or sales, excavation, septic, and demolition services.

Contiguous – Adjoining properties under the same ownership with a common boundary of two or more points. Properties shall not be considered contiguous if divided by a public dedicated road or alleyway.

Convenience sales and personal services – Establishments or places of business primarily engaged in the provision of frequently or recurrently needed small personal items or services. These include various general retail sales and personal services of an appropriate size and scale to meet the above criterion. Typical uses include neighborhood grocery, drug stores, laundromat/dry cleaners, or barbershops.

Convenience store – A retail establishment that is usually open for extended daily hours of business, normally located as a single entity or in a strip-building configuration along major roadways, is typically a self-service facility not dependent upon comparison shopping, and by its manner of display and merchandising.

Conversion – The change of a structure or building use or purpose or change of land use.

Council or city council – The city council of the city of Coos Bay.

~~**Court** – An open, unoccupied space, on the same lot with, and bounded on three or more sides by, a building(s).~~

Critical facility – A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

Cul-de-sac – A local street having only one means of vehicular access to another street and terminating at its other end in a circular-shaped turnaround. This definition of “cul-de-sac” shall in no way be interpreted to include a dead-end street.

Cultural resources – Any structure, natural feature, site or area listed in the State of Oregon Inventory of Historic Sites and Buildings or any archaeological site.

Curb cut – The level of the established curb in front of a building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.

D.

De novo – Latin, “anew.” A de novo hearing is a completely new hearing. De novo review implies no deference to a previous hearing ruling.

Dedication – The deliberate appropriation of land by the owner for any general and public uses, personally reserving no other rights than those rights compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing.

Density – The number of permitted dwelling units allowed on each acre of land or fraction thereof utilizing the formula for each density range by zoning district noted below:

~~**Density, Low density** – Maximum dwelling units per net acre.~~

~~**LDR-6** – Lot size/43,560 = ____ x 9 = total number of permitted dwelling units~~

~~**LDR-6** – Overlay zone: lot size/43,560 = ____ x 16 = total number of permitted dwelling units~~

~~**LDR-8.5** – Lot size/43,560 = ____ x 6 = total number of permitted dwelling units~~

Small Lot Residential (SLR) – 10-12 dwelling units per acre

Low Density Residential (LDR) – Maximum 10 dwelling units per acre

~~**Density, Medium/High density** – Minimum and maximum dwelling units per net acre.~~

~~**MDR** – Lot size/43,560 = ____ x 16 = total number of permitted dwelling units~~

~~**C/MX** – Lot size/43,560 = ____ x 16 = total number of permitted dwelling units~~

~~**I-C** – Lot size/43,560 = ____ x 16 = total number of permitted dwelling units~~

~~**WH** – Lot size/43,560 = ____ x 22 = total number of permitted dwelling units~~

~~**High density** – Seventeen to 25 dwelling units per net acre.~~

Medium Density Residential (MDR) – 12-25 dwelling units per acre

Commercial (C) and Mixed-Use (MX) – Maximum 25 dwelling units per acre

Industrial-Commercial (I-C) – Maximum 25 dwelling units per acre

Waterfront Heritage (WH) – Maximum 22 dwelling units per acre

Density, Gross – The number of dwelling units per each acre of land, including areas devoted to dedicated streets, neighborhood parks, sidewalks, and other public facilities.

Density, nNet – The number of dwelling units per each acre of land in residential use, excluding from the acreage dedicated streets, neighborhood parks, sidewalks, and other public facilities, ~~or persons per net acre covering only the land devoted to building lots.~~

Design storm – A prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. (A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs.)

Detention facility – An above- or below-ground facility, such as a pond or tank, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. There is little or no infiltration of stored stormwater.

Developer – Any person, firm, or corporation undertaking the subdividing and/or development of any parcel of land; also known as the “applicant.”

Development – The placement, erection, or removal of any fill, solid material, or structure on land, in or under the water, discharge or disposal of any dredged material or of any liquid or solid waste; or the grading, removing, dredging, mining, or extraction of any materials, including mineral resources; the construction, reconstruction, removal, demolition or alteration of the size of any structure; or the removal or harvesting of vegetation. Development shall not be defined or interpreted to include activities related to or undertaken in conjunction with the cultivation, use, or subdivision of land for agricultural purposes or any improvement made in the interior of any structure.

Dining establishments – Establishments or places of business primarily engaged in the sale of prepared food for on-premises consumption. Dining establishment uses include:

- (a) Fast Order Food. An establishment whose primary business is the sale of food which is:
 - (i) Primarily intended for immediate consumption;
 - (ii) Available upon a short waiting time; and
 - (iii) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold, including drive-in fast food establishments.
- (b) Sit-Down. An establishment whose primary business is the sale of food which is prepared, served, and consumed on the premises, and does not use a drive-up window.

Director – The person designated or his/her designee with overall responsibility to implement the CBDC.

Discrete lots – A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law (ORS 92.017).

District, zZoning – Any portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this title and within which certain yards and other open spaces are required, certain lot areas are established, and a combination of such aforesaid conditions are applied.

~~**Dormitory** – A building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units, which are used or intended to be used by residents of the institution for living and sleeping, but not for cooking or eating purposes.~~

Double-faced sign – A sign with advertising on two surfaces, generally back-to-back.

Drainage – The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation, prevention, or alleviation of flooding.

Drainage basin – A geographic and hydrologic subunit of a watershed.

Drinking establishments – Establishments or places of business primarily engaged in the sale of beverages for on-premises consumption.

Drive-in or drive-through facility – An establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Driveway – That space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

Drive aisles – Drive aisles are private roadways for projects or portions of projects that access private on-street parking and site amenities not served by streets.

Dryland moorage – Boat moorage space provided on dry land, such that boats are mechanically lowered to and raised from the water.

Dwelling – ~~A building, or any portion of it thereof, designed for and used as a residence, which has cooking and toilet facilities and is designed exclusively for private residential occupancy by one family only.~~ This includes both buildings constructed on-site and manufactured homes. It does not include hotels, motels, boarding houses, recreational vehicles, park models, tents, yurts, pods or other similar accommodations authorized by the International Building Code for permanent dwellings.

Dwelling, Accessory dwelling unit (ADU) – An interior, attached, or detached residential structure that is used in connection with or that is accessory to a single-unit or duplex primary dwelling.

Dwelling, aAttached – A dwelling having any portion of a wall in common with adjoining dwellings on the same lot or an adjoining lot. Examples include townhouses, duplexes, and interior or attached accessory dwelling units.

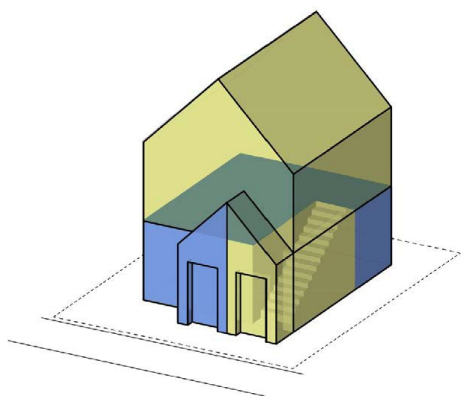
Dwelling, Cottage cluster – A grouping of detached dwelling units located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”

Dwelling, dDetached – A dwelling that is entirely surrounded by open space on the same lot.

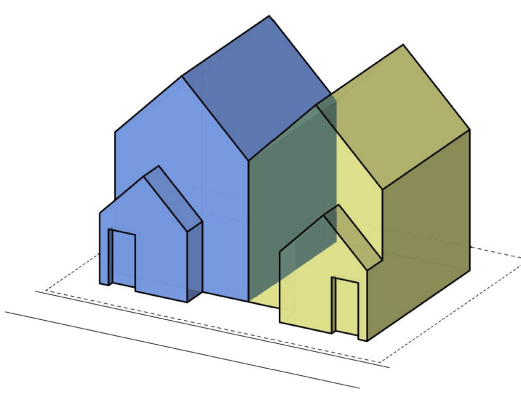
Dwelling, dDuplex – ~~A detached building, designed for or occupied exclusively by two families living independently of each other, and shall not include a manufactured home. Two dwelling units on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit, the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU. See some possible duplex configurations in Dwelling, Duplex exhibit below.~~

Dwelling, Duplex exhibit

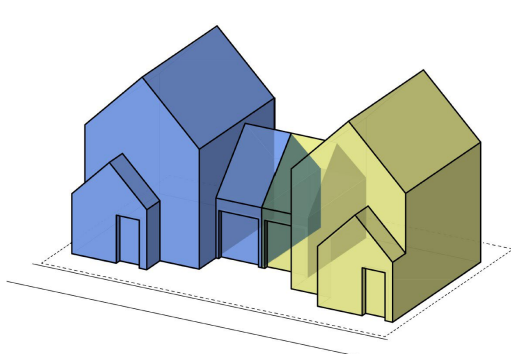
Stacked duplex



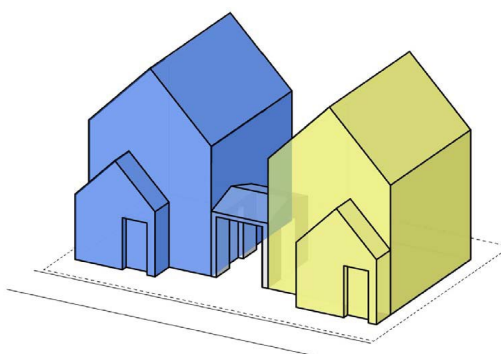
Side-by-side duplex



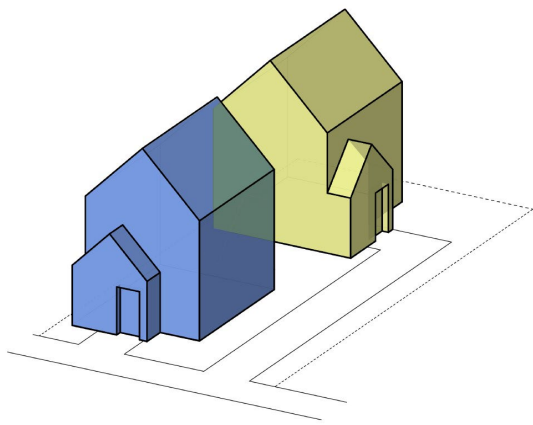
Duplex attached by a garage wall



Duplex attached by a breezeway



Detached duplex units front and back



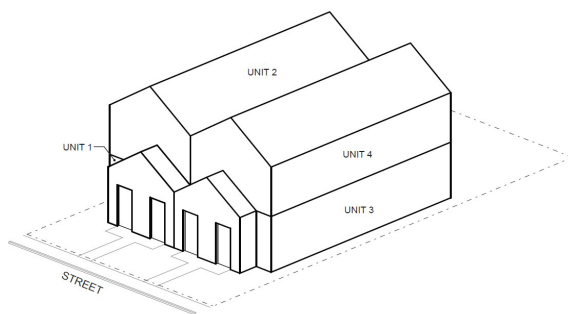
Dwelling, Manufactured Home. See definition of “Manufactured home.” A residential trailer, mobile home or manufactured home (defined ORS 446.003). See also “Certified factory-built home.”

Dwelling, ~~multiple-family~~Multi-unit – A building or portion thereof designed or used as a residence by three or more families and containing more than two dwelling units. Three or more dwellings on a single lot or parcel, including, but not limited to, townhouses, cottage clusters, triplexes, and quadplexes. The units may share common walls, common roofs, or common foundations. Multi-unit dwellings also include condominium and apartment units without regard to ownership status.

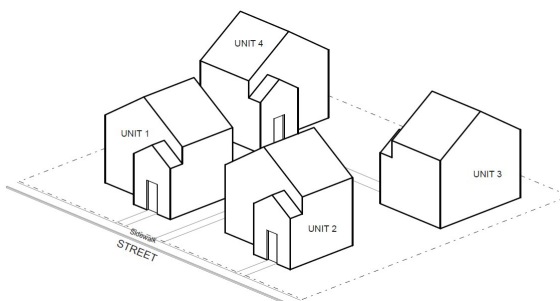
Dwelling, Quadplex – Four dwelling units on a lot or parcel in any configuration. See some possible quadplex configurations in Dwelling, Quadplex exhibit below.

Dwelling, Quadplex exhibit

Stacked quadplex



Detached quadplex



Dwelling, ~~single-family~~Single-unit – A building designed or used for residence purposes by not more than one family and containing one dwelling unit only. A dwelling designed for and used as one dwelling unit. A single-unit dwelling may share a common wall, common roof, or common foundation with another single-unit dwelling on another lot or share a common wall, roof, or foundation with an accessory dwelling unit on the same lot.

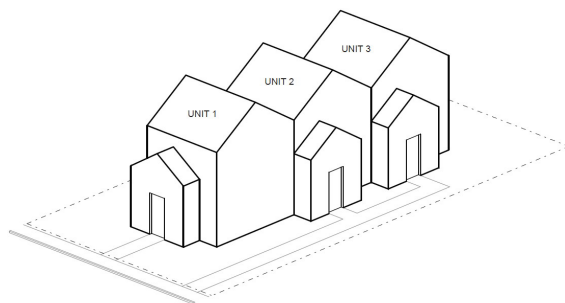
Dwelling, Tiny home – A dwelling that is 400 square feet or less in floor area excluding lofts. A tiny home may be a permanent or a temporary mobile structure.

Dwelling, Townhouse – A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a “rowhouse,” “attached house,” or “common-wall house.”

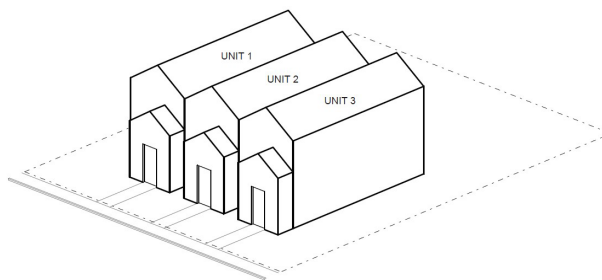
Dwelling, Triplex – Three dwelling units on a lot or parcel in any configuration. See some possible triplex configurations in Dwelling, Triplex exhibit below.

Dwelling, Triplex exhibit

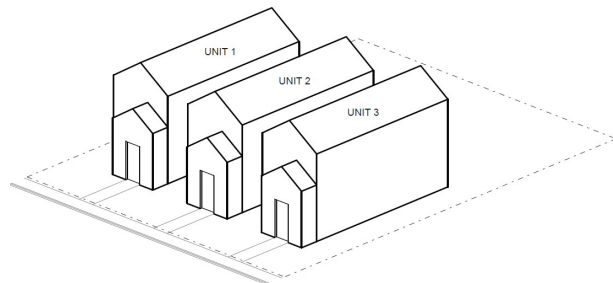
Attached triplex front and back



Attached triplex side-by-side



Detached triplex side-by-side



Dwelling unit – One or more rooms which have cooking and toilet facilities designed and used as a residence. ~~and are designed for occupancy for one family only.~~

E.

Easement – A right which one person has to use the land of another for a specific purpose.

Educational service – A facility customarily associated with public or private primary and secondary schools, nursery schools, vocational schools, colleges, or universities. Does not include personal instructional services listed under “Personal services, general.”

Elevated building – For National Flood Insurance Program purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Elevation – A flat scale drawing or scaled photographs of the exterior of the front, rear, or side of a building or structure.

Emergency shelter – A facility whose primary purpose is to provide housing for individuals and families in the event of an emergency or an emergency hazardous situation.

Eminent domain – The authority of the city of Coos Bay or other government agency to take, or to authorize the taking of, private property for public use with just compensation to the owner.

Employees – All persons, including proprietors, working on the premises during the largest shift at peak season.

Energy-efficient structure – A structure designed and built to comply with the annual thermal performance standards established by the Northwest Power Planning Council as the Model Conservation Standards.

Enlargement – An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

Environment – The physical, social and economic conditions that exist within the area which will be affected by a proposed project.

Environmentally sensitive lands – Lands shown on the city zoning map as an overlay to demonstrate areas which may contain wetlands, steep slopes, or other similar environmentally critical features which may limit or prevent construction.

Erected – Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, paving, and the like shall be considered within the definition of “erected.”

Erosion – The detachment and movement of soil or rock fragments by water, wind, and/or gravity.

F.

Facade – The front of a building, particularly that part of a building facing a street or courtyard.

~~**Family** – An individual or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than three additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling.~~

~~**Family residential** – The residential occupancy of living units by families and excludes tourist habitation and group care. Typical uses include single family dwellings, duplex dwellings, and multiple family dwellings.~~

Farmer’s market/fish market – The commercial premises for the retail sale of produce, meat and poultry, seafood and other products.

Fence – Any artificially constructed barrier or any material or combination of materials erected to enclose or screen areas of land.

Fence, sight-obscuring – A fence arranged in such a way as to obstruct vision.

Fill – Placement of Earth material, including soil and rocks, or any other approved substance or material over original earth material.

Financial institutions/establishments – Includes, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, and other similar uses.

Finished grade – The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line between the exterior wall of a building and a point five feet from the wall. When the property line is more than five feet from the building, between the building and a line five feet from the building. If walls are parallel to and within five feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

Flea market – An occasional sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, but not to include private garage sales.

Flood insurance rate map (FIRM) – As noted in CBDC 17.318.060.

Floodway – As noted in CBDC 17.318.060.

Floor – The top surface of an enclosed area in a building (including basement), i.e., the top of a slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used primarily for the parking of vehicles and where openings are installed to allow the free passage of water.

Floor area – The sum of the gross horizontal areas of all of the floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes.

Food and beverage retail sales – Establishments or places of business primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include groceries or delicatessens.

Food packing and processing – Businesses engaged in the packing or processing of agricultural crops, animals, seafood, and their by-products which entails cutting, sorting, boxing, crating, canning, rendering, tanning, and so forth.

Foot-candle – A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot or the intensity of light from a standardized candle burning at one foot from a given surface.

Foster care home – A home licensed and regulated by the state and classified by the state as a foster home, providing care and guidance for not more than five unrelated juveniles, adults or both.

Freestanding sign – A sign erected on a freestanding frame, mast, or pole supported on the ground and not attached to any building.

Frontage – That portion of a parcel of property which abuts a dedicated public street or highway, or private road or driveway approved by the city.

Frontage, eCorner lot – All the property on two sides of a street between two intersecting streets, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on two sides between an intersecting street and the dead end of the street. This definition also includes ingress-egress easements when used as the only means of access.

Fuel sales – Establishments or places of business primarily engaged in the retail sale, from the premises, of petroleum products with the incidental sale of tires, batteries, and replacement items, lubricating services, and minor repair services, but does not include body work or repair. Typical uses include automobile service stations, filling stations, or truck stops.

Fuel storage facility – An area that is used or planned to be used for the storage of petroleum. The facilities may be aboveground or underground storage tanks.

Funeral and interment services – Establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human dead. The following are interment services use types:

- (a) Cemetery. Places primarily for the burial of human remains; may include crematory and interring services. Typical uses include mausoleums, columbariums, and crematoriums.
- (b) Cremating/Interring. Crematory services involving the purification and reduction of the human body by fire and/or the keeping of human bodies other than in cemeteries. Typical uses include crematories, crematoriums, columbariums, and mausoleums.
- (c) Undertaking. Undertaking services such as preparing the dead for burial and arranging and managing funerals.

G.

Gallery – A business establishment devoted to the exhibition, display and/or sale of collections of such items as art, crafts and memorabilia.

Garage – A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, or storing motor vehicles internally and enclosed within the building.

Garage, dDetached – An accessory building intended and primarily used for the storage of motor vehicles, which is separate from and secondary to the main structure of the occupants.

General review – Director assessment of development and uses that do not require a land use application.

Glare - The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.

Greenhouse – An enclosed building, permanent or portable, that is used for the growth of plants.

Ground floor area – The square footage area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, patios, swimming pools, parking areas, driveways, garages, exterior stairways, secondary stairways, and drive-through teller lanes or walk-up windows of financial institutions only. Ground floor area is the total building area used in determining the percentage of lot coverage.

Groundwater – The portion of water contained in interconnected pores or fractures in a saturated zone or stratum located beneath the surface of the earth or below a surface water body.

Group care facility – A facility licensed by the state to provide, on a 24-hour basis, training, care, custody, correction or control, or any combination of those functions, to one or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped or other special class of persons, either by governmental unit or agency or by a person or organization devoted to such functions. This term shall not include schools, hospitals, prisons or other social service facilities.

Group residential – The residential occupancy of living units by groups of more than five persons ~~who are not related by blood, marriage, or adoption, and~~ where communal kitchen/dining facilities are provided. Typical uses include, but are not limited to, occupancy of fraternity and sorority houses, retirement homes, boarding houses, cooperatives, but excludes group residential care facilities.

Group residential care facility – Any private or public institution requiring state licensure and/or any nonprofit facility performing the same functions which provide services including, but not limited to, the care, boarding, housing or training of more than five physically, mentally, or socially handicapped or delinquent persons or dependent persons by any person who is not the parent or guardian of, and who is not related by blood, marriage, or legal adoption to, these persons.

Guesthouse – A detached accessory building without cooking facilities designed for and used to house nonpaying transient visitors or guests of the occupants of the main dwelling on the lot.

Gutter – A constructed waterway, usually along a street curb, installed to collect and conduct street surface water.

H.

Habitable floor – Any floor usable for living purposes, including working, sleeping, eating, cooking, or recreating uses, or any combination of these uses. A floor used only for storage purposes is not a habitable floor.

Half-story – An area under a roof finished for living accommodations or business purposes located wholly or partly within the roof frame and having a floor area at least one-half as large as the story below. Space with less than five feet clear headroom shall not be considered as floor area.

Hazardous waste treatment – The physical, chemical, or biological processing of dangerous waste to make wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

Hazardous waste treatment and storage facility, off-site – Treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.

Hazardous waste treatment and storage facility, on-site – Treatment and storage facilities that treat and store waste from generators on properties on the same geographically contiguous or bordering property.

Health care facility – An establishment primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners;

medical and dental laboratories; outpatient care facilities; blood banks; and oxygen and miscellaneous types of medical supplies and services.

Health club – Gymnasiums (except those associated with educational institutions), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

Hearings officer – The person(s) appointed by the director to hear and decide land use cases in lieu of Coos Bay planning commission review.

Historic property – A building, structure, object, area or site that is significant in the history, architecture, archaeology or culture of Coos Bay, the region or the nation.

Home occupation – An occupation, profession, or craft secondary to the use of a dwelling unit for residential purposes, is carried on by a member of the family dwelling residing within the residence, and requires no structural alterations or changes in the dwelling unit.

Homeless shelter – Any place or premises ~~operated by a nonprofit organization~~ wherein residence is provided to persons who need emergency shelter on a daily or weekly basis. Individual bath and cooking/eating facilities may or may not be provided.

Homeowners' association – A nonprofit organization operating under recorded land agreements through which the following take place: (a) Each person owning or purchasing a lot in a planned unit or other described land area is automatically a member by such ownership or purchase; (b) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and (c) Construction and maintenance responsibilities for any undivided property are identified and assigned.

Horticulture – Businesses primarily devoted to cultivation and/or storage of horticultural and floricultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes. Typical uses include plant nurseries and garden centers.

Hospital – An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

I.

Illuminated sign – Any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, or from a remote position.

Immediate vicinity – With regard to the built or manmade environment, this refers to all development that is within 500 linear feet of any proposed development, measured in a straight line from the property line that is closest to any existing development.

Impervious surfaces – Those surfaces that do not absorb water and consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt on a lot.

Improvement plans – The technical drawings of the design and proposed construction of such items as streets, water and sewer systems, and drainage detention systems.

Improvements – Any manmade features located on, above, or under real property.

Inauguration – Inauguration of use shall be either of the following: (a) securing of a building permit for approved construction projects and construction has commenced; or (b) for

subdivisions, recordation of the final, city-approved map at the county recorder's office. For the permit to remain valid, construction under the building permit must successfully complete the first inspection within six months of issuance of the building permit. A foundation permit shall be treated as equivalent to a building permit, but grading, demolition, electrical, mechanical or plumbing permits shall not be considered or treated as building permits.

Incompatible use – A use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity.

Indirect illumination – A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.

Indoor amusement – Establishments engaged in providing entertainment indoors for a fee or admission charge, including such activities as theaters, bowling, pool, billiards, or arcades, that feature three or more coin or token operated devices, such as pinball and video games.

Indoor storage – The keeping of any goods, materials, merchandise, or supplies as an accessory use to any retail, office, or service use.

Industrial park – A planned, coordinated development of a tract of land with two or more separate industrial buildings. An industrial park is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site circulation, parking, utility needs, building design and orientation, and open space.

Industry, ~~H~~Heavy – A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light – A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Infill – The development of land uses upon vacant or under-utilized sites.

Infiltration – The downward movement of water from the surface to the subsoil.

J.

K.

L.

Land clearing – The exposure of earth by the removal of vegetative cover of any kind.

Land-disturbing activity – Any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling and excavation.

Land division – A partition or subdivision.

Land use decision – A final decision or determination made by the city (or other agency with jurisdiction) that concerns the adoption, amendment, or application of the comprehensive plan or

any provision of the CBDC where the decision requires the interpretation or exercise of policy or legal judgment. All decisions requiring quasi-judicial review by the city are land use decisions. Decisions subject to administrative review are considered limited land use decisions, pursuant with ORS 197.015.

Landscape plan – A detailed sketch to scale illustrating the type, size, location and number of plants and other landscape elements to be placed in a development.

Landscaping – Not only trees, grass, bushes, shrubs, flowers, and garden areas, but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and artificial turf or carpeting, but excluding artificial plants, shrubs, bushes, flowers, and materials in movable containers.

Laundromat – An establishment providing washing and drying machines on the premises for rental use to the general public for family laundering purposes.

Laundry services – Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as “personal services, general.” Typical uses include laundry agencies, diaper service, or linen supply services.

Lawn – Grass or similar materials maintained as a ground cover of less than six inches in height. For purposes of this title, lawn is not considered native vegetation regardless of the species used.

Library service and cultural exhibit – The preservation and/or exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collections of books, manuscripts, and so forth for study and reading, but excludes private galleries whose primary purpose is the display and sale of art objects.

Limited manufacturing – Establishments engaged in the on-site production of goods by hand manufacturing (only the use of hand tools or light mechanical equipment) primarily for direct sale to consumers of those goods produced on site or other similar goods with no outside open storage permitted. Typical uses include ceramic studios, candle-making shops, woodworking, custom jewelry manufacturers, small furniture shops, or instruction studios for similar arts and crafts.

Loading space – An off-street space on the same lot with a building or group of buildings for the temporary maneuvering and parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodge, ~~e~~Club, fraternal or civic assembly – Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose for members, but not primarily for profit nor for rendering a service which is customarily carried on as a business. Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations. The following are assembly types:

(a) Small. Fewer than 16 persons on a regular basis.

(b) Large. Sixteen or more persons on a regular basis.

Lodging house – ~~A building other than a hotel where lodging is provided for five or more persons for compensation pursuant to previous arrangements, but not open to the public, and meals and drinks are not served.~~

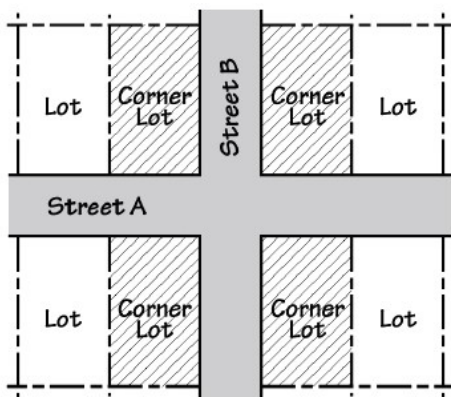
Lot – A single unit of land legally created by a partition or a subdivision or a unit of continuous land under a single ownership capable of being used under the regulations of this title, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation. “Lot” shall also mean the individual leaseholds within an approved manufactured home park.

~~**Lot area** – The computed area contained within the horizontal area within the lot lines of a lot; said area to be exclusive of street or alley rights of way.~~

Lot, bBuilding – Land occupied or to be occupied by a one or more buildings and its their accessory buildings.

Lot, eCorner – A lot abutting on two or more intersecting streets other than an alley with a boundary line bordering on each of the streets as shown on the Lot, Corner ~~E~~exhibit below.

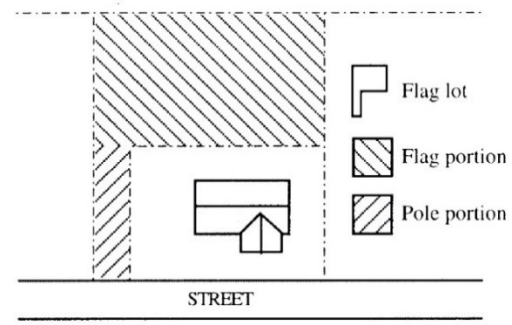
Lot, Corner exhibit



Lot, Corner Exhibit

Lot, Flag – A lot the developable portion of which is located behind another lot that has normal street frontage. A flag lot includes a strip of land that goes out to the public right-of-way street for public access. As shown on the Lot, Flag Exhibit below, there are two distinct parts to a flag lot: the flag which comprises the actual building site located behind another lot, and the pole which provides access from the street to the flag. A flag lot generally results from the division of a large lot that does not have sufficient width for division into two lots that would both have normal frontage onto the street. Creation of a flag lot is subject to additional standards in this code.

Lot, Flag exhibit



Lot, Interior – A lot or parcel of land other than a corner or a through lot.

Lot, Irregular – A lot which is shaped so that application of setback requirements is difficult; examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.

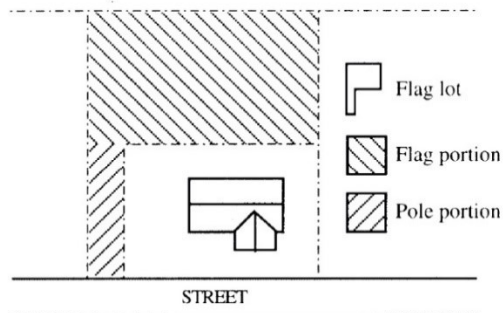
Lot, Through – An interior lot having a frontage on two parallel or approximately parallel streets other than alleys. Such a lot has one front yard fronting on the primary public street.

Lot area – The computed area contained within the horizontal area within the lot lines of a lot; said area to be exclusive of street or alley rights-of-way.

Lot coverage – That percentage of the total lot area covered by structures, including decks and all other projections, except eaves (up to three feet), and all other impervious surfaces.

Lot depth – The horizontal distance between the midpoint of the front lot line and opposite lot line, usually the rear lot line. In the case of a corner lot, the depth shall be the length of the street side lot line.

Lot, flag – A lot the developable portion of which is located behind another lot that has normal street frontage. A flag lot includes a strip of land that goes out to the public right-of-way street for public access. As shown on the Lot, Flag Exhibit below, there are two distinct parts to a flag lot: the flag which comprises the actual building site located behind another lot, and the pole which provides access from the street to the flag. A flag lot generally results from the division of a large lot that does not have sufficient width for division into two lots that would both have normal frontage onto the street. Creation of a flag lot is subject to additional standards in this code.



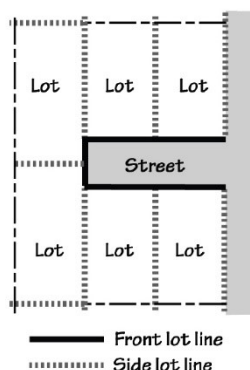
Lot, Flag Exhibit

Lot, interior — A lot or parcel of land other than a corner or a through lot.

Lot, irregular — A lot which is shaped so that application of setback requirements is difficult; examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.

Lot line — The property line along the edge of a lot. The Lot Line Exhibit below identifies front and side and rear property lines.

Lot line exhibit



Lot Line Exhibit

Lot line, fFront — In the case of an interior lot, the lot line separating a lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

Lot line, rRear — A lot line which is opposite and most distant from the front lot line; and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.

Lot line, sSide — Any lot line which is not a front or rear lot line.

Lot line, sStreet side — Any side lot line that abuts a public street right-of-way or public or private access easement.

Lot of record — A lot as shown on the records of the county assessor or county auditor at the time of the passage of this title; provided, however, this shall not include lots that may appear on

the records of the county assessor which were created contrary to the provisions of laws and regulations in effect prior to the passage of this title. Any lots created after the adoption of this title shall comply with the standards contained herein.

~~**Lot, through** – An interior lot having a frontage on two parallel or approximately parallel streets other than alleys. Such a lot has one front yard fronting on the primary public street.~~

Lot width – The average (mean) horizontal distance measured between the side lot lines, ordinarily measured parallel to the front lot line.

Lounge – A building, or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on premises.

Lowest floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title.

M.

Maintain – To cause or allow to continue in existence. When the context indicates, the word means to preserve and care for a structure; improve or condition an area to such an extent that it remains attractive, safe, presentable, and carries out the purpose for which it was installed, constructed, or required.

Major Remodeling. See “Substantial improvement.”

Manufactured home – ~~A structure, transportable in one or more sections, as defined by ORS 446.003, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a recreational vehicle. See “Dwelling, Manufactured.”~~

Manufactured dwelling park – See “Certified factory-built home park.”

Manufacturing – Establishments engaged in the mechanical or chemical production, processing, assembling, packaging, or treatment of materials or substances into new products usually by power-driven machines and materials-handling equipment. Products of these establishments are primarily for wholesale markets or transfer to other industrial users but may include direct sale to consumers.

Map – A final diagram, drawing, or other writing concerning a land partition.

Marijuana processing – As defined under ORS 475B.015(25)(a) – Cannabis.

Marina – A facility that provides moorage, launching, storage, supplies, and a variety of services for recreational, commercial, fishing, and other vessels. Moorage facilities with five or fewer berths are excluded from this category.

Marketplace retail sales – ~~Commercial premises of at least 5,000 square feet which are planned and developed as a market and which may have multiple occupancy by business firms having common access or open air access from a public right of way. Example businesses located in the marketplace include farmer’s market and fish market.~~

Marquee – A permanent or temporary roofed structure attached to and supported by the building and projecting over public property.

Medical services – Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services but excludes those classified as any civic use or group residential (group care) use type. Typical uses include medical offices, dental laboratories, health maintenance organizations, or detoxification centers.

Mining and processing – ~~Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil, or gas and/or the on-site processing and production of mineral products. Typical uses are borrow pits, oil and gas drilling, concrete batch plants, sand, gravel and aggregate processing plants, or coal processing plants.~~

Mitigation – Taking one or more of the following actions listed in order of priority:

- (a) Avoiding the impact altogether by not taking a certain development action or parts of that action.

- (b) Minimizing impacts by limiting the degree or magnitude of the development action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective measures.
- (e) Compensating for the impact by replacing or providing comparable substitute resources or environments.

Mitigation plan – A plan that outlines the activities that will be undertaken to alleviate project impacts to sensitive areas.

Mixed use – A combination of typically separated uses within a single development. A planned unit development is an example of mixed-use zoning. “Mixed use” in an urban context refers to usually a single building or buildings adjacent to one another in one project area with more than one type of activity taking place within its confines. An example of a mixed-use development might have commercial uses on the ground floor, office above them, and residential units above the office. Other combinations of uses may also occur in this type of setting.

Mobile Hhome. See “Certified factory-built home.”

~~**Modular home/prefabricated home** – A residential structure, consisting of many components, which meets the requirements of the International Building Code and is constructed in a factory, transported to the building site, and then partially constructed at the site. The construction requirements are to be the same as for a site-built home.~~

Motor home – A portable, temporary dwelling to be used for travel, recreational, and/or vacation use constructed as an integral part of a self-propelled vehicle.

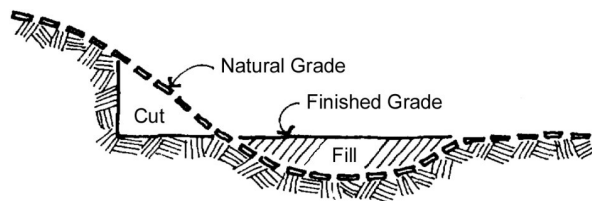
Mural – Any pictorial or graphic decoration, other than a sign, which is applied directly to a structure and is neither used for, nor intended to achieve the purposes of, advertising by the use of lettering or script to draw attention to or to direct the observer to a particular business or business location, nor to draw attention to specific products, goods, or services by the use of a brand name, trademark, copyright, or any other device restricted in use without permission of the owner.

N.

National Register of Historic Places – A list of properties that have been formally judged to have historic significance and which have been accepted by the keeper of the National Register. The state of Oregon and the city of Coos Bay also maintain separate designations for inclusion. The city’s list is contained within the comprehensive plan.

Natural grade – The elevation of the ground level in its natural and original state, before manmade alterations such as grading, filling, excavation, and construction. See the Natural Grade ~~Figure~~ exhibit below.

Natural grade exhibit



Natural Grade Figure

Neighborhood – An identifiable geographic area of relatively small size; a collection of units and other land uses that provide a relationship between dwellings, school, religious facilities, minor retail and/or other local facilities.

Net acres – ~~A net acre accounts for an estimated amount of developed land normally used for public rights-of-way.~~ The number of developable acres on a development site, derived from the total (gross) acreage of the site minus public rights-of-way, road easements, and any similar public facilities.

New construction – Structures for which the start of construction commenced on or after the effective date of this title.

Night club – ~~An establishment in which live music, dancing, or entertainment is conducted.~~

Non-water-dependent – In general, non-water-dependent uses are those that do not require direct access to or location near waterways, and therefore could be located away from said waters.

Nonconforming lot – A lot that does not comply with currently applicable city regulations.

Nonconforming structure – An existing structure that was created in conformance with the development regulations then in effect but which subsequently, due to a change in the zone or zoning regulations, does not conform to the current regulations imposed by this title or amendments thereto such as setbacks, lot coverage, density, screening, height or parking area requirements created prior to the current regulations of this title.

Nonconforming use – A land use that was allowed by right when established or that obtained a required land use approval when established, but that subsequently due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone.

O.

Occupancy – The physical placement of a structure on land, or the utilization of land on a temporary or permanent basis. This includes existing structures built prior to the enactment of the ordinance codified in this title that do not have authorization by virtue of a valid permit issued.

Off-street parking – The minimum off-street, on-site parking of vehicles that shall be provided under the terms of this title.

Office – A building or portion of a building wherein services and activities are conducted in an administrative setting generally focusing on professional, business, government or financial services.

Open space – Land perpetually set aside and maintained for the conservation/preservation of natural features or scenic amenities, for the buffering of a use within or adjacent to the development, for solar and wind access, or for bicycle/pedestrian access ways. These lands shall remain undeveloped except for natural or landscaped vegetation and do not include thoroughfares, parking areas, or improvements other than recreational facilities.

Ordinance – A law set forth by governmental authority; a development regulation adopted by the legislative branch of the locality.

Overlay zone – A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond that required by the underlying zones.

Owner – The owner of record of real property as shown on the tax rolls of the county, or person purchasing a piece of property under contract. For the purposes of this title, in terms of violations and binding agreements between the county and the owner, “owner” shall also mean a leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement, violations of agreement, or the provisions of this title. For the purpose of processing an application for a land use approval or permit under this title, where such application or permit must be filed by an owner, the term “owner” also includes a governmental entity contemplating acquisition of a parcel for a use which would require such permit or approval.

P.

Parcel – A single unit of land that is created by a partition of land (ORS 92.010).

Park-and-ride – A facility designed to city standards at or within 500 feet of a transit stop where automobiles, bicycles, and other vehicles and mobility devices can be parked by transit and rideshare riders. Location and design are guided by the currently adopted transit master plan.

Park, ~~p~~Public – An area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities.

Parking lot or area and/or garage – An off-street facility used for the storage or parking of four or more motor vehicles to provide an accessory service to a commercial, industrial, public or residential use.

Parking lot or area and/or garage, ~~p~~Private – A parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area.

Parking lot or area and/or garage, ~~p~~Public – A parking area available to the public, with or without payment of a fee.

Parking service – Parking services involving public garages and lots.

Parking space – A rectangular space designed and designated to provide parking for automobiles and bicycles in compliance with ~~Chapter CBDC~~ 17.330 ~~CBDC~~. A parking space will provide access and maneuvering space sufficient to permit an automobile to be parked without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.

Parking structure – A standalone structure used for the storage or parking of motor vehicles. The footprint of a parking structure will be included in the calculation of lot coverage.

Parkrow or planter strip – A landscape area for street trees and other plantings within the public right-of-way, usually in the form of a continuous planter area between the street and sidewalk.

Partition, ILand – To divide land into two or three parcels of land within a 12-month period, but does not include:

- (a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or
- (b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance.

Partition, mMajor – A partition which necessitates the creation of a road or street.

Partition, mMinor – A partition that does not necessitate the creation of a road or street.

Pathway – A pedestrian and/or bicycle access facility outside of a roadway right-of-way that conforms to city standards. Pathways must be constructed of concrete, asphalt, brick/masonry pavers, or another city-approved durable surface meeting ADA requirements.

Permit – A license, certificate, approval, or other entitlement for use granted by a public agency.

Permit modification, mMajor – As determined by the director, a modification that includes a significant departure for the originally approved permit for land development or land use.

Permit modification, mMinor – As determined by the director, a modification that includes minor changes not affecting the use, design or intent of the originally approved permit for land development or land use.

Personal services, gGeneral – Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature, but excludes services classified as “spectator sports and entertainment,” or “participant sports and recreation.” Typical uses include photography studios, driving schools, or reducing salons, laundromats, or dance instruction.

Planned unit development (PUD) – A project designed to meet the intent of the comprehensive plan with deviations from the city’s development standards to accomplish innovative design, placement of buildings and open space.

Planned unit development (PUD) – Subdivision – A tract of land planned and developed as an integrated unit under single ownership or control which in this context may be vested in partnerships, corporations, syndicates, or trusts. The PUD shall encompass a comprehensive development plan of a parcel of land, which has been approved by the review authority, and may use innovative and unique development concepts, including but not limited to clustering and mixing of land uses to create useful open space and to preserve site features.

Plant nursery – An enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

Plat – A map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

Plaza – An open public space associated with commercial development.

Plot – A parcel of ground upon which a building and its accessory buildings have been or may be erected.

Porch – ~~Covered porches, exterior balconies, or other similar areas attached to a building and having dimensions of not less than six feet in depth and eight feet in width. A structure attached to a building to shelter an entrance or serve as a semi-enclosed space, usually roofed and generally open sided~~

Porch, eEnclosed – A porch that contains wall(s) that are more than 42 inches in height measured from finished floor level for 50 percent or more of the porch perimeter.

Porch, uUnenclosed – All walls contained in an unenclosed porch are less than 42 inches in height, but an unenclosed porch may be covered.

Preliminary plat – A neat and approximate drawing of either a proposed subdivision showing the general layout of rights-of-way and easements, streets and alleys, lots, blocks, and tracts in the subdivision or short subdivision, and other elements of a subdivision which shall furnish a basis for the approval or disapproval of the general layout of the preliminary plat.

Preschool facility – An educational center or establishment, including a kindergarten, that provides primarily instruction, supplemented by daytime care, for four or more children between the ages of two and five years, and which operates on a regular basis.

Primary building or structure – A structure or combination of structures of principal use, importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure may be determined by comparing the size, placement, design, appearance, function, and the orientation of the structures on a site, among other relevant factors.

Private clubs – Organizations that are privately owned and operated by their members and not operated for profit, and which maintain recreational, dining, and/or athletic facilities for the exclusive use of the members and their guests and uses accessory or incidental thereto.

Private drive – A private drive is a road in private ownership, not dedicated to the public, which serves three or fewer dwelling units.

Private parking – Parking facilities for the noncommercial use of the occupant and guests of the occupant, which includes garages and carports meeting the dimensional requirements of off-street parking requirements of this title.

Private road – That easement or parcel created to provide the access from a city road to short platted lots; the maintenance of this is to be the responsibility of the lot owners.

Professional and administrative service – The conduct of business in any of the following related categories: advertising, architecture, landscape architecture, engineering, planning, law, medicine, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investments, and any similar type business.

Professional office – The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.

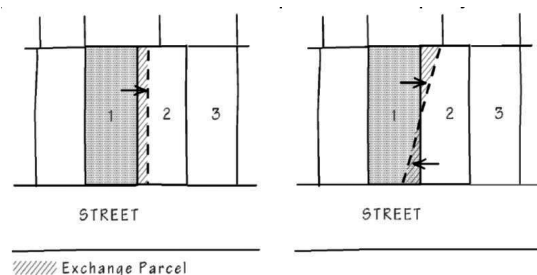
Prohibited use – Any use that is specifically enumerated or interpreted as not allowable in any specific district.

Project – Any proposal for a new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of the CBDC.

Projecting sign – A sign other than a wall-mounted sign which projects from and is supported by a wall of a building or structure.

Property line adjustment – The relocation of a single common property line between two or more existing adjacent parcels not resulting in an increase in the number of lots pursuant to the requirements of Chapter 17.367 CBDC. See an example in the Property Line Adjustment Figure exhibit below.

Property line adjustment exhibit



Property Line Adjustment Figure

Public assembly, place of – Any area, building or structure where large numbers of individuals meet or collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, gymnasiums, stadiums, houses of worship, or comparable facilities.

Public building – Buildings which are owned, operated, and maintained by a public agency such as City Hall, police and fire stations, educational institutions, zoos, libraries, museums, and ~~the like~~. similar facilities for public use.

Public improvement – Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.

Public safety service – Life safety services together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.

Public use – The use of any land, water, or building by a public agency for the general public, or by the public itself.

Public utility – Any person, firm, corporation, governmental department, or board, duly authorized to furnish under government regulations to the public electricity, gas, communications, transportation, or water.

Q.

R.

Reader board sign – A sign with letters and/or advertising which can be readily changed manually or electronically.

Real Property – Land and improvements, if any, including anything permanently affixed to the land, such as buildings, walls, fences, and paved areas.

Recreational area – Lands perpetually set aside and maintained for use by all residents of a development. These areas shall be improved and shall be of a specified size.

Recreational Facility, Low Density and High Density. See “Community recreation.”

Recreational space – An area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.

Recreational vehicle – A vehicle that is with or without motive power that is designed for use as temporary living quarters and as further defined by rule by the Director of Transportation (defined by ORS 174.101). A vehicle that is:

- ~~(a) Built on a single chassis;~~
- ~~(b) Four hundred square feet or less when measured at the largest horizontal projection;~~
- ~~(c) Designed to be self-propelled or permanently towed by a light-duty truck;~~
- ~~(d) Designed for human occupancy; and~~
- ~~(e) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

Recreational vehicle park – Land designed, maintained, or used for the purpose of supplying temporary accommodation for recreational vehicles.

Refuse service – Any place used for disposal of used material. Typical uses include sanitary landfills, dumps, or refuse disposal sites.

Religious assembly – A religious organization involving public assembly typically occurring in but not limited to synagogues, temples, or churches. The following are religious assembly use types:

- (a) Small. Fewer than 16 persons on a regular basis.
- (b) Large. Sixteen or more persons on a regular basis.

Repair service, eConsumer – Establishments primarily engaged in repair services to individuals and households rather than firms but excluding “automotive and equipment” use types. Typical uses include appliance repair shops, apparel repair firms, or musical instrument repair firms.

Residential structure – A structure that contains one or more dwelling units.

Residential treatment facility – A facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence), recovery homes, and nursing homes, rest and convalescent homes, and orphanages.

Residential use – Use of land or structure thereon, or portion thereof, as a dwelling place for one or more families or households, but not including occupancy of a transient nature, such as in hotels, motels, or timesharing condominium uses.

Retail food establishment – Any fixed or mobile place or facility at or in which food or beverages are offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry out restaurants and drive-in restaurants. A cafeteria is a restaurant for purposes of this title.

Retail sales, gGeneral – The sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified as “agricultural sales,” “animal sales and service,” “automotive and equipment,” “business equipment sales and service,” “construction sales and service,” “food and beverage retail sales,” and “fuel sales.” Typical uses include department stores, apparel stores, furniture stores, hardware stores, or florists.

Retail trade – Establishments primarily engaged in providing finished products to individual consumers. Retail trade establishments may include, but are not limited to, apparel, books, groceries, camera shops, convenience stores and automobile service stations.

Retirement home – A place of residence for several families or individuals in apartment-like quarters, which may feature services such as limited nursing facilities, minimum maintenance living accommodations and recreation programs and facilities.

Rideshare – A formal or informal arrangement in which a passenger travels in a private vehicle driven by its owner.

Right-of-way – A street, alley, or other thoroughfare or easement, whether physically accessible or not, that has been permanently established or dedicated for the passage of persons or vehicles. Title to this land remains with the public or private agency until the need no longer exists.

Riparian vegetation – Dense, narrow band of vegetation along lakes, streams, rivers, and sloughs. Typical plant species include willow, black cottonwood, red alder, Oregon ash, and western wax myrtle.

Roofline – The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Rooming house – A building wherein furnished rooms without cooking facilities are rented for compensation to three or more nontransient persons not included in the family unit of the owner or tenant of the premises.

Row houses — ~~A series of single-family dwelling units that are erected in a row on adjoining lots, each being separated from an adjoining unit by two separate but abutting walls along the dividing lot line.~~

S.

School — A public, private, parochial, charter or alternative educational program offering kindergarten through grade 12 or any part thereof.

Scrap operation — Places of business primarily engaged in the storage, sale, dismantling, or other processing of used, source-separated, or waste materials which are not intended for reuse in their original form. Scrap operation uses include:

(a) Light. Businesses only engaged in the recycling of household items, such as glass, tin, cardboard, paper, or beverage cans.

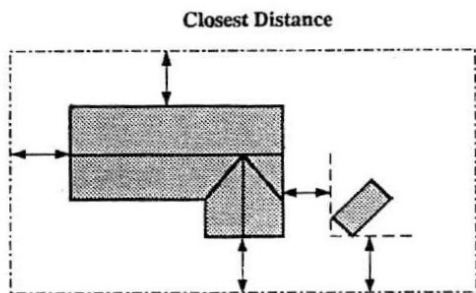
(b) Heavy. Except as may be permitted as scrap operation, light, these businesses can include automotive wrecking yards, junkyards, paper salvage yards, or solid waste collection or recycling service, including fleet storage, fleet repair, collection, transportation, disposal or resource recovery of solid wastes.

Screening — A device or materials used to conceal adjacent land or development. Screening may include walls, berms, or vegetation that must be of sufficient density to block the view of adjacent land or development from either side of the screen. The screen, if vegetative, shall be planted and maintained to completely block the view of adjacent land or development after 12 months. The screen shall be maintained or constructed at such a density as to block the view to adjacent properties.

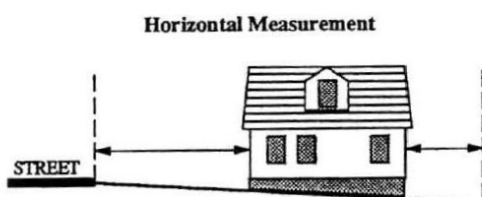
Service station — A building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water, other operating commodities for motor vehicles or boats, and food and beverages as an accessory to automobile related uses. The cross-section areas of service station canopy support where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements.

Setback — The minimum allowable horizontal distance required between a structure and a property lot line. See setback exhibit below.

Setback exhibit



Measurement is taken from the shortest distance between the points.



Shopping center – A group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed ~~as an operating unit related in its location, size and type of shops to the trade area which the unit serves.~~ with common street frontage and shared common drives and off-street parking.

Sidewalk – That portion of a transition strip improved for pedestrian traffic in accordance with standards fixed by the review authority.

Sign – Any identification, description, illustration, symbol, or device which is placed, erected, constructed, posted, or affixed in any manner directly on the ground or to any post, fence, building, land or structure for out-of-doors advertising, but not including devices, structures or representations installed by any governmental authority.

Sign area – The size of a sign in square feet of the largest face, measured within any type of perimeter, border, or defined edges or within a background of color if different than the wall upon which it is placed enclosing the outer limits of any sign, excluding essential sign structures, foundations, or supports. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area within a standard geometric figure, i.e., rectangle, parallelogram, or triangle, of the smallest size sufficient to cover the entire area of the sign. The area of three-dimensional or spherical signs shall be measured by using the largest cross-section in a flat projection.

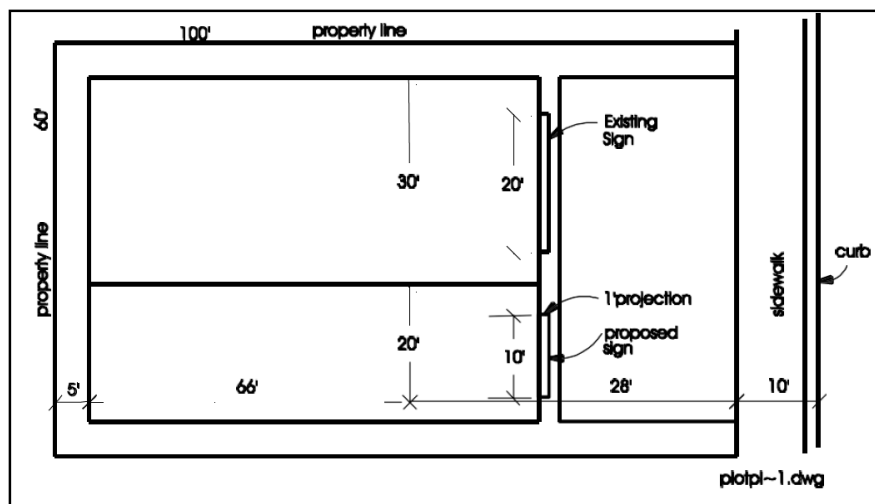
Single-faced sign – A sign with advertising on only one surface.

Single-room occupancy (SRO) – A structure providing living units with separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SROs may include structures commonly called SRO living units or SRO residential hotels.

Site – The lot(s), parcel(s) and tract(s) included in a proposed subdivision or short subdivision and contiguous lots, parcels or tracts in which the owner of the site has a greater than possessory interest.

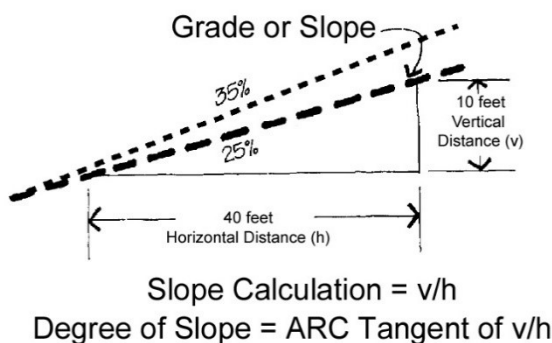
Site plan – A plan prepared to scale, showing accurately and with complete dimensions all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land. See site plan exhibit below.

Site plan exhibit



Slope – The deviation of a surface from the horizontal, usually expressed in percent. See Slope Figure exhibit below.

Slope exhibit



Slope Figure

Soil – The surface layer of the earth, supporting plant life.

Soil removal – Removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, rock or similar materials or combination thereof, except common household gardening.

Solar access – The availability of direct sunlight to solar energy systems.

Solar energy system – Any structural element, device, or combination of devices or elements which rely upon direct sunlight as an energy source, including, but not limited to, any substance or device which collects, stores, or distributes sunlight for use in the following: (a) the heating or cooling of a structure or building; (b) the heating or pumping of water; (c) industrial, commercial, or agricultural processes; or (d) the generation of electricity. Use of this term includes passive, active and hybrid systems. Attached solar energy systems shall be considered as a part of the structure or building to which they are attached. Detached solar energy systems shall be considered accessory uses.

Spectator sports and entertainment – Establishments or places primarily engaged in the provision of cultural, entertainment, athletic, and other events to spectators as well as those involving social or fraternal gatherings. The following are spectator sports and entertainment use types:

Spectator sports and entertainment, Indoor: ~~indoor~~ – Those uses conducted within an enclosed building. Typical uses include theaters or meeting halls.

Spectator sports and entertainment, Outdoor: ~~outdoor~~ – Those uses conducted outdoors. Typical uses include stadiums or drive-in theaters.

Standard factory-built home – ~~A residential housing unit which is built at a location different from the intended site of occupancy, but which meets city building, plumbing, heating, and ventilation codes. These units shall be subject to the same regulations as conventionally built units. See “Certified factory-built home.”~~

Start of construction (for flood damage prevention only) – Includes major remodeling, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Stepback – Building stepbacks are stepped or progressive recessions in a building’s face as the building rises higher. Stepbacks are designed to reduce building mass to allow views around the building from above and/or from a distance, to allow more light down to the adjacent rights-of-way, and to improve the aesthetic experience of the building from adjacent rights-of-way.

Stormwater – That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.

Story – That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling ~~or roof above~~. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade

for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement or unused under-floor space shall be considered as a story.

Street – All roads, streets, highways, freeways, easements, and public rights-of-way used for or designed for vehicular access or use, including private roads but not including private driveways.

Street, cCollector – A street penetrating neighborhoods, collecting traffic from local streets in the neighborhood and channeling it into the arterial system.

Street, dDead-end – A local street with only one outlet, without possibility of extension, and a maximum length of 400 feet. A vehicle turnaround may be required.

Street, iImproved – A street with a paved roadway that has a structural cross-section that meets the minimum street improvement standards of the city of Coos Bay.

Street lLine – The dividing line between any street, road or other thoroughfare and the adjacent lots.

Street, lLocal – A street which is primarily to provide direct access to abutting property and for local traffic movement.

Street, mMajor arterial – All state highways and major routes leading into and through the city.

Street, mMinor arterial – A street of considerable continuity which is used primarily for through traffic and travel between large areas.

Street, oOpen – A street which provides access for property development. An open street must be:

- (a) One for which the city accepts responsibility of grading and drainage maintenance;
- (b) Paved to city standards with curbs, storm drainage, etc.; or
- (c) An all-weather roadway and, in most cases, graveled or strip-paved. (“All-weather” means that a standard automobile can negotiate the road without difficulty year-round.)

Street, pPrivate – A thoroughfare that is privately built and maintained which affords a primary means of vehicular access.

Structural alteration – Any material or dimensional changes in the structural elements of a building such as bearing walls, columns, beams, and roofs.

Structure – ~~Anything assembled or constructed in some definite manner, which requires location~~ A building or any piece of work joined together on the ground or is attached to anything with a foundation something located on the ground. Under the National Flood Insurance Program, “structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

Structure, Primary – A structure housing the primary use of a site or functioning as the primary use.

Subdivision, ~~l~~and – Either an act of subdividing land into four or more lots or a tract of land subdivided. To divide an area into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such a year.

Substantial damage – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- (c) The term does not, however, include either:
 - (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (ii) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

~~In any one-year period, if improvements to the structure total more than 50 percent of the value of the structure, the structure will be required to be brought up to current floodplain management standards. The one-year period will be a rolling period and start at the completion, or date of finalization, of the oldest improvement within the last 365-day period. At the end of each improvement, the structure must be deemed habitable as defined by the Oregon Building Code.~~

Surface water – Waters that flow over the land surface and frequently interact with groundwater.

Swale – A shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot.

T.

Tavern – A building where beer and/or wine is served to the public, which holds a Class A or B license from the Oregon State Liquor Control Board.

Telecommunications facilities – A land use that sends and/or receives radio frequency signals, including antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they all are situated.

Temporary building or structure – A building or structure not having or requiring permanent attachment to the ground or to other structures which have no required permanent attachment to the ground.

Temporary use – A short-term, seasonal, reoccurring, or intermittent use or activity involving minimal capital investment that does not result in the permanent alteration of the site or construction of new buildings; the term of the use is at the discretion of the director.

Topography – The drawing accurately on a map lines that represent particular and consistent elevation levels on the land area depicted on said drawing; also, the actual physical surface's relief characteristics.

Tourist habitation – Establishments primarily engaged in the provision of lodging services on a temporary basis (30 days or less) with incidental food, drink, and other sales and services intended for the convenience of guests. The following are tourist habitation use types:

- (a) Bed and Breakfast. Lodging services involving the provision of room and/or board in an existing dwelling with no more than eight bedrooms.
- (b) Bed and Breakfast House. A hotel in what was built as a single-family unit dwelling and which offers up to six bedrooms for transient guests. This definition is for historic reference for vacation rentals authorized prior to October 15, 2020.
- (c) Campground. Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.
- (d) Lodging. Lodging services involving the provision of room and/or board. Typical uses include hotels, motels and pay for stay arrangements in city residences (examples: Airbnb, Vrbo).
- (e) Waterfront Heritage Bed and Breakfast. Lodging facilities in the WH zone in a dwelling with no more than eight bedrooms involving the provision of room and board.
- (f) Waterfront Inn. Overnight lodging facilities in the WH zone with all units water-oriented. A restaurant and conference facilities may be included.
- (g) Hostel. Any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed, or maintained under the sponsorship of a nonprofit organization which holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended.
- (h) Hotel/Motel. A building or portion thereof designed and used for transient lodging in a nonresidential zone, lodged with or without meals and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.
- (i) Vacation Rental. A residential structure being rented for compensation for less than 30 days without concurrent occupation by the owner/operator.

~~**Townhouse** – A single-family dwelling unit in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides.~~

Tract – One or more contiguous lots or parcels under the same ownership.

Trailer – A separate vehicle, not driven or propelled by its own power, but drawn by some independent power; to include any portable or movable structure or vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals,

or merchandise of any kind, including boats, boat trailers, jet skis, half-tracks, snowmobiles, and the like, not included in other definitions.

Transportation service – Transportation offered to the public involving group assembly rather than door-to-door service; may also include the fleet storage of vehicles or cars. Typical uses include bus terminals, railroad depots, or airports.

Travel trailer – A vehicle with or without motor power primarily designed as temporary living quarters for recreational, camping, or travel use, and in which the plumbing, heating, and electrical systems contained therein may be operated without connection to outside utilities, being of such size or weight as not to require a special highway movement permit. The term shall include truck campers.

Turnaround – A vehicle maneuvering area at the end of a dead-end street or driveway (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around.

U.

~~**Unbuildable area** – All areas outside of building envelopes and within open space.~~

Units per acre – The number of dwelling units allowed on one acre. For example, a maximum of four units/acre would mean that no more than four dwelling units on one acre are allowed in a particular zone.

Unstable slopes – Those sloping areas of land which have in the past exhibited, are currently exhibiting, or will likely in the future exhibit movement of earth.

Use – The purpose for which that land or the premises of a building, structure, or facility thereon is or may be ~~or structures now serve or for which it is~~ occupied, maintained, arranged, designed or intended.

Use, ~~e~~Cease of – Use shall be considered as ceased when the site and/or building is no longer used or available for occupancy by the specific use for 24 months. A building or site vacant while being continuously marketed, repaired, or otherwise similarly unavailable for use is not considered to be a cessation of use. A building or site that is occupied by a different use shall be considered as a cessation of the former use.

Use, ~~p~~Principal – The main use of land or buildings as distinguished from a subordinate or accessory use.

Use, ~~s~~Start of – Use shall be considered as begun when the applicant has physically moved into the site or is in the process of physically moving into the site in preparation of beginning occupation and/or operation. Actual operation and/or business open to the public need not occur to consider a use as begun.

Use, ~~t~~Temporary – A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Temporary uses do not involve the construction or alteration of any permanent structure.

Utilities easements – Rights-of-way that may be used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone, and television cable for the construction, operation, maintenance, alteration, and repair of their respective facilities.

Utility and service – Public utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations, sewer pump stations, water reservoirs, and radio, microwave, and telephone transmitters.

Utility substation – A subsidiary or branch facility utilizing aboveground structures, which is necessary to provide or facilitate distribution, transmission, or metering of water, gas, sewage, radio signals and/or electric energy and telecommunication signals. Such facilities have a local impact on surrounding properties and may consist of, but are not limited to, the following: (a) water, gas, telecommunication and electrical distribution or metering sites; (b) water or sewage pumping stations; (c) water towers and reservoirs; (d) public wells and any accessory treatment facilities; (e) transmission towers and accessory equipment to provide radio and data communications service, radio paging, or cellular communications service; (f) telecommunication facilities.

V.

Variance – A modification of the terms of this title to a particular piece of property which, because of special circumstances, is deprived of privileges enjoyed by other properties of the same zone and which modification remedies the disparity in privileges.

Vehicle sign – Advertising copy painted or permanently affixed to lawfully parked and operable vehicles or trailers.

Video sales and rental – Commercial establishments engaged in the sale and rental of video equipment, tapes and accessories for home entertainment.

Vision clearance area – Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance with a triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines or intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

Visitor information service – A service providing visitor information about the city, the region and the state.

Visual obstruction – Any fence, hedge, tree, shrub, device, wall, or structure exceeding three and one-half feet in height above the elevation of the top of the curb, and so located on a street or alley intersection as to dangerously limit the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed of branches to a minimum height of at least six feet.

W.

Warehouse – A building used primarily for the storage of goods and materials.

Water-dependent – A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production, or source of water. Under the National Flood Insurance Program, “water-dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Water-oriented use – A use located on properties east of Front Street, including the WH-3 subdistrict, in the waterfront heritage zoning district, which is enhanced by a view of, or access to, the waterfront.

Water-related – Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

Watercraft sales/rentals – Sales, rental and incidental repairs of watercraft, such as, but not limited to, jet skis, canoes, motorboats, and sailboats. Motorized watercraft and sailboats, where motorized watercraft and sailboats are displayed in the water.

Waterfront – The mean high-water line.

Wetlands – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wholesale, storage, and distributing – Establishments or places of business primarily engaged in the wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are wholesale, storage, and distribution use types:

(a) Mini-Warehouse. Storage or warehousing service within a building(s) primarily for individuals to store personal effects and by businesses to store materials for operation of an industrial or commercial enterprise located elsewhere. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant but in no case may storage space in a mini-warehouse facility function as an independent retail, wholesale, business, or service use. Spaces shall not be used for workshops, hobby shops, manufacturing, or similar uses and human occupancy of the spaces shall be limited to that required to transport, arrange, and maintain stored materials.

(b) Light. Wholesale, storage, and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, or moving and storage firms.

(c) Heavy. Open-air storage, distribution, and handling of materials and equipment. Typical uses include monument or stone yards, wood chip storage, or lumber storage.

X.

Y.

Yard – Open space on a lot which is unobstructed by a structure and measured between the property line and the nearest point at the outermost face of any vertical support, exterior wall line, or foundation of a building. May also be an area defined by required setbacks.

Yard, fFront – A yard between side lot lines and measured horizontally at right angles to the front lot line to the nearest point of the building.

Yard, ~~r~~Rear – A yard between side lot lines and measured horizontally at right angles to the rear yard line to the nearest point of the building.

Yard, ~~s~~Side – An open space between the front yard and rear yards measured horizontally and at right angles from the side lot line or street side lot line to the nearest point of a building.

Z.

Zero lot line development – A single-unit dwelling~~family housing~~ unit which has no yard requirements on one or more of the lot lines, in conformance with the International Building Code.

Zone – Area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established.

Zone or zoning district – See “District, Zone.” ~~The same as “district” or “zone.”~~ [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 513 § 7 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 490 § 1, 2018; Ord. 486 § 1, 2017; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.150.010].

Chapter 17.210

ESTABLISHMENT OF ZONING DISTRICTS AND MAPS

Sections:

- 17.210.010 Classification of districts.
- 17.210.020 Zoning map.
- 17.210.030 District boundaries.

17.210.010 Classification of districts.

For the purposes of this title, the city is divided into zoning districts designated as follows:

Comprehensive Plan Designation	Corresponding Zoning District	Code Chapter
Residential	Low Density Residential (LDR-6, LDR-8.5)	CBDC 17.220
	<u>Small Lot Residential (SLR)</u>	
	Medium Density Residential (MDR-46)	CBDC 17.225
Commercial	Commercial and Mixed-Use Districts (C and MX)	CBDC 17.230
Industrial	Industrial-Commercial (I-C)	CBDC 17.235
	Waterfront Heritage (WH)	CBDC 17.240
	Waterfront Industrial (W-I)	CBDC 17.245
	Hollering Place (HP)	CBDC 17.250
Urban Public	Urban Public (UP)	CBDC 17.255
Medical Park District	Medical Park District (MP)	CBDC 17.260
Urban Public	Watershed (WS)	CBDC 17.270

[Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.210.020 Zoning map.

(1) The location and boundaries of the zoning districts are shown on the map entitled, "Zoning Map of the City of Coos Bay," dated with the effective date of the ordinance codified in this title and signed by the mayor, and hereafter referred to as the "zoning map."

(2) The signed copy of the city's zoning map shall be maintained on file with the city, and is made a part of this title.

(3) Revised Maps. The city council may, from time to time, direct the director to replace the official zoning maps, or portions thereof, with a map or maps, or portions thereof, which include all lawful changes of zone to date. Zoning maps, or portions thereof, filed as replacements, shall be adopted by ordinance. Any revisions or replacements of said maps, when duly entered, signed, and filed with the city as authorized by this chapter, are part of this title. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.210.030 District boundaries.

(1) Unless otherwise specified, district boundaries are lot lines or such lines extended.

(2) Any land or property not specifically identified with a zoning designation shall be considered to be zoned as the most restrictive zone classification designated on adjoining and/or abutting properties, until such time as it is determined otherwise by a rezone action.

(3) The director shall have the authority to interpret zoning classification consistent with subsections (1) and (2) of this section and shall file any and all written interpretations with the city clerk's office. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

Chapter 17.220

LOW DENSITY RESIDENTIAL DISTRICTS (~~LDR-6, LDR-8.5~~) AND OVERLAY ZONE ~~LDR-6~~

Sections:

- 17.220.010 Purpose.
- 17.220.020 Land uses and permit requirements.
- 17.220.030 Development and lot standards ~~and criteria~~.

17.220.010 Purpose.

The low density residential LDR districts, which include the Low Density Residential (LDR) zone and Small Lot Residential (SLR) zone, designation have been established to be consistent with the Coos Bay Comprehensive Plan Land Use Plan 2000 and identify appropriate land uses and standards for ~~single-family low density neighborhoods and uses~~. [Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.220.020 Land uses and permit requirements.

~~P = Permitted use; C = Conditional use; X = Prohibited. Property uses noted in Table 17.220.020.~~

~~Type 1 — No noticing requirements.~~

~~Type 2 — Noticing requirements 150 feet from property.~~

~~Type 3 — Noticing requirements 300 feet from the property.~~

~~Property uses are noted in Table 17.220.020.~~

Land uses and permit requirements are listed in Table 17.220.020. The table identifies those uses in the low-density residential districts that are:

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited.

The applicable procedural requirements are found in CBDC 17.130.

Table 17.220.020 – Land Uses and Permit Requirements

Use	LDR-6 SLR	LDR-6 Overlay	LDR-8.5 LDR
Residential Uses			
Dwelling, Single-family unit detached dwelling units, including certified factory-built homes and manufactured homes which are subject to special siting standards as specified in Chapter 17.230 CBDC	P/Type 1		
Dwelling, Duplexes	P/Type 1		
Dwelling, Manufactured Homes including certified factory-built homes (subject to standards at CBDC 17.322)	S		
Accessory living Dwelling uUnits (subject to standards at the requirements of Chapter CBDC 17.312 CBDC)	P/Type 2 S		
Group care facilities (more than five)	C/Type 3		
Foster care homes (five or fewer)	P/Type 1		
Planned unit development	C/Type 3		
Zero lot line development (subject to standards at CBDC 17.335.110)	C/S	P	X
Accessory Buildings and Uses			
Private garages and carports	P/Type 1		
Accessory use or building on a separate lot or parcel, with compliance with Chapter (subject to standards at CBDC 17.314) CBDC	P/Type 1		
Greenhouses, gardens, and orchards for private, noncommercial propagation and culture of plants, fruits, and vegetables	P/Type 1		
Swimming pools and other recreational facilities for the private use of the occupants. Swimming pools other than children's temporary wading pools shall not be located in front yards, and shall be set back at least three feet from all property lines.	P/Type 1		
Covered patio, freestanding or attached	P/Type 1		
Solar energy systems and structures solely designed to support solar energy systems	P/Type 1		
Nonresidential Uses			
Art galleries and museums	C/Type 3		
Vacation rental or bed and breakfast less than 10,000 s.f.	P, Type 2 if less than 4,000 s.f. C/Type 3 if greater than 4,000 s.f.		
Vacation rental or bed and breakfast 10,000 s.f. or greater	C		
Bus shelters	P/Type 2		
Child care facility (13 or less children)	P/Type 1		
Child care facility (14 or more children)	C/SPR/Type 3 if greater than 4,000 s.f. and/or 20 or more parking spaces		

Use	LDR-6 SLR	LDR-6 Overlay	LDR-8.5 LDR
Religious assembly – small (less than 16)	P		
Religious assembly – large (over 16)	C/SPR/Type 3		
Community recreation 4,000 s.f. or greater and/or 20 or more parking spaces <u>10,000 s.f. or greater</u>	C/SPR/Type 3		
Lodge, club, fraternal or civic assembly 4,000 s.f. or greater and/or more than 20 parking spaces <u>10,000 s.f. or greater</u>	C/SPR/Type 3		X
Lodge, club, fraternal or civic assembly less than 4,000 s.f. and 20 parking spaces <u>10,000 s.f.</u>	C/Type 3 P		X
Home occupations	P/Type 4		
Occupied recreational vehicles	X		
Public utilities 4,000 s.f. or greater and/or 20 or more parking spaces <u>10,000 s.f. or greater</u>	C/SPR/Type 3		
Public utilities less than 4,000 s.f. and/or 20 parking spaces <u>10,000 s.f.</u>	C/Type 3		
Public schools/educational service 4,000 s.f. or greater and/or 20 or more parking spaces <u>10,000 s.f. or greater</u>	C/SPR/Type 3		
Public schools/educational service less than 4,000 s.f. and/or 20 parking spaces <u>10,000 s.f.</u>	C/Type 3		
Public buildings and uses not otherwise listed as permitted in CBDC	C/SPR/Type 3		
Telecommunications facilities	C/SPR/Type 3		
All manufacturing and commercial uses or services, except permitted home occupations and day/adult care facilities	X		
<u>Other similar uses deemed by the director to be compatible with the LDR and SLR districts and adjacent land uses.</u>	P		

[Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 480 § 3, 2016; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.220.030].

17.220.030 Development and lot standards and criteria.

~~Development standards in the LDR districts are noted in Table 17.220.030.~~

(1) All developments within the LDR districts shall comply with the density and dimensional requirements of Table 17.220.030, except as described in subsection (a) and (b).

(a) The maximum dwelling units per acre and minimum lot sizes in Table 17.220.030 are not applicable to duplex dwellings.

(b) Accessory dwelling units are not subject to the density requirements of the zone.

(2) In calculating the maximum density allowed for a specific lot or development site, the director shall round up to the next whole number when any calculation includes a fraction. In no case shall the maximum density in Table 17.220.030 be exceeded.

Table 17.220.030 – Development and Lot Standards

<u>Standard</u>	<u>LDR-6SLR</u>	<u>LDR-6 overlay zone</u>	<u>LDR-8.5LDR</u>
Maximum dwelling units per acre (gross area of the site minus required right-of-way)	9-12	46	6-10
Minimum lot size	5,000-2,250 s.f.	3,500 s.f.	6,000-4,500 s.f.
Maximum lot size	7,500 s.f.	NA	15,000-10,000 s.f.
Minimum lot width	40'	40'	40'
Minimum lot depth	80'	80'	90'
Lots for drainage facilities, parks, open space, wetlands and buffers, utilities	No minimum or maximum.		
Building height	35' from lowest finished grade to highest point on the roof ridge.		
Lot coverage	65%		
Landscaping	20% of net lot area.		
<u>Setbacks (see also 17.335.130 Setbacks-Intrusions permitted).</u>			
Front yard setback to enclosed or semi-enclosed living area (including porches)	10' from property line.		
Garage or carport setback	20' from property line. The setback may be reduced to 10' from a street or 5' from an alley if the entrance to the garage or carport is perpendicular to the street frontage and all of the required parking can be accommodated on private property.		
Minimum side yard – interior lot	5' or 10% of lot width	As per the International Building Code	5' or 10% of lot width
Minimum rear yard	10% lot depth		10% lot depth
Minimum side yard – street side corner lot	20% of lot width but no less than 7' nor more than 20'.		
Setback to Coos Bay Estuary	As specified in the Coos Bay Estuary plan.		
Setbacks for accessory buildings no greater than 120 s.f. or 8' in height at its highest point above site grade	Rear or side yards – as per the International Building Code CBMC TITLE 15. Front yard – building may be no closer than 20' from the front property line nor cause visual obstruction at driveways or intersections.		
Parking	See Chapter CBDC 17.330 CBDC.		

[Ord. 518 § 8 (Exh. 1), 2019].

Chapter 17.225

MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR)

Sections:

- 17.225.010 Purpose.
- ~~17.225.015 Development diversity.~~
- 17.225.020 Location.
- ~~17.225.030 Permitted and conditional uses.~~ Land uses and permit requirements.
- 17.225.040 ~~Density and dimensional requirements.~~ Development and lot standards.
- 17.225.050 Requirements of single-unit attached housing.
- ~~17.225.060 Requirements of multifamily attached housing.~~ Apartments.
- ~~17.225.070 Requirements of factory-built home parks.~~

17.225.010 Purpose.

The medium density residential (MDR) district is intended to provide for residential development opportunities, including manufactured homes, with a minimum density of 12 units per net acre and a maximum density of ~~46~~25 units per net acre. The district is further intended to facilitate use of public transit, reduce the burdens of automobile related problems, and encourage efficient use of commercial services and public open space. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

~~**17.225.015 Development diversity.**~~

~~The city seeks to foster an opportunity for the creation of a variety of MDR housing products so as to promote housing affordability, architectural variety and unique neighborhood character. An MDR project proposal which consists of five gross acres or more, including abutting lands under common ownership, may not include more than 75 percent of one housing type, i.e., multifamily, single family attached or single family detached. [Ord. 532 § 2 (Att. B), 2020].~~

17.225.020 Location.

~~Generally, The city council, with the recommendation of the planning commission, generally, shall assign MDR zoning districts~~ are in close proximity to collector or arterial roadways, current or proposed transit routes, near employment centers, and with good access to local public schools and parks. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.225.030 Permitted and conditional usesLand uses and permit requirements.

~~Permitted Uses. The city permits uses on buildable lands as described in Table 17.225.030, Permitted and Conditional Uses, subject to compliance with the adopted level of service standards of the Coos Bay capital improvement plan. P = Permitted use; C = Conditional use; X = Prohibited use.~~

~~(1) Conditional uses allowed in an MDR district are described in Chapter 17.347 CBDC, Conditional Uses.~~

Land uses and permit requirements are listed in Table 17.225.030. The table identifies those uses in the medium density residential district that are:

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited.

The applicable procedural requirements are found in CBDC 17.130.

Table 17.225.030 – ~~Permitted and Conditional Uses~~ Land Use and Permit Requirements

Use	MDR-16
Residential	
Existing lawful residential use	P/Type 1
A single family residence and certified factory built home per lot of record Dwelling, Single-unit detached	P/Type 1
Dwelling, Manufactured Homes including certified factory-built homes (subject to standards at CBDC 17.322)	<u>S</u>
Dwelling, Multi-unit (subject to standards at CBDC 17.322)	<u>S</u>
Dwelling, Townhouse (subject to standards at CBDC 17.322)	<u>S</u>
Subdivision of a lot of record for 10 or less dwellings	P/Type 2
Subdivision of a lot of record for 11 or more dwellings	C/Type 3
Planned unit development of 10 or less dwellings	P/Type 2
Planned unit development of 11 or more dwellings	C/Type 3
Single family dwelling combined with a multiple family dwelling on the same lot	P/Type 2
Certified factory-built home parks consistent with the requirements of state manufactured park standards and CBDC 17.225.070-17.322	C/Type 3 <u>S</u>
Accessory living units subject to Chapter 17.312 CBDC Accessory Dwelling Units (subject to standards at CBDC 17.312)	P/Type 2 <u>S</u>
Multiple family dwellings consistent with CBDC 17.225.060, including but not limited to attached single family dwellings, such as townhouses, duplexes, triplexes; and detached multifamily dwellings such as apartments with 10 or fewer units	P/Type 2
Multiple family dwellings consistent with CBDC 17.225.060, including but not limited to attached single family dwellings, such as townhouses, duplexes, triplexes; and detached multifamily dwellings such as apartments with 11 or more units	C/Type 3
Group care and group residential care facilities	C/Type 3
Multiple family dwelling, greater than 35 feet in height and three stories	C/V/Type 3
Accessory buildings and uses normal and incidental to the building and uses permitted in this chapter	P/Type 1
Zero lot line development (subject to standards at CBDC 17.335.110)	<u>C/S</u>
Nonresidential Permitted Uses	
Home occupation	P/Type 1
Child care facility (fewer than 13)	P/Type 1

Use	MDR-16
Child care facility (13 or more)	P/Type 2
Vacation rental or bed and breakfast	P/Type 2
Laundry facility (outward appearance must retain a residential character)	P/Type 2
Bus shelters	P/Type 2
Nonresidential Conditional Uses with construction or expansion of existing construction or any of the following: 4,00110,000 s.f. or more, <u>21 or more new parking spaces</u>, building and demolition permits or any change, except for painting and minor repair, to the exterior of properties listed on the National Register of Historic Places	
Administrative service not associated with a home occupation permit	C
Convenience sales and personal service	C
Educational service	C
Home occupation – retail sales on the premises	C
Library service and cultural exhibit	C
Lodge, club, fraternal, or civic assembly	C
Public parks and recreational facilities	C
Public safety service	C
Religious assembly of more than 20 persons	C
Utility and service – no outside storage of equipment	C
Zero lot line development as specified in CBDC 17.335.100	C
Other	
Uses and development deemed by the director to be similar to and/or compatible with Table 17.225.030 and state regulations	P/Type 1
All manufacturing and commercial uses or services not listed	X

[Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.225.040 ~~Density and dimensional requirements~~ Development and lot standards.

(1) All developments within the MDR zoning district shall comply with the density and dimensional requirements of Table 17.225.040, except as described in subsection (a) and (b).

(a) The maximum dwelling units per acre and minimum lot sizes in Table 17.225.040 are not applicable to duplex dwellings.

(b) Accessory dwelling units are not subject to the density requirements of the zone.

(2) In calculating the maximum density allowed for a specific lot or development site, the director shall round up to the next whole number when any calculation includes a fraction. In no case shall the maximum density in Table 17.220.030 be exceeded.

Table 17.225.040 – ~~MDR Density and Dimensional Requirements~~ Development and Lot Standards

Standard	Multifamily-unit <u>Dwellings</u>	Single-Family <u>unit Dwellings</u>	
		<u>Attached</u>	<u>Detached</u>
Net density <u>Maximum dwelling units per acre (gross area of the site minus required right-of-way)</u>	12 – 46 <u>25</u> dua	12 – 46 <u>25</u> dua	12 – 46 <u>25</u> dua
Minimum lot width	40 feet	40 <u>20</u> feet	40 feet
Minimum lot depth	60 feet	60 feet	60 feet
Minimum area <u>lot size</u>	5,000 <u>2,400</u> sf	5,000 <u>1,200</u> sf	5,000 <u>2,400</u> sf
Maximum lot coverage	85%	65%	65%
Maximum height	35 feet	35 feet	35 feet
<u>Setbacks (see also CBDC 17.335.130 Setbacks-Intrusions permitted)</u>			
Minimum front setback	10 feet, <u>or 10% of lot depth, whichever is less</u>	10 feet, <u>or 10% of lot depth, whichever is less</u>	10 feet, <u>or 10% of lot depth, whichever is less</u>
Minimum garage setback from public right-of-way	20 feet	20 feet	20 feet
Minimum side setback	0 feet <u>for attached units</u> , 5 feet to abutting property line	0 feet <u>for attached units</u> , 5 feet <u>nonattached to abutting property line</u>	5 feet <u>or 10% of lot width, whichever is less</u>
Minimum street side setback	10 feet <u>or 20% lot width, whichever is less.</u>	10 feet <u>or 20% lot width, whichever is less.</u>	10 feet <u>or 20% lot width, whichever is less.</u>
Minimum rear setback	5 feet	5 feet	5 feet

(3) Screening. ~~New lots~~ Lots used for ~~medium density residential purposes~~ development of multi-unit dwellings ~~created adjacent to~~ abutting low density residential (LDR) districts shall employ a screening technique at the perimeter of the project as required in CBDC 17.335.060.

~~(3) New perimeter MDR lots abutting LDR districts, not including public rights-of-way or dedicated public open space, shall be no less than 80 percent of the lot area of the minimum lot size of the abutting LDR district. Setbacks from the property lines of abutting LDR land shall be no less than 80 percent of the setback requirement of the abutting LDR district. For example, if the abutting property is zoned LDR 8.5, a 7,000-square foot minimum lot size, and the MDR lots abutting the LDR district may not be less than 5,600 square feet. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

17.225.050 Requirements of single-family unit attached housing.

A single-family unit attached proposal shall meet the requirements of this section. Where a conflict exists between general and specific standards the director shall apply the more specific standard.

(1) Notations on the plat and covenants running with the land, approved by the city attorney, shall guarantee that required side setbacks shall be kept perpetually free of obstructions.

(2) Prohibit single-family~~unit~~ attached housing in housing clusters greater than six units.

(3) Landscaping. Single-family~~unit~~ attached development projects may satisfy the minimum landscaping requirement by:

(a) Providing 200 square feet of enclosed private outdoor living area per bedroom for each individual dwelling unit, to be located in the rear or side yard of each individual lot; or

(b) Providing 200 square feet of common indoor or outdoor recreation area per bedroom for each individual dwelling unit. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

~~17.225.060 — Requirements of multifamily attached housing — Apartments.~~

~~A multifamily attached proposal shall meet the requirements of this section. Where a conflict exists between general and specific standards of this section, the director shall apply the more specific standard.~~

~~(1) Multifamily attached housing shall not be permitted in clusters greater than eight dwelling units.~~

~~(2) Building permits for attached developments may only be approved where fully consistent with the approved land division.~~

~~(3) Notations on the plat and/or covenants running with the land, approved by the city attorney, shall guarantee that required side setbacks shall be kept perpetually free of obstructions. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

~~17.225.070 — Requirements of factory-built home parks.~~

~~All extensions or improvements made to existing residential certified factory-built home parks made after the enactment of the ordinance codified in this title shall comply with the provisions of this title.~~

~~(1) Site Plan. Except for a bus shelter, land use review is required prior to the establishment of, or change within, any certified factory-built home park.~~

~~(2) Minimum park area: one acre.~~

~~(3) Unit density: a minimum density of 12 units per net acre and a maximum density of 16 units dwelling per net acre.~~

~~(4) Access and Roads.~~

~~(a) Dedicate and improve vehicular and pedestrian access to the park from the improved street.~~

~~(b) Pave roads within a park according to the following minimum standards:~~

~~(i) Twenty-two feet where no on-street parking is allowed.~~

~~(ii) Twenty-eight feet where on-street parking is allowed on one side of the street.~~

~~(iii) Thirty-six feet where parking is permitted on both sides of the street.~~

~~(iv) All private streets and ways within the park shall be built as approved by the public works department.~~

~~(v) An additional five feet from each edge of the pavement or two feet from the edge of the sidewalk shall be designated as right-of-way from which setbacks are to be measured.~~

~~(vi) When on-street parking is provided, it may substitute for the guest and second parking requirements if approved by the planning commission.~~

~~(5) Services.~~

~~(a) Sewer. Every residential certified factory built home park shall be connected to a sanitary sewer. Each space shall be provided with a connection to the sewer.~~

~~(b) Water. Every residential certified factory built home park shall be connected to a supply of potable water for domestic use. Each space shall be provided with a connection to the water supply.~~

~~(c) Utilities. All utilities, including telephone, television, and electricity, shall be installed underground throughout the park and shall be provided at each space.~~

~~(d) Fire Protection. No space shall be occupied that is not located within 500 feet of a fire hydrant, following the street right-of-way. Existing spaces now located or occupied at a distance greater than 500 feet from an approved hydrant may continue until such time as the park is expanded in size or number of spaces.~~

~~At the time of such expansion, the owner or operator of the park shall have installed one or more hydrants at locations such that no occupied space remains at a greater distance than 500 feet, following the street right-of-way, from any hydrant. The Coos Bay fire department shall be authorized by the owner to inspect the hydrants in accordance with current standard procedures and to require periodic tests when deemed necessary. No parking shall be permitted within 10 feet of fire hydrants.~~

~~(e) Lighting. All roads within the park shall be lighted at night to provide a minimum of 0.35 foot-candles of illumination.~~

~~(6) Open Space and Recreational Area.~~

~~(a) Minimum Area. Open space shall constitute six percent of the total gross area of the park. Improved recreational areas shall have a minimum area of 8,000 square feet or 100 square feet per dwelling unit, whichever is greater.~~

~~(b) Plan. The site plan shall contain the following:~~

~~(i) Boundaries of the proposed areas.~~

~~(ii) Written explanation of the purposes of the areas and a description of any improvements to be made.~~

~~(iii) Description of the manner in which the area will be perpetuated, maintained, and administered.~~

~~(c) Guarantee. The preservation and continued maintenance of property and/or structures commonly owned and/or held for common use shall be guaranteed by a covenant running~~

~~with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents shall be filed with the community development department before occupancy of any dwelling.~~

~~(7) Landscaping. All exposed ground surface in all parts of the park shall be protected and maintained with landscaping to include plant material, paving, gravel, and/or other solid material that will prevent soil erosion, mud, and dust within the park. The ground surface in the park shall be graded and furnished with drainage facilities to drain all surface water in a safe, efficient, and sanitary manner.~~

~~(8) Fences and Walls. A visual barrier shall be provided and maintained such as a solid fence, a concrete wall, or an approved buffer of trees or shrubs between the mobile home park and abutting properties. The barrier shall have a minimum height of six feet, except the area defined as the entrance of the park where the wall may be three feet for vision clearance.~~

~~(9) Off-Street Parking and Loading. The provisions of Chapter 17.330 CBDC, Off-Street Parking and Loading Requirements, shall apply.~~

~~(10) Special Certified Factory-Built Home Siting Requirements.~~

~~(a) Certified Factory-Built Homes and Parks.~~

~~(i) Only certified factory built homes shall be allowed in the MDR-16 district.~~

~~(ii) Residential certified factory built home parks and units shall be required to meet all state requirements for mobile home parks.~~

~~(b) Yards. Building separation in a mobile home park for each mobile home and its accessory structures shall be in accordance with the following:~~

~~(i) A mobile home shall not be located closer than 15 feet from any other mobile home, closer than 10 feet from a park building within the mobile home park, or closer than five feet from a park property boundary line or street right-of-way.~~

~~(ii) To prevent the spread of fire from one mobile home to another (unless otherwise approved by the inspecting authority), the yard shall conform to the requirements of the International Building Code.~~

~~(c) Building Height. No dwelling or accessory building shall be erected or installed with a height in excess of 17 feet.~~

~~(d) Skirting. Mobile homes shall be skirted to provide an appearance of permanency.~~

~~(e) Storage Facilities. Each space shall have a minimum of 50 square feet of totally enclosed storage space.~~

~~(f) Accessory Buildings. Accessory buildings and other similar permanent structures may be installed or erected in conjunction with a space and shall require a building permit. These structures shall be deemed to be a part of the certified factory built.~~

~~(11) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes.~~

~~(12) Park Improvements.~~

~~(a) Construction Plans and Specifications. As part of the site plan application, the applicant shall submit to the community development department construction plans, profile and cross-section drawings, and specifications for the required utilities and streets, accompanied by a plan check fee. These plans will be reviewed and the applicant will be notified in writing of compliance with city requirements or of any necessary modifications. The final drawings and specifications shall be permanently filed with the department. A copy of the water system plans shall be submitted to public works by the applicant.~~

~~(b) Contract for Improvements. Within 48 months of site plan and review of the improvement plans and specifications, but prior to the issuance of any development permits, the applicant shall be required to enter into an agreement to construct and/or improve facilities to serve the development. At the time the improvement agreement is executed, the applicant will submit the inspection fee and also post a performance bond, cash, or security deposit guaranteeing the completion of the contractual provisions. All contracted improvements shall be completed within 24 months after the bond or surety is posted. If the applicant is unable to complete the improvements within two years with good cause, a one-year extension may be granted by the public works department. Further extensions must be approved by the planning commission.~~

~~(c) Bond and/or Surety, Cash or Security Deposit Provisions. The assurances for completion of improvements shall be filed with the city in the nonnegotiable amount established by resolution of the city council. The bond or deposit shall:~~

~~(i) Name the city as obligee.~~

~~(ii) Be in a form approved by the city attorney.~~

~~(iii) Be conditioned upon the final approval and acceptance of the development.~~

~~(iv) Provide full warranty for the improvements for a minimum of two years from the date of final acceptance by the city.~~

~~(v) Be forfeited to the city if the applicant does not complete the requirements within the agreed-upon time limit, or if the applicant has created a hazard causing imminent danger to the public health and safety within or adjacent to the development which the developer fails to correct.~~

~~(vi) Cover any costs, attorney's fees, and liquidation damages resulting from delay or failure to meet the deadline.~~

~~(d) Construction. Construction of improvements may begin in accordance with the agreement. During this phase of development, the applicant shall be required to prepare record drawings of all improvements. Special attention shall be given to underground utilities.~~

~~(e) Acceptance of Improvements. Upon completion of the improvements, the applicant shall submit record drawings to the public works department of the street and sanitary/storm sewer plan profiles. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

Chapter 17.230

COMMERCIAL DISTRICTS ~~(C AND MX)~~

Sections:

- 17.230.010 Purpose.
- 17.230.020 ~~Uses~~ Land uses and permit requirements.
- 17.230.030 Development and lot standards.

17.230.010 Purpose.

(1) ~~The Commercial (C) District. These commercial areas are~~ is intended to provide for the regular shopping and service needs for the community and adjacent service areas. Typical allowed uses include convenience food markets, beauty and barber shops, bakeries and service industries. These areas are held to a high standard of site plan review due to the close proximity of residential zones. Development activity shall meet, as applicable, the design guidelines contained in this code and ensure that there is safe, interconnected, and multimodal transportation access to and within development sites.

(2) The mixed-use (MX) district requires mixed-use developments to provide the community with a mix of mutually supporting retail, service, office and medium- or high-density residential uses. The zone is designed to promote cohesive site planning and design that integrates and interconnects two or more land uses into a development that is mutually supportive. It can provide incentives to develop a higher density, active, urban environment than generally would be found in a suburban community. This type of development is further expected to:

- (a) Achieve the goals and objectives of the city's comprehensive plan and capital facilities plans;
- (b) Enhance livability, environmental quality and economic vitality;
- (c) Maximize efficient use of public facilities and services;
- (d) Create a safe, attractive and convenient environment for a variety of uses including living, working, recreating and traveling by all transportation modes.

(3) Applicability.

- (a) General. The provisions of this section shall be applied to parcels or groups of contiguous parcels designated mixed-use on the city's official zoning map.
- (b) Interpretation. If the requirements of the mixed-use district conflict with other regulations, the more stringent shall apply.

(4) Definitions. For the purposes of this section, the following definitions shall apply:

- (a) "Mixed-use development" shall mean a group of structures planned as a single entity and containing within and/or among them a variety of complementary and/or mutually supporting uses (such as housing, offices, retail, public service or entertainment).
- (b) "Net acre" means an acre of the developable portion of the site, which is derived from the total (gross) acreage of the site minus the area required to be, or voluntarily, set aside, as critical and environmentally sensitive lands and the corresponding buffers, public rights-of-

way, road easements and any similar public facilities. [Ord. 532 § 2 (Att. B), 2020; Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.230.020 Uses~~Land uses and permit requirements.~~

~~The following uses in Table 17.230.020 in the commercial/mixed-use (C/MX) zone are permitted (P), conditional (C) or prohibited (X). The permitting type for each use shall be subject to the land use process noted in Table 17.230.020 and the criteria specified in subsections (1) through (3) of this section.~~

Land uses and permit requirements are listed in Table 17.230.020. The table identifies those uses in the commercial districts that are:

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited.

The applicable procedural requirements are found in CBDC 17.130.

~~(1) Type I Review. A Type I process involves nondiscretionary standards or standards that require the exercise of professional judgment by the director about technical issues. Type I reviews include:~~

~~(a) Residential proposals creating less than 10 new units.~~

~~(b) Modifications to interior of an existing structure that does not change the intensity or a use.~~

~~(c) Installation or replacement of underground utilities.~~

~~(d) Painting and minor repair to the exterior of properties listed on the National Register of Historic Places.~~

~~(e) Other development the director determines does not result in an appreciable increase in land use activity and intensity and does not create an additional significant adverse impact.~~

~~(2) Type II Review. A Type II process involves a mix of discretionary and nondiscretionary standards that require the exercise of limited discretion by the director about nontechnical issues and about which there may be a limited public interest. Type II reviews include:~~

~~(a) Changes in use of an existing structure or site.~~

~~(b) New construction or expansions of existing develop which does not exceed:~~

~~(i) Four thousand square feet of floor area.~~

~~(ii) Twenty new parking spaces.~~

~~(iii) Residential proposals with four structures with up to and including 10 units.~~

~~(iv) All changes in the use of a structure that increase the intensity of use by increasing the gross floor area by more than 20 percent up to a total of 4,000 square feet or~~

~~introducing a use requiring more than 15 percent of the parking required by the original use up to and including 20 new spaces.~~

~~(c) Property line adjustments and partitions.~~

~~(d) Other development the director determines appropriate for a Type II review due to community interest and/or benefit.~~

~~(3) Type III Review. A Type III process involves standards that require the exercise of substantial discretion by the planning commission or a hearings officer and about which there may be a broad public interest. Type III reviews include:~~

~~(a) New construction or expansions of existing construction of any of the following:~~

~~(i) Four thousand one square feet or more floor area.~~

~~(ii) Twenty one or more new parking spaces.~~

~~(iii) Residential proposals with more than 10 units.~~

~~(b) Building and demolition permits or any change, except painting and minor repair, to the exterior of properties listed on the National Register of Historic Places.~~

~~(c) Subdivisions.~~

~~(d) Conditional use permits.~~

Table 17.230.020 – UsesLand Uses and Permit Requirements

Use	C	MX
Residential		
Residential uses above the ground floor or story and up to 30% of ground floor or story	P	
Existing single-family unit residential uses may be rebuilt if discontinued for a period of not less than 24 months	P	
Tourist habitation/bed and breakfast	P	
Home occupations	P	
Medium density residential Dwelling, Multi-unit (46 25 dwelling units per acre) (subject to standards at CBDC 17.335.120)	C/S	<u>PS</u>
Zero lot line development (subject to requirements of standards at CBDC 17.335.400 <u>110</u>)		<u>PS</u>
Retail Sales – Food		
Markets in excess of 15,000 square feet gross floor area	P	C
Markets – Under 15,000 square feet of gross floor area	P	
Bakery	P	
Retail Sales – General		
General retailer	P	
Single purpose/specialty retailers	P	

Use	C	MX
Yard and garden supplies, including nurseries	P	X
Adult entertainment	C	X
Retail Sales – Restaurants, Drinking Establishments		
Restaurants and drinking establishments, including outdoor dining, portable walk-up vendors (not including drive-through facilities) such as but not limited to espresso carts, and food stands, and other uses generally conducted outside in conjunction with a permitted commercial food and drink service use, unless otherwise prohibited by the CBMC or state law	P	
Drive-through, drive-in or drive-up facilities (subject to the requirements of standards at CBDC 17.335.070)	PS	
Retail Sales and Services – Automotive and Related Automotive and Equipment		
Sales/rentals, light equipment – Sale, retail, or wholesale, and/or rental from the premises of autos, noncommercial trucks, motorcycles, motor homes, recreational vehicles, boats, and trailers with generally less than a 10,000-pound gross cargo weight together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies, and small boat sales.	C	X
Sales/rentals, heavy equipment – Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, trucks, and aircraft, together with incidental maintenance. Typical uses include aircraft dealers, farm, logging, and heavy construction equipment dealers, or tractor trailers.	C	X
Repairs, light equipment – Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto or motorcycle repair garages, or auto glass shops.	P	
Repairs, heavy equipment – Repair of trucks, construction and logging equipment, as well as the sale, installation, or servicing of automotive equipment and parts, together with body repairs, painting, and steam cleaning. Typical uses include truck transmission shops, body shops, or motor freight maintenance groups.	X	
Manufactured home sales	P	X
Cleaning – Washing and polishing of automobiles. Typical uses include auto laundries or car washes.	P	C
Fleet storage – Fleet storage of vehicles used regularly in business operation but not for the long-term storage of vehicles, nor for vehicles available for sale. Typical uses include taxi fleets, mobile catering truck storage, or auto storage garages.	P	X
Commercial off-street parking facilities	P	C
Storage, nonoperating vehicles – Storage of nonoperating motor vehicles. Typical uses include storage of private parking tow-away or impound yards.	P	X
Transportation terminals		
– Freight	C	X
– People	P	
Retail Sales – Building Materials and Farm Equipment		
Lumber and other building materials stores and yards, with only incidental cutting and planing of products sold	P	X

Use	C	MX
Heating and plumbing equipment, including incidental fabrication (operated entirely within an enclosed building)	P	C
Hardware, home repair and supply stores (over 20,000 square feet gross floor area)	C	X
Hardware, home repair and supply stores (up to and including 19,999 square feet gross floor area)	P	C
Farm equipment and implement dealer	P	X
Hay, grain, and feed stores	P	X
Retail Sales – Products (Finished product retailers with primary fabrication or assembly on site and within an entirely enclosed building.)	P	
Sales and Services – Personal		
Convenience sales and personal services – Establishments or places of business in existing buildings primarily engaged in the provision of frequently or recurrently needed small personal items or services. These include various general retail sales and personal services of an appropriate size and scale to meet the above criterion. Typical uses include neighborhood grocery, drug stores, bookstores, clothing and beauty shops, laundromat/dry cleaners, barbershops, art galleries and art studios. Convenience sales may be offered outdoors such as portable walk-up vendors (not including drive-through facilities) such as but not limited to flower stands and plant nurseries and other uses generally conducted outside in conjunction with a permitted personal and retail service commercial use, unless otherwise prohibited by the CBMC or state law.	P	
Personal services, general – Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature, but excludes services classified as “spectator sports and entertainment,” or “participant sports and recreation,” or “group care.” Typical uses include photography studios, driving schools, or reducing salons, laundromats, or dance instruction.	P	
Funeral and interment services: undertaking – Undertaking services such as preparing the dead for burial and arranging and managing funerals	P	
Marijuana retail sales subject to the requirements of CBDC 17.335.080(1) through (8) and (10)	P	
Services – General		
Business support service – Establishments primarily engaged in the provision of services of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services, blueprint services, or printing and duplicating firms.	P	
Professional and administrative services – Offices or private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices, legal offices, or architectural firms.	P	
Building/property maintenance service – Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.	P	
Moving and storage (mini-storage)	C	X

Use	C	MX
Financial, insurance, and real estate services – Establishments primarily engaged in the provision of financial, insurance, real estate, or securities brokerage services. Typical uses include banks, insurance agencies, or real estate firms.	P	
Event facilities (less than 10,000 square feet)	P	C
Event facilities (greater than 10,000 square feet)	P	
RV storage	P	C
Services – Tourist Habitation		
Tourist habitation as defined in CBDC 17.150.020 (Definitions); with the exception of campgrounds as conditionally permitted in commercial land use districts as specified in Table 17.230.020 – Uses.	P	
Campground – Campground services involving but not limited to transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.	C	X
Services – Medical and Health		
Hospitals	X	
Medical services – Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services	P	
Ambulance services	P	
Sanitaria, convalescent and rest homes	P	
Orthopedic equipment and supplies, rental, sales and services	P	
Services – Animal Sales and Services		
Auction – Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding a 48-hour period. Typical uses include animal auctions or livestock auction yards.	X	
Animal sales and service: grooming – Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.	P	
Animal sales and service: kennel – Boarding, raising, caring, and training services for dogs, cats, and similar small animals. Typical uses include boarding kennels or dog training centers.	C	X
Animal sales and service: pet shop – Establishment for the retail sale of household pets and pet supplies	P	
Animal sales and service: veterinary (small animals) – Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.	C	
Veterinary (large animals) – Veterinary services for large animals. Typical uses include animal hospitals or veterinary hospitals.	C	X
Animal waste processing – The processing of animal waste and by-products, including, but not limited to, animal manure, animal bedding waste, and similar by-products of an animal-raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting for commercial purposes	X	

Use	C	MX
Aquaculture – Raising, feeding, planting, harvesting fish and shellfish, and associated facilities as necessary for such use, including commercial harvest of naturally occurring clam beds		X
Services – Amusement		
Community recreation – Recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, or community recreation buildings	C	
Theaters, indoor	P	
Drive-in theaters, stadium and arena facilities	C	
Participant sports and recreation: indoor – Those uses conducted within an enclosed building. Typical uses include bowling alleys, skating rinks (ice and/or roller), billiard/pool parlors, video arcades, swimming pools, physical fitness centers, or racquetball centers.	P	C
Participant sports and recreation: outdoor – Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, or swimming pools.	P	C
Zoos, circuses, carnivals, or amusement rides, excluding temporary civic events endorsed by the city council	C	X
Services – Educational		
Nursery schools, preschools	P	C
Day care facilities		P
Libraries		P
Vocational schools		C
Artistic studios and schools including but not limited to dance, music and martial arts (less than 10,000 square feet)		P
Artistic studios and schools including but not limited to dance, music and martial arts (greater than 10,000 square feet)	P	C
Public parks, parkways, recreation facilities, trails and related facilities	P	C
Public/private educational institutions	P	C
Outdoor events related to grand openings and similar special business events		P
Services – Membership Organizations		
Business, professional and religious (not including churches)		P
Civic, social, fraternal, charitable, labor and political (less than 5,000 square feet)		P
Civic, social, fraternal, charitable, labor and political (greater than 5,000 square feet)		P
Churches		P
Distribution Facilities (In conjunction with a permitted use, all activities, except vehicle storage, located entirely within an enclosed building.)		
Distribution facilities	C	X
Public Services and Facilities		
Buildings entirely dedicated to public services, such as city hall, police and fire substations		P

Use	C	MX
Sewer, water and utility transmission lines	P	C
Wireless communications facilities	P	
Museums, historic and cultural exhibits and the like	P	
U.S. post offices	P	
Public transit facilities including park and ride facilities	P	
Bus shelters	P	
Accessory Uses and Activities		
On-site hazardous waste treatment and storage facilities, subject to state siting criteria	X	
Drive-through or drive-up facilities	C	
Open Air Activities		
Open air display of plants and produce in conjunction with a permitted use	P	
Open air storage of materials	C	
Open air work activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by this title	P	
Open air storage of company vehicles, such as cars and light duty trucks, in conjunction with a permitted use	P	C
Other Uses		
Temporary uses	P	
Solid waste handling and disposal sites	X	
Agricultural uses	X	
Other similar uses deemed by the director to be compatible with the C/MX districts and adjacent land uses.	Review type dependent upon size and intensity of use.	

[Ord. 532 § 2 (Att. B), 2020; Ord. 513 § 7 (Exh. 2), 2019; Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.230.030 Development and lot standards.

(1) New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Table 17.230.030.

(2) Landscaping.

(a) In commercial and mixed-use zoning districts, not less than 15 percent of the total lot area shall be landscaped. Pedestrian plazas, sidewalks over the minimum width and other pedestrian amenities may be used to meet the required landscaping at a one-to-one ratio.

(b) All heating and air equipment shall be appropriately screened from public view. This does not apply to roof-mounted equipment.

(c) All storage and trash areas must be enclosed and screened from public view.

(3) Development Standards.

(a) Residential/Commercial. All residential or mixed residential/commercial areas shall provide a minimum of eight residential units per net acre and a maximum of 24 residential units per net acre.

(b) Lot Standards.

(i) All development applications in the MX zone shall comply with the applicable standards for lot area dimensions, building height, and setbacks in Table 17.230.030.

(ii) ~~Single-family unit~~ structures that are used for accessory commercial uses shall use the ~~single-family unit~~ attached/detached development standards.

(iii) The maximum building height shall exclude unique architectural features such as steeples, chimneys, flagpoles, electronic aerals, and cupolas.

(iv) There shall be no setback restrictions in the commercial zone other than those imposed by the building code, except where the property abuts low density residential (LDR-6) zone district, unless otherwise noted.

Table 17.230.030 – Development and Lot Standards

Standard	Commercial	Mixed	Single-/Multi-family unit <u>dwelling</u>	
			Attached	Detached
Minimum lot width	20 feet	20 feet	20 feet	30 feet
Minimum lot depth	60 feet	60 feet	60 feet	60 feet
Minimum lot area	5,000 square feet	5,000 square feet	5,000 <u>1,200</u> square feet	3,000 <u>2,400</u> square feet
Maximum lot area	N/A	N/A	N/A	15,000 square feet
Maximum lot coverage	85%	85%	75% <u>65%</u>	65%
Maximum height	35 feet	35 feet	35 feet	35 feet
<u>Setbacks (see also CBDC 17.335.130 Setbacks-Intrusions permitted)</u>				
Minimum front setback	0 feet	10 feet	10 feet	10 feet <u>or</u> <u>10% of the</u> <u>lot depth,</u> <u>whichever is</u> <u>less</u>
Min. garage setback from public street	20 feet	20 feet	20 feet	20 feet

Standard	Commercial	Mixed	Single-/Multi-family-unit dwelling	
			Attached	Detached
Minimum garage setback from alley	20 feet	20 feet	20 feet	20 feet
Minimum side setback	0 feet or 10 feet abutting single-family LDR zones	0 feet or 10 feet abutting single-family LDR zones	0 feet attached, 5 feet nonattached to abutting properties.	5 feet or 10% of the lot depth, whichever is less
Minimum street side setback	0 feet	0 feet	10 feet	10 feet or 20% of the lot width, whichever is less.
Minimum rear setback	0 feet, or 10 feet abutting single-family LDR zones	0 feet, or 10 feet abutting LDR zones	405 feet	405 feet

(c) Site Planning Design ~~Guidelines~~ Standards.

(i) Commercial and Mixed-Use Development.

(A) Blank walls facing public streets are discouraged. Features providing visual interest such as windows (genuine, false, or display), artwork, varied building materials, relief panels, trim, balconies, ledges or other techniques shall be employed to enhance building facades facing public streets.

(B) Rooflines shall be a minimum of 4:12 for pitched roofs. Lower pitched roofs or parapet rooflines shall provide additional architectural detailing including but not limited to: cornice, cap, relief panels, bay windows, shade projections, rain protection, eaves, dormers, ledges or overhangs as approved by the director.

(C) Rain protection shall be located at the primary entrance that is effectively designed to provide a minimum of 50 square feet of rain protection. This protection may use a single or combination of techniques such as awning, eave, alcove, airlock, recessed entry or porte-cochere.

(D) Finished surfaces on building elevations shall emphasize use of architectural grade natural building products such as wood, masonry, metal, glass, stucco, fiber cement, cultured stone or other stone materials. Use of plywood, vinyl, plastic composites, fiberglass or similar are prohibited unless otherwise permitted by the director.

(E) A diverse use of color is encouraged to display individuality within the community. Finished surfaces suitable for painting shall incorporate a color palette of at least two colors consisting of a base color and an accent (trim color). Repetitive or predictable alternate color schemes are discouraged.

(F) Hardscaping (i.e., curb-to-facade sidewalks with pedestrian amenities) may be substituted in lieu of landscaping requirements subject to review and approval of the review authority.

(ii) Multi-unit dwelling development is subject to the standards at CBDC 17.335.120 Multi-Unit Development Standards.

(4) Special Limitations on Uses. All uses in the C and MX district(s) shall meet all of the following conditions:

(a) Odor, noise, emissions, vibration, heat and glare (except for exterior lighting) shall be controlled within the confines of the building or structure.

(b) No movement of heavy equipment on and off the site shall occur, except for truck deliveries.

(c) No outdoor testing of products or processes shall take place on the site.

(d) No highly combustible, explosive, or hazardous materials or waste shall be permitted on site.

(e) Outdoor storage must be screened from public view.

[Ord. 532 § 2 (Att. B), 2020; Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

Chapter 17.235

INDUSTRIAL-COMMERCIAL DISTRICT (I-C)

Sections:

- 17.235.010 Purpose.
- 17.235.020 ~~Permitted uses~~ **Land uses and permit requirements.**
- 17.235.030 ~~Dimensional requirements~~ **Development and lot standards.**
- 17.235.040 Industrial-commercial development standards.

17.235.010 Purpose.

It is the city's intent that industrial uses be encouraged in accordance with the comprehensive plan and that potential industrial areas be retained as an essential element for a vital economic base for the population of Coos Bay. The intent of this district is to provide suitable areas for a variety of industrial and commercial uses, including manufacturing, wholesale trade and distribution activities. The industrial-commercial district is intended to contain uses that will not generate excessive noise, pollution, vibration, smoke, dust, gas, fumes, odors, radiation and other violation characteristics. Conditional uses are those which may have some violation characteristics that may be mitigated and where such uses may be appropriately sited in Coos Bay. Industrial-commercial districts are only intended to be located in areas with relatively level topography, adequate water and sewerage facilities, and access to arterial streets and highways. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.235.020 ~~Permitted uses~~ **Land uses and permit requirements.**

~~The following uses in the industrial-commercial (I-C) zone are permitted (P), conditional (C) or prohibited (X). The permitting type for each use shall be subject to the land use process noted in Table 17.235.020 and the criteria specified in subsections (1) through (3) of this section.~~

Land uses and permit requirements are listed in Table 17.235.020. The table identifies those uses in the I-C district that are:

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited.

The applicable procedural requirements are found in CBDC 17.130.

~~(1) Type I Review. A Type I process involves nondiscretionary standards or standards that require the exercise of professional judgment by the director about technical issues. Type I reviews include:~~

~~(a) Residential proposals creating less than 10 new units.~~

~~(b) Modifications to interior of an existing structure that does not change the intensity or a use.~~

~~(c) Installation or replacement of underground utilities.~~

~~(d) Painting and minor repair to the exterior of properties listed on the National Register of Historic Places.~~

~~(e) Other development the director determines does not result in an appreciable increase in land use activity and intensity and does not create an additional significant adverse impact.~~

~~(2) Type II Review. A Type II process involves a mix of discretionary and nondiscretionary standards that require the exercise of limited discretion by the director about nontechnical issues and about which there may be a limited public interest. Type II reviews include:~~

~~(a) Changes in use of an existing structure or site.~~

~~(b) New construction or expansions of existing develop which does not exceed:~~

~~(i) Four thousand square feet of floor area.~~

~~(ii) Twenty new parking spaces.~~

~~(iii) Residential proposals with four structures with up to and including 10 units.~~

~~(iv) All changes in the use of a structure that increase the intensity of use by increasing the gross floor area by more than 20 percent up to a total of 4,000 square feet or introducing a use requiring more than 15 percent of the parking required by the original use up to and including 20 new spaces.~~

~~(c) Property line adjustments and partitions.~~

~~(d) Other development the director determines appropriate for a Type II review due to community interest and/or benefit.~~

~~(3) Type III Review. A Type III process involves standards that require the exercise of substantial discretion by the planning commission or a hearings officer and about which there may be a broad public interest. Type III reviews include:~~

~~(a) New construction or expansions of existing construction of any of the following:~~

~~(i) Four thousand one square feet or more floor area.~~

~~(ii) Twenty one or more new parking spaces.~~

~~(iii) Residential proposals with more than 10 units.~~

~~(b) Building and demolition permits or any change, except painting and minor repair, to the exterior of properties listed on the National Register of Historic Places.~~

~~(c) Subdivisions.~~

~~(d) Conditional use permits.~~

~~The authorization process for land uses is subject to the requirements as indicated in Table 17.235.020 and CBDC 17.130.030(3)(a) through (c); if there is a conflict between the two sections, the requirements of CBDC 17.130.030(3)(a) through (c) shall prevail.~~

Table 17.235.020 – I-C Uses Land Uses and Permit Requirements

Use	I-C
Residential	
Residential uses above the ground floor or story and up to 30 percent of ground floor or story when secondary to commercial uses. Including residences for a caretaker or night watchman	P
Existing single-family unit residential uses may be rebuilt if discontinued for a period of not less than 24 months	P
Tourist habitation/bed and breakfast	P
Home occupation	P
Medium density residential Dwelling, Multi-unit (4625 dwelling units per acre) with 10 units or less (subject to standards at CBDC 17.335.120)	P
Medium density residential Dwelling, Multi-unit (4625 dwelling units per acre) with more than 10 units (subject to standards at CBDC 17.335.120)	C/S
Institutionalized residential-living facilities, such as personal-care homes, nursing homes, convalescent homes, group homes, continuing care retirement facilities and similar uses of five or fewer persons	P
Institutionalized residential-living facilities, such as personal-care homes, nursing homes, convalescent homes, group homes, continuing care retirement facilities and similar uses of more than five persons	C
Homeless shelter meeting Type II permitting criteria	P
Homeless shelter meeting Type III permitting criteria	C
Retail Sales – Food and Beverages	
Retail establishment selling food and/or beverages	P
Bakery	P
Retail Sales – General	
General retailer	P
Yard and garden supplies, including nurseries	P
Adult entertainment	P
Retail Sales – Restaurants, Drinking Establishments	
Eating and drinking establishments	P
Wineries, breweries and distilleries	P
Retail Sales and Services – Automotive and Equipment	
Sales/rentals, light equipment – Sale, retail, or wholesale, and/or rental from the premises of autos, noncommercial trucks, motorcycles, motor homes, recreational vehicles, boats, and trailers with generally less than a 10,000-pound gross cargo weight, together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies, and small boat sales.	P
Sales/rentals, heavy equipment – Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, trucks, and aircraft, together with incidental maintenance.	P

Use	I-C
Typical uses include aircraft dealers, farm, logging, and heavy construction equipment dealers, or tractor trailers.	
Repairs, light equipment – Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto or motorcycle repair garages, or auto glass shops.	P
Repairs, heavy equipment – Repair of trucks, construction and logging equipment, as well as the sale, installation, or servicing of automotive equipment and parts, together with body repairs, painting, and steam cleaning. Typical uses include truck transmission shops, body shops, or motor freight maintenance groups.	P
Manufactured home sales	P
Cleaning – Washing and polishing of automobiles. Typical uses include auto laundries or car washes.	P
Fleet Storage – Fleet storage of vehicles used regularly in business operation but not for the long-term storage of vehicles, nor for vehicles available for sale. Typical uses include taxi fleets, mobile catering truck storage, or auto storage garages.	P
Commercial off-street parking facilities	P
Storage, nonoperating vehicles – Storage of nonoperating motor vehicles. Typical uses include storage of private parking tow-away or impound yards.	P
Tire retreading and recapping	P
Junkyards, wrecked motor vehicle compounds and used auto or other vehicle parts yards	C
Welding and machine shops	P
Transportation Terminals	
Freight	P
People	P
Distribution facilities	P
Bulk gasoline storage and fuel oil distributors	C
Retail Sales – Building Materials and Farm Equipment	
Lumber and other building materials stores and yards, with only incidental cutting and planing of products sold	P
Heating and plumbing equipment, including incidental fabrication (operated entirely within an enclosed building)	P
Hardware, home repair and supply stores (over 100,000 square feet gross floor area)	P
Hardware, home repair and supply stores (10,000 to 100,000 square feet gross floor area)	P
Hardware, home repair and supply stores (under 10,000 square feet gross floor area)	P
Farm equipment and implement dealer	P
Hay, grain, and feed stores	P
Lumber yards, saw mills	C
Retail Sales – Products (finished product retailers with primary fabrication or assembly on site and within an entirely enclosed building)	

Use	I-C
Uses of less than 10,000 square feet gross floor area	P
Services – Personal	
Convenience sales and personal services – Establishments or places of business primarily engaged in the provision of frequently or recurrently needed small personal items or services. These include various general retail sales and personal services of an appropriate size and scale to meet the above criterion. Typical uses include neighborhood grocery, drug stores, laundromat/dry cleaners, or barbershops.	P
Personal services, general – Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature, but excludes services classified as “spectator sports and entertainment,” or “participant sports and recreation,” or “group care.” Typical uses include photography studios, driving schools, or reducing salons, laundromats, or dance instruction.	P
Funeral and Interment Services	
Undertaking – Undertaking services such as preparing the dead for burial and arranging and managing funerals	P
Cemetery – Places primarily for the burial of human remains; may include crematory and interring services. Typical uses include mausoleums, columbariums, and crematoriums.	P
Cremating/interring – Crematory services involving the purification and reduction of the human body by fire and/or the keeping of human bodies other than in cemeteries. Typical uses include crematories, crematoriums, columbariums, and mausoleums.	P
Services – General	
Business support service – Establishments primarily engaged in the provision of services of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services, blueprint services, or printing and duplicating firms.	P
Professional and administrative services – Offices or private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices, legal offices, or architectural firms.	P
Building/property maintenance service – Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.	P
Moving and storage (mini-storage)	P
Financial, insurance, and real estate services – Establishments primarily engaged in the provision of financial, insurance, real estate, or securities brokerage services. Typical uses include banks, insurance agencies, or real estate firms.	P
Event facilities (commercial recreation facilities enclosed and unenclosed and auditoriums and civic centers)	P
Art galleries, libraries and museums	P
RV storage	P
Services – Tourist Habitation	
Lodging – Lodging services involving the provision of room and/or board. Typical uses include hotels or motels.	P

Use	I-C
Campground – Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.	P
Services – Medical and Health	
Hospitals	P
Medical services – Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services	P
Ambulance services	P
Sanitaria, convalescent and rest homes	P
Orthopedic equipment and supplies, rental, sales and services	P
Research and scientific laboratories	P
Services – Animal Sales and Services	
Auction – Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off-property not exceeding a 48-hour period. Typical uses include animal auctions or livestock auction yards.	C
Animal sales and service: grooming – Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.	P
Animal sales and service: kennel – Boarding, raising, caring, and training services for dogs, cats, and similar small animals. Typical uses include boarding kennels or dog training centers.	P
Animal sales and service: pet shop – Establishment for the retail sale of household pets and pet supplies	P
Animal sales and service: veterinary (small animals) – Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.	P
Veterinary (large animals) – Veterinary services for large animals. Typical uses include animal hospitals or veterinary hospitals.	P
Animal waste processing – The processing of animal waste and by-products including, but not limited to, animal manure, animal bedding waste, and similar by-products of an animal-raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting for commercial purposes	X
Aquaculture – Raising, feeding, planting, harvesting fish and shellfish, and associated facilities as necessary for such use, including commercial harvest of naturally occurring clam beds	X
Exterminators and pest control businesses	P
Services – Amusement	
Community recreation – Recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, or community recreation buildings	C
Theaters, indoor	P
Drive-in theaters, stadium and arena facilities	C

Use	I-C
Participant sports and recreation: indoor – Those uses conducted within an enclosed building. Typical uses include bowling alleys, skating rinks (ice and/or roller), billiard/pool parlors, video arcades, swimming pools, physical fitness centers, or racquetball centers.	P
Participant sports and recreation: outdoor – Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, or swimming pools.	P
Zoos, circuses, carnivals, or amusement rides, excluding temporary civic events endorsed by the city council	C
Services – Educational	
Nursery schools, preschools	P
Day care facilities	P
Libraries	P
Public/private educational institutions including colleges, universities and vocational schools Schools	P
Artistic studios and schools including but not limited to dance, music and martial arts (less than 10,000 square feet)	P
Public parks, parkways, recreation facilities, trails and related facilities	P
Services – Membership Organizations	
Clubs, lodges, fraternal institutions and other places of assembly for membership groups	P
Civic, social, fraternal, charitable, labor and political (less than 5,000 square feet)	P
Civic, social, fraternal, charitable, labor and political (greater than 5,000 square feet)	P
Religious assembly	P
Public Services and Facilities	
Buildings entirely dedicated to public services, such as City Hall, police and fire substations	P
Sewer, water and utility transmission lines	P
Wireless communications facilities	P
Museums, historic and cultural exhibits and the like	P
U.S. post offices	P
Public transit facilities, including park and ride facilities	P
Bus shelters	P
Utilities and communication facilities, such as telephone exchanges, radio and television studios, electric substations and public television stations	P
Radio, television and cellular phone towers and antennas	P
Transportation, communication and utility facilities, not otherwise specifically permitted	P
Accessory Uses and Activities	
On-site hazardous waste treatment and storage facilities, subject to state siting criteria	C
Drive-through or drive-up facilities subject to the requirements of CBDC 17.335.070	P

Use	I-C
Accessory uses and structures which are incidental to one or more permitted principal uses in this zone	P
Open Air Activities	
Open air display of plants and produce in conjunction with a permitted use	P
Open air storage of materials	P
Open air work activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by this title	P
Open air storage of company vehicles, such as cars and light duty trucks, in conjunction with a permitted use	P
Storage buildings and storage yards, for nonhazardous raw materials and finished products	P
Sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources; and paper	P
Manufacturing	
Manufacturing, fabrication, assembling and packaging activities, including accessory storage, for the following products and/or materials: cloth, fiber, fur and hair; electrical and communication equipment; cosmetics, drugs and pharmaceuticals; food, beverage, dairy and tobacco products; and medical, dental, optical precision and surgical instruments and equipment	P
Manufacturing, fabrication, assembling, processing, canning, packaging, compounding, storage and treatment activities for the following activities and/or materials: brick, concrete, cement, clay, mortar, plaster and tile; chemicals and floor coverings; extraction or removal of sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources; and paper	P
Marijuana-related businesses subject to the requirements of CBDC 17.335.080	P
Cold storage plants, frozen food lockers and ice manufacture	P
Asphalt plants	X
Fertilizer manufacture	X
Explosives manufacture and storage	X
Acid manufacture	X
Rubber manufacture	X
Other Uses	
Dry-cleaning plants	P
Solid waste handling and disposal sites	C
Temporary uses which may be approved by the director	P
Warehouses, wholesale and storage establishments, mail order houses and distribution facilities	P
Agricultural uses indoors	P
Agricultural uses outdoors	C

Use	I-C
Conical burners and incinerators, including biomedical waste	X
Land fill	X
Paper and pulp mills	X
Recycling plants, including any processing facilities	X
All uses or services not listed, unless determined to be similar to a listed use	X
Other similar uses deemed by the director to be compatible with the I-C district and adjacent land uses	P

[Ord. 532 § 2 (Att. B), 2020; Ord. 513 § 7 (Exh. 2), 2019; Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 486 § 2, 2017; Ord. 473 § 3 (Exh. A), 2016].

17.235.030 Dimensional requirementsDevelopment and lot standards.

Table 17.235.030 establishes dimensional requirements for industrial-commercial districts:

Table 17.235.030 – I-C Dimensional RequirementsDevelopment and Lot Standards.

Standard	I-C
Minimum lot size	No requirements
Minimum lot frontage	No requirements
Minimum lot width	No requirements
<u>Setbacks (see also CBDC 17.335.130 Setbacks-Intrusions permitted)</u>	
Front and street side yard building setback	10 feet side yard setback if abutting residential zone
Side and rear yard building setback	10 feet if abutting residential zone
Minimum distance between principal buildings	As per the Oregon Structural Specialty Code <u>CBMC Title 15</u>
Maximum building coverage	As per the Oregon Structural Specialty Code <u>CBMC Title 15</u>
Maximum height	As per the Oregon Structural Specialty Code <u>CBMC Title 15</u>
Landscaping consistent with CBDC 17.335.060(2) – (15)	A minimum of 20 percent of the site shall be landscaped. Landscaping may include vegetated stormwater treatment facilities and/or pedestrian plazas no less than 100 square feet with a minimum lot size of 650 square feet. If a pedestrian plaza is proposed a minimum of 80 percent of the area shall be paved in a decorative paver or textured, colored concrete. Asphalt is prohibited as a paving material.

[Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.235.040 Industrial-commercial development standards.

Developments in the I-C zoning district shall be designed and constructed in accordance with the following standards:

(1) Shared access points with abutting or adjacent development shall be provided whenever practicable as determined by the director.

(2) Service Roads, Spur Tracks, Hard Stands, Outside Storage Area. No service road, hard stand or outside storage area, or similar use, shall be permitted within required setbacks adjoining residential districts.

(3) Fences and Walls. Sight-obscuring fencing or walls, visible from the public right-of-way, shall be screened with dense sight-obscuring plant materials.

(4) Site Landscaping and Design Plan. A landscaping and design plan shall be approved by the director prior to the issuance of a building permit, which review may be conducted concurrent with the processing of building permits. The following requirements shall apply:

(a) If a blank wall is adjacent to residential zones the applicant shall provide and maintain a vegetative buffer of at least 11 feet high that creates a varied appearance to the blank wall. Other features such as false or display windows, artwork, and varied building materials are acceptable.

(b) Building facades facing public streets shall have 50 percent of the total surface area of the wall transparent.

(c) Private parking areas adjacent to city rights-of-way shall be physically separated from the rights-of-way by landscaping or other features to a height of three feet; a combination thereof may be permitted at the discretion of the director.

(d) Primary building entrances shall be physically oriented to the street or to a pedestrian walkway with entry way features at a pedestrian scale.

(e) If a development is located within 250 feet of an existing or proposed transit stop, the applicant shall comply with transit authority requirements for a transit stop and/or shelter.

(f) All off-street parking areas shall be planted with a minimum of one deciduous tree for every six parking spaces. Trees shall be of such species and spacing that a canopy effect shall result. Trees must be dispersed throughout the parking lot.

(g) Required setback areas adjacent to streets and those abutting a residential district shall be continuously maintained in lawn or live ground cover. Allowed uses in these areas are bikeways, pedestrian paths and water quality facilities.

(h) A minimum of 20 percent of the site shall be landscaped. Vegetated stormwater treatment facilities and pedestrian plazas may be used to satisfy the requirement.

(i) To qualify as a pedestrian plaza the following conditions must be met:

(i) Minimum Size. A minimum of 10 feet depth and width with a minimum size of 650 square feet.

(ii) Paving. A minimum of 80 percent of the area shall be paved in a decorative paver or textured, colored concrete. Asphalt is prohibited as a paver in pedestrian plazas.

(iii) Structures and open spaces should be clustered on site to maximize the campus and open space qualities within the development.

(j) When security fencing is required, it shall be a combination of solid wall, wrought iron, dense hedges or other similar treatment. Long expanses of fences or walls shall be interspersed with trees or hedges to break up the appearance of the wall at least every 50 feet for a distance of at least five feet.

(5) Pedestrian Access Plan. An on-site pedestrian circulation system must be provided, which connects the street to the public entrances of the structure(s) on site.

(a) The circulation system shall be hard-surfaced and be at least five feet wide.

(b) Where the system crosses driveways, parking, and/or loading areas, the system must be clearly identifiable through the use of elevation changes, speed bumps, varied paving materials or other similar methods approved by the reviewing authority and in compliance with the Americans with Disabilities Act (ADA).

(c) The on-site pedestrian circulation system and parking areas must have a minimum average illumination level of 10 lux (1.0 FC). The uniformity ratio should be designed for 3:1 to provide adequate pedestrian lighting so that parking areas can be used safely when natural light is not present.

(6) Performance Standards.

(a) No land or structure shall be used or occupied within this district unless the activity complies with the following minimum performance standards:

(i) Maximum permissible noise levels shall not exceed permitted levels measured at the appropriate measuring points established by the Oregon Department of Environmental Quality. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about the level of noise, the owner or agent may be required to show written compliance with state regulations.

(ii) Vibration. Vibration other than that caused by highway vehicles, trains, and aircraft, which is discernible without instruments at the property line of the use concerned, is prohibited.

(iii) Smoke and Particulate Matter. Air emissions must be within legal limits as approved by the Oregon Department of Environmental Quality.

(iv) Odors. The emission of noxious gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.

(v) Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from violation and glare.

(b) Administration. As a condition for the granting of a building permit and/or site plan approval, at the request of the responsible official, the applicant shall furnish information sufficient to determine the degree of compliance with the standards in this section. Such request may

include submission of continuous records of operation for periodic checks to assure maintenance of standards, and special surveys.

(7) Light and Glare Standards.

- (a) Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.
- (b) Exterior lighting shall be shielded and directed away from lots in adjacent uses.
- (c) Interior lighting in parking structures shall be shielded to minimize nighttime glare affecting lots in adjacent uses.
- (d) When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of this section.

(8) Outdoor Storage Standards.

- (a) All storage areas (including but not limited to areas used to store raw materials, finished and partially finished products and wastes) shall be screened from adjoining properties or public rights-of-way. Storage areas which adjoin residential districts or in areas where differences in elevation defeat the purpose of this requirement shall be screened with a fence which shall be placed on top of a berm in order to effectively screen the use.
- (b) Screening shall be placed on all sides of storage areas other than where a building wall would act as a screen.
- (c) Outdoor storage is prohibited as follows:
 - (i) In floodways;
 - (ii) On slopes greater than 15 percent;
 - (iii) In parking stalls;
 - (iv) In areas where outdoor storage or display causes traffic or pedestrian circulation problems as determined by the responsible official or where a minimum five-foot-wide walkway does not remain clear and free of obstructions;
 - (v) Any materials that attract animals, birds or vermin; and
 - (vi) In fire lanes.
- (d) The applicant shall demonstrate that both outdoor storage and the screening for outdoor storage are in the appropriate locations on the site to minimize impacts, given the operational practices of the facility.

(9) Vibration. Site-generated ground vibrations shall not be perceptible by a person of ordinary sensitivity, without instruments, at any point of any property line of the property on which a use or structure is located. Vibrations from temporary construction activities and vehicles that leave the property (such as trucks, trains, airplanes and helicopters) are excluded.

(10) Electromagnetic Interference. Electric fields and magnetic fields shall not be created that adversely affect the normal operation of equipment or instruments or normal radio, telephone, or

television reception from off the premises where the activity is conducted. This section does not apply to telecommunication facilities which are regulated by the Federal Communications Commission under the Federal Telecommunications Act of 1996 or its successor.

(11) Sufficient right-of-way shall be dedicated to ensure space necessary for freight access, as determined by the street functional classification and right-of-way standards in CBMC 18.15.010(2), Table 3-1. [Ord. 532 § 2 (Att. B), 2020; Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

Chapter 17.240

WATERFRONT HERITAGE DISTRICT (WH)

Sections:

- 17.240.010 ~~Intent~~Purpose.
- 17.240.020 Waterfront heritage district ~~WH~~ zoning subdistricts.
- 17.240.030 Permitted uses.
- 17.240.040 Conditional uses.
- 17.240.050 Uses expressly prohibited.
- 17.240.055 Land uses and permit requirements
- 17.240.060 Preexisting uses.
- 17.240.070 Property development requirements.
- 17.240.080 Architectural design.

17.240.010 ~~Intent~~Purpose.

The waterfront heritage district ~~WH~~ (WH) district is created to achieve the following objectives:

- (1) To diversify the local economy.
- (2) To preserve the city's historical waterfront and guide private and public development in a direction that strengthens a relationship to that setting.
- (3) To guide the construction of private and public improvements to evoke historic architectural styles which existed in the Coos Bay area between the 1870s and the 1920s.
- (4) To provide for a mix of uses and improvements that include:
 - (a) Existing waterfront industrial uses;
 - (b) New water-oriented, water-related and non-water-related service businesses;
 - (c) Amenities and attractions which encourage public access to and enjoyment of the waterfront;
 - (d) Urban residential opportunities; and
 - (e) Non-water-dependent industrial uses.
- (5) To provide an opportunity to reclaim the city's waterfront heritage and express pride in our past and present by redevelopment which evokes, but does not necessarily duplicate, the appearance of the early days of Euro-American settlement.
- (6) To promote physical, cultural and commercial links among Front Street, the boardwalk and the downtown core area.
- (7) To ensure that there is safe, interconnected, and multimodal transportation access to and within development sites.
- (8) To accommodate pedestrian connectivity to and along the Coos Bay waterfront. [Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.240.020 Waterfront heritage district WH zoning subdistricts.

The WH district shall be made up of three zoning subdistricts defined as follows:

- (1) WH-1, Core Area. The area bounded by Alder Avenue to the south, U.S. 101 (North Bayshore) to the west, Date Avenue to the north and the Coos Bay waterway to the east.
- (2) WH-2, Transition Area. The area bounded by Commercial Avenue to the south, U.S. 101 (North Bayshore) to the west, Fir Avenue to the north, and the Coos Bay waterway to the east, except that area defined as WH-1.
- (3) WH-3, Central Dock Area. The area bounded by Fir Avenue on the south, U.S. 101 (North Bayshore) to the west, Ivy Avenue to the north and the Coos Bay waterway to the east. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.240.030 Permitted uses.

The following are permitted uses in the WH district:

- (1) For those areas lying east of Front Street, including the WH-3 subdistrict, all commercial, industrial, and civic uses which are water-dependent or water-related are permitted as allowed by the Coos Bay estuary management plan.
- (2) Uses which are not water-dependent or water-related are permitted as set forth in CBDC Table 17.240.080. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.240.040 Conditional uses.

The following uses are permitted in the WH district if authorized in accordance with the provisions of ~~Chapter~~CBDC 17.347 ~~CBDC~~, Conditional Uses:

- (1) Civic Use Types. Bus shelter (administrative conditional use, see ~~Chapter~~CBDC 17.347 ~~CBDC~~, Conditional Uses).
- (2) Commercial Use Types.
 - (a) Business equipment sales and service.
 - (b) Repair service, consumer.
 - (c) Tourist habitation – waterfront inn, WH-2 and WH-3 subdistricts only.
- (3) Industrial Use Types. Manufacturing, WH-3 subdistrict only.
- (4) Horticulture use types. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.240.050 Uses expressly prohibited.

The following uses are expressly prohibited in the WH district:

- (1) Civic Use Types.
 - (a) Educational service.
- (2) Commercial Use Types.
 - (a) Automobile and Equipment.

- (i) Cleaning.
- (ii) Fleet storage.
- (iii) Repairs, light and heavy equipment.
- (iv) Sales/rental, light and heavy equipment, except boats.
- (v) Storage, nonoperating vehicles.
- (b) Agricultural sales/services.
- (c) Building/property maintenance service.
- (d) Fuel sales, other than marine.
- (e) Transportation services, except rail and marine. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.240.055 – Land uses and permit requirements

Land uses and permit requirements are listed in Table 17.240.055. The table identifies those uses in the Waterfront Heritage district that are:

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited use.

The applicable procedural requirements are found in CBDC 17.130.

Table 17.240.055 – Waterfront Heritage District Land Uses and Permit Requirements

<u>Use</u>	<u>WH-1 Core Area</u>		<u>WH-2 Transition Area</u>		<u>WH-3 Central Dock Area</u>	
	<u>Ground Level</u>	<u>Upper Level</u>	<u>Ground Level</u>	<u>Upper Level</u>	<u>Ground Level</u>	<u>Upper Level</u>
<u>Residential Uses</u>						
Condominium		P		P	P	P
Dwelling, Single-unit		P		P		P
Dwelling, Duplex		P		P		P
Dwelling, multifamily Multi-unit		P		P		P
Dwelling, Row houses Townhouse			P	P	P	P
<u>Civic Uses</u>						
Administrative service		P	P	P	P	P

<u>Use</u>	<u>WH-1 Core Area</u>		<u>WH-2 Transition Area</u>		<u>WH-3 Central Dock Area</u>	
	<u>Ground Level</u>	<u>Upper Level</u>	<u>Ground Level</u>	<u>Upper Level</u>	<u>Ground Level</u>	<u>Upper Level</u>
<u>Community recreation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Library service and cultural exhibit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Lodge, club, fraternal or civic assembly – small and large</u>		<u>P</u>		<u>P</u>		<u>P</u>
<u>Public safety service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Visitor information center</u>	<u>P</u>		<u>P</u>		<u>P</u>	<u>P</u>
<u>Commercial Uses</u>						
<u>Business support service</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Child care facility (fewer than 13), accessory to permitted use</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Clinic</u>		<u>P</u>		<u>P</u>		<u>P</u>
<u>Convenience sales and personal services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Dining establishments – fast order food and sit-down</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Drive-in or drive-through facility compliant with the requirements of CBDC 17.335.070</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>
<u>Farmer's market/fish market</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Financial, insurance and real estate services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Food and beverage retail sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Fuel sales – marine</u>	<u>P</u>		<u>P</u>		<u>P</u>	
<u>Galleries</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Manufacturing, limited, which provides public viewing of on-site production and retail sales of finished products</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Market place retail sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Parking services – prohibited east of Front St. except in WH-3</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

<u>Use</u>	<u>WH-1 Core Area</u>		<u>WH-2 Transition Area</u>		<u>WH-3 Central Dock Area</u>	
	<u>Ground Level</u>	<u>Upper Level</u>	<u>Ground Level</u>	<u>Upper Level</u>	<u>Ground Level</u>	<u>Upper Level</u>
<u>Participant sports and recreation – indoor and outdoor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Personal services – general</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Postal service</u>	<u>P</u>		<u>P</u>		<u>P</u>	
<u>Professional and administrative services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Retail sales – general (less than 10,000 sq. ft. building)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Spectator sports and entertainment – indoor and outdoor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Tourist habitation – waterfront heritage bed and breakfast</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Transportation service – rail and marine only</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Watercraft sales/rentals</u>	<u>P</u>		<u>P</u>		<u>P</u>	
<u>Other similar uses deemed by the director to be compatible with the MP district and adjacent land uses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

17.240.060 Preexisting uses.

Notwithstanding ~~CBDC~~ Chapter 17.328 ~~CBDC~~, Nonconforming Uses, uses legally established on May 1, 2001, the date the WH district was established, which would not otherwise be permitted in the WH district, are deemed to be preexisting uses and are allowed to continue on the same lot(s) or parcel(s), subject to the provisions of this section.

(1) Changes and/or Expansion.

(a) Any preexisting use which is changed to a permitted use shall not afterwards be changed back to the preexisting use.

(b) A preexisting use may be expanded and/or altered on the same lot. Expansion and/or alteration of improvements housing a preexisting use may occur on the same lot(s) or parcel(s), provided improvements connected with such expansion and/or alteration conform to the property development requirements of CBDC 17.240.070, Property development requirements, which includes design review standards. However, additional or different uses, not permitted by the WH district, are not allowed.

(2) Discontinuation. If a preexisting non-water-dependent or water-related use is discontinued for a period of 12 consecutive months, the use shall not be reestablished. Further uses on the premises shall be in conformity with the provisions of this chapter.

(3) Restoration. An improvement housing a preexisting use which is damaged by fire, natural disaster, or other casualty may be restored to its previous condition and the preexisting use resumed, provided such restoration is commenced within a period of 180 days after the event constituting the casualty. This limitation may be waived or extended by the director by filing a request not more than 160 days after the event constituting the casualty upon a showing of good cause by the owner. A decision by the director may be appealed to the planning commission pursuant to CBDC Chapter 17.130 CBDC, Procedures.

(4) Maintenance. Nothing in this chapter shall be construed to prohibit normal repair, maintenance, and nonstructural alterations, nor the alteration, strengthening, or restoration of any improvement housing a preexisting use to safe condition as required by law. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.240.070 Property development requirements.

The following property development requirements shall apply to all land and improvements in the WH district:

(1) For property adjacent to the waterfront, primary ground level uses that are not water-dependent or water-related and are permitted or conditionally permitted in the WH zone are allowed, provided the following standards are met:

(a) Commercial or civic uses are water-oriented and provide goods and services to the general public.

(b) Except for non-water-dependent industrial uses in the WH-3 subdistrict:

(i) A structure on the land abutting the waterfront provides a view of the water from the interior of the building.

(ii) At least one pedestrian access point to the waterfront is encouraged for each structure.

(iii) Row houses are exempt from the standards in this subsection in the WH-2 and WH-3 zoning subdistricts.

(2) All development shall demonstrate compliance with this chapter. For the purposes of this chapter, "development" is defined as any new structure or an extension or increase in floor area or height of an existing structure, or change to the style, signage, color, window (size/pattern/material), siding or detailing on the exterior of any existing building.

(a) Existing water-dependent/water-related uses established on May 1, 2001, the date this provision is adopted, are exempt from the architectural design review.

(b) The provisions of this chapter shall not prevent construction, reconstruction, alteration, restoration, demolition or removal of any building or portion of a building when the building official or fire marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition.

(c) Ordinary maintenance or repair of the exterior of a structure that does not involve a change in design or external appearance is exempt from design review. Similar or like materials must be used for the maintenance or repair.

(d) The color of paint or stain to be applied to the exterior of the building is a ministerial decision to be made by the director or designee. The proposed colors must be from, or similar to, the historical color palette, located in the community development department.

In a 12-month period, if less than 10 percent of the paintable wall area is to be covered with the building's existing paint color or stain, approval of the color is not necessary.

(3) Lot Standards.

(a) Minimum Lot Width. Each lot shall have a minimum width of 25 feet.

(b) Minimum Lot Area. Each lot shall have a minimum lot area of 2,000 square feet.

(4) Building Coverage. No minimum requirement.

(5) Building Height.

(a) WH-1 and WH-2 Zoning Subdistricts. All buildings or structures shall be no more than three stories, or 35 feet in height, whichever is lower.

(b) WH-3 Zoning Subdistrict. No building or structure shall be greater than four stories, or 60 feet in height, whichever is lower.

(6) Yards. Except for a bus shelter, the setback from a property line abutting Front Street shall be not more than two feet from the edge of the public right-of-way except that up to 25 percent of the facade may be set back a maximum distance of 10 feet. There are no side yard or waterfront setback requirements.

Structures on other streets in the WH district have no setback requirements other than those imposed under state or local building codes.

(7) Fences and Walls. Where fences or walls are used to reduce noise, provide security, create privacy, or for any other purpose, a pedestrian scale along the street shall be maintained. Techniques used to maintain a pedestrian scale may include, but are not limited to, the following:

(a) Small setbacks, indentations, stepped fence heights, or other means of breaking up the fence or wall surface and heights;

(b) Different textures, colors, or materials (including landscape materials) to break up the wall surface; or

(c) Special lighting, canopies, awnings, horizontal trellises and other pedestrian-oriented features that break up the size of the blank wall surface.

(8) Parking.

(a) WH-1 and WH-2 Zoning Subdistricts. Off-street parking is not required except in WH-2 for the conditionally permitted use, tourist habitation – waterfront inn. All off-street parking, if provided, shall be on the interiors of lots or behind buildings, to the maximum extent practicable and in accordance with CBDC Chapter 17.330 ~~CBDC~~, Off-Street Parking and Loading Requirements. Off-street parking should be as unobtrusive as possible and screened in such a manner so that it is not visible from adjacent streets or public pedestrian walkways.

(b) WH-3 Zoning Subdistrict. Off-street parking shall be provided in accordance with CBDC Chapter 17.330 ~~CBDC~~, Off-Street Parking and Loading Requirements.

(9) Screening. Mechanical equipment, outdoor storage areas, utility vaults, trash receptacles and satellite dishes or other mobile communications equipment shall be screened in a manner so that they are not visible from adjacent streets, public pedestrian walkways, or the water. Satellite dishes and mobile communications cell sites should be ground- or wall-mounted unless technically infeasible. The dish/antenna should be screened and located in such a manner so as to reduce visibility from adjacent roadways and pedestrian ways.

(10) Utility Lines. Utility lines, including, but not limited to, those used for electricity, communications, street lighting and cable television, shall be placed underground for new construction or major remodeling. The director may waive the requirements if topographical, soil or other conditions make such underground installation or screening of aboveground equipment impracticable.

(11) All uses within the WH district which are served by Alder, Birch, Cedar, Date and Fir Streets are encouraged to use these streets for vehicular ingress and egress. Curb openings onto Front Street and North Bayshore Drive are discouraged.

~~(12) Repealed by Ord. 511.~~

~~(123)~~ All development shall provide adequately sized trash receptacles, screened from public view.

~~(134)~~ Decks and Docks.

(a) WH-1 Zoning Subdistrict. Owners of improvements along the Coos Bay waterfront between Alder Street and Date Street shall be encouraged to participate with the city and adjacent property owners in the development of a dock street to provide public access to the waterfront and water-oriented uses for pedestrians, emergency and service vehicles, and other community-oriented uses. Design specifications shall be in accordance with CBDC 17.240.080, Architectural design.

(b) WH-2 and WH-3 Zoning Subdistricts. Public access to the waterfront shall be encouraged.

~~(145)~~ Landowners shall sign a waiver of remonstrance against the creation of any local improvement districts if the improvements are part of a project adopted by the urban renewal agency.

~~(156)~~ Trip Analysis. For the purposes of this section, a "trip analysis" is a study or report consistent with methods described in CBMC 18.40.010.

(a) Prior to approval of any use, or the expansion of a use, in the area comprised of subdistrict WH-3 and the portion of subdistricts WH-1 and WH-2 lying east of Front Street, it is necessary to ensure that the cumulative ADT generated in this area only, by existing uses and the proposed use, does not exceed a total 8,000 ADT.

(b) The applicant must complete a trip analysis for development or re-development of 20 or more residential units or 20,000 square feet or more of commercial or industrial development or as required by the director. The trip analysis must conform to the methods described within CBMC 18.40.010.

(c) A copy of the analysis and cumulative figures shall be sent to the Oregon Department of Transportation, Region 3, which will have 10 days to respond to the city in writing before approval may be granted.

(d) The 8,000-ADT limitation for the area shall be removed or modified only in accordance with OAR 660-012-0060.

(167) For non-water-dependent manufacturing in the WH-3 subdistrict, development must be oriented on the site to minimize adverse impacts and to protect the privacy of adjacent uses to the maximum extent possible.

(a) Manufacturing operations must be conducted in completely enclosed buildings;

(b) The city may require landscaping, walls or other buffering to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties;

(c) Mechanical equipment, lights, emissions, shipping/receiving area, and other components of an industrial use that are outside enclosed buildings shall be located away from other nonindustrial uses to the maximum extent possible; elements listed in subsection (17)(b) of this section may also be subject to this requirement;

(d) Uses which are likely to create significant adverse impacts beyond the industrial site property boundaries with respect to noise, light/glare, dust, or vibrations shall minimize the impacts to the maximum extent possible. The following criteria shall be used to determine whether or not the adverse impacts of a use are likely to be "significant":

(i) Maximum permissible noise levels shall not exceed permitted levels measured at the appropriate measuring points established by the Oregon Department of Environmental Quality. If there is doubt that the proposed use will violate these standards, or if a valid complaint has been registered about the level of noise, the owner or agent may be required to show written compliance with state regulations.

(ii) Vibration. Vibration other than that caused by highway vehicles, trains, and aircraft, which is discernible without instruments at the property line of the use concerned, is prohibited.

(iii) Smoke and Particulate Matter. Air emissions must be within legal limits as approved by the Oregon Department of Environmental Quality.

(iv) Odors. The emission of noxious gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.

(v) Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from glare.

(178) Land to accommodate the planned Coos Waterfront Walkway alignment, as shown in Figure 12 of the TSP and described in the Tier 2 TSP Project List, shall be provided through either existing right-of-way, right-of-way that is created and dedicated to the city, or easements dedicated through development approval. Minimum boardwalk right-of-way width shall be 14 feet. [Ord. 526 § 5 (Exh. D), 2020; Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.240.080 Architectural design.

(1) Intent. The intent of the architectural design review goals and standards is to ensure that proposals for construction of new structures and for major remodeling of existing structures evoke the appearance of the prevailing architectural styles of the buildings in the WH district as they might have existed if constructed between the 1870s to the 1920s. For the purposes of this section, these styles are referred to as the “designated historic styles.” “Historical Buildings of Empire and Front Street,” a notebook of photographs from the historical time period, is available for review at the community development department.

(2) Architectural Design Review Goals and Standards. In order to be approved, a design proposal must comply with both the architectural design review goals and standards.

(a) Architectural design review goals are the conceptual framework establishing the underlying objectives to be achieved by new development and modifications to existing development in the district. Architectural design review standards are the approval criteria developed to implement these architectural design review goals and used to review new development and modifications to existing development. Adherence to the architectural design review standards ensures the conservation and enhancement of the special characteristics of each district.

(b) Architectural design review standards are mandatory approval criteria used in the design review process. A design review application will be approved if the review body finds the applicant has shown the proposal complies with the architectural design review standards; provided, however, one or more of the guidelines may be waived as part of the design review process if the applicant can demonstrate that the proposal satisfies the architectural design review goals for the district.

(c) The factors which will be used in the evaluation process include architectural style of the proposal, compatibility with scenic values and architectural resources in the district, design quality, structural placement, dimensions, height, bulk, lot coverage by structures, exterior appearance of the building, open areas, and landscaping.

(3) Architectural Design Review Goals.

(a) Building Design – Massing. “Massing” is defined as a composition of two-dimensional shapes or three-dimensional volumes which gives the impression of weight, density and bulk. If the following architectural design review goals are met in the architectural design of development, acceptable massing may be accomplished:

(i) Design should result in buildings with a perceived size that maintains a human scale that is comfortable and attractive for pedestrians.

(ii) Design should result in a quality street environment that is attractive to pedestrians and development.

(iii) Buildings of special historic significance and merit should be preserved. Maintain or restore as many of the proportions, dimensions and architectural details of historical significance, which were original or added to the building during the designated historic period.

(iv) New or remodeled structures abutting or directly across from buildings that have been identified as historic should be designed so as to preserve, and not detract from, the historic context and merit of the building.

(v) Buildings should have consistent visual identity from all sides visible to the general public.

(b) Building Design – Articulation. “Articulation” is defined as the emphasis given to architectural elements (such as windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces. If the following architectural design review goals are met in the architectural design of development, acceptable articulation may be accomplished:

(i) The pattern and proportion of doors and windows should be similar to existing historic buildings in the WH district, and/or evoke the designated historic styles.

(ii) Finish materials, details and colors should evoke the designated historic styles.

(iii) Signage. Design for signs should emulate signage that existed during the designated historic period.

(4) Architectural Design Review Standards. The purpose of these architectural design review standards, along with the notebook “Historical Buildings of Empire and Front Street,” is to serve as a resource for designing development that will satisfy the architectural design review goals for the WH district. Design proposals may be approved if the following architectural design review standards are met in the architectural design of development:

(a) Building Design – Massing.

(i) Use articulation on either new or existing building facades to reduce the bulk of buildings. Methods include, but are not limited to, the following:

(A) Modulation;

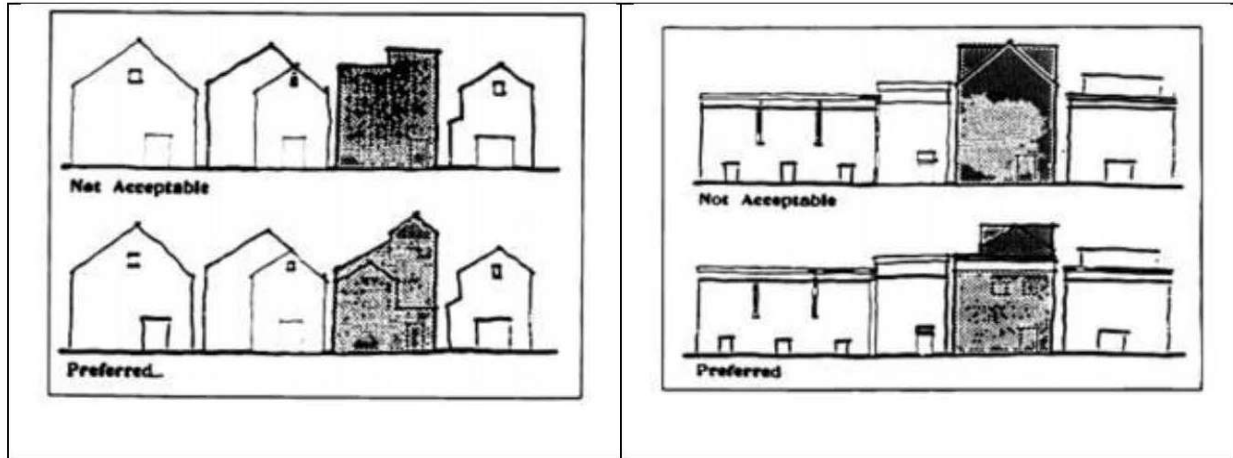
(B) Broken rooflines; or

(C) Building elements such as balconies, chimneys, porches or other entry details, and landscaping.

(ii) Use architectural features such as cornices or other details that lower the apparent height of the building.

(iii) Place display windows at the street level around the exterior of larger commercial buildings.

The pattern and proportion of windows, doors and other glazed areas is important in determining the building’s architectural character. Rooflines can reinforce the architectural character of a street. Architectural features like cornices can relate to adjacent buildings, lowering the apparent, conflicting height of the building.



(iv) The front elevation of large structures should be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the front elevation should be divided into distinct areas by:

- (A) Creating a bay window or other building extension of at least one foot or more from the main structure;
- (B) Creating a roof pediment that is the full width of the structure; or
- (C) Setting part of the facade back one or more feet from the rest of the facade.

(v) For existing buildings of historic significance (in the WH district, these buildings are the Marshfield Sun at 1049 North Front Street, the Coos Bay Iron Works at 896 North Front Street and the Cahill Building, formerly Ferguson Transfer, 318 North Front Street):

- (A) Restore or retain as many historic features as possible;
- (B) Maintain or restore original proportions, dimensions and architectural elements;
- (C) Select paint and material colors which are historically accurate, coordinate the entire facade, and do not conflict with adjacent buildings; and
- (D) Consult available historical resources such as the Coos Historical Society, private historians or photographic archives.

(vi) At locations abutting or adjacent to buildings of historical significance:

- (A) Use a roofline that emulates the historic building;
- (B) Use doors, windows, materials and details similar to the historic building; and
- (C) Break up the building facade using articulation which reflects the scale and proportions of the historic building.

(vii) Continue exterior materials, architectural detailing, and color scheme around all sides of the building. Buildings must present an equivalent level of quality of materials, detailing and fenestration on all sides visible to the general public.

(viii) Reserve bright colors for trim or accents unless it is common to the architectural style.

(ix) Use of reflective exterior materials where glare would shine into nearby buildings is prohibited.

(b) Building Design – Articulation – Finish Materials.

(i) Buildings should use wood or simulated wood products as their exterior finish material on elevations exposed to view from locations accessible by the public. Horizontal wood or simulated wood siding and wood shingles should be applied with exposure of each course not exceeding eight inches in width. Vertical siding should be rough-sawn “board on board” typical to the designated historical styles.

(ii) Plain plywood or grooved plywood panels should not be used as exterior finish materials on elevations exposed to view from locations accessible by the public.

(iii) Concrete or concrete block should not be exposed to view as exterior finish materials except for foundation walls not extending more than one foot above the finished grade level adjacent to the wall.

(iv) Wavy corrugated metal siding (rather than bold rib, box rib or v-beam) may be used as the finish material on exterior walls only if combined with other materials and details in such a way as to create a design that reflects the designated historic styles.

(v) The design, detailing and trimming of the rooflines, porches, windows, doors and other architectural features should be in a manner that is in keeping with the designated historic styles.

(vi) Glass should be clear or ornamental stained glass. Translucent glazing should be used only for restrooms.

(vii) Roofing materials exposed to view should be wood shingles, composition roofing, or corrugated metal roofing in a subdued color that is in keeping with the historic styles noted.

(viii) Decorative features such as cupolas, cresting, chimneys, barge (rake), and soffit/fascia trim are encouraged if keeping with the architectural style.

(ix) Light fixtures should be integrated with architectural elements.

(A) Decorative light fixtures that are in keeping with the historic styles are encouraged.

(B) Exterior light fixtures must not compete with city-furnished sidewalk period lights. Building lights should be metal halide or incandescent and are to be directed away from pedestrians and street traffic so as to avoid glare.

(5) Signage. Signs will be reviewed by the design assistance team (DAT) based on the standards set forth below. A sign permit is also required which will be reviewed by staff pursuant to the provisions in CBDC Chapter 17.333 ~~CBDC~~, Signs. If the provisions conflict, the stricter shall apply.

(a) Design for signs should emulate signage that existed during the designated historic period, and be consistent with the character of the storefront, the building on which they are situated

and the area as a whole. Review for consistency includes, but is not limited to, evaluation of size, shape, position, materials and illumination in relationship to the facade and abutting and adjacent structures.

(b) Signs on a business front are limited to a building sign on each building face (identifying the building name), a sign for each business entry (vehicular or pedestrian), and interior painting of street-front windows.

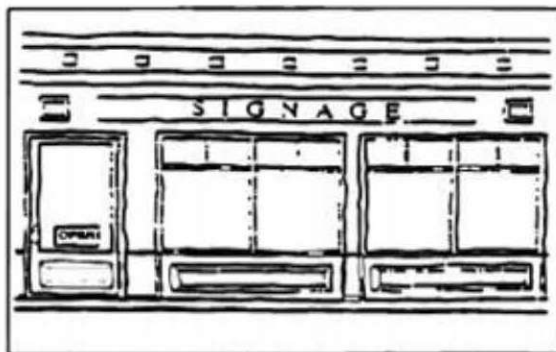
(c) Signs shall have a minimum clearance of eight feet above a pedestrian walkway and 15 feet above a public street or alley, driveway, or parking lot. Signs shall not be closer than two feet to any curblane. A projecting sign shall not project more than eight feet beyond the property line.

(d) All signs shall:

- (i) Be of an appropriate size and design;
- (ii) Be sited sympathetically on the building;
- (iii) Not obscure or remove detailing on the building;
- (iv) Be designed as part of the building and not treated as an unrelated addition; and
- (v) Be related to the style and character of the building and general area.

(e) Allowed Sign Types.

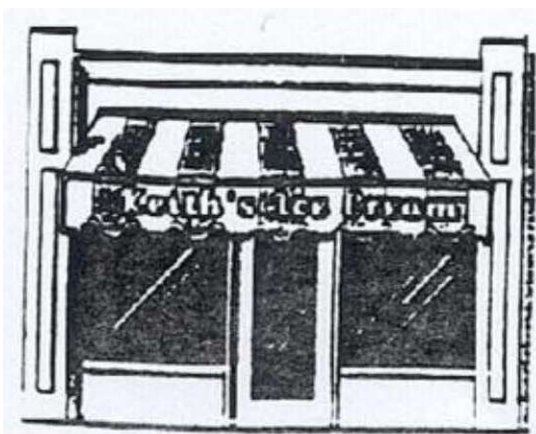
(i) "Wall/fascia sign" means a sign placed on the vertical surface of a wall or fascia where the wall or fascia is suitable for sign attachment. A wall/fascia sign must not extend across two storefronts or across separate buildings.



(ii) "Projecting or hanging sign" means a sign where the message area is displayed perpendicular to the building fascia.



(iii) "Awning sign" means a structure made of fabric or similar material with a painted metal frame which is attached to a building and projects over a public walkway. An awning shall have no soffits, plastic components or internal lighting. Plastic awning fabrics are prohibited. Advertising material attached to an awning is an awning sign.



(iv) "Marquee sign" means either a fascia sign, projecting sign or awning sign which contains movable letters or devices. A marquee sign shall not contain any plastic parts and shall not be internally illuminated.

(v) Interior Painted Window Signs. These signs are regulated. However, interior painted window signs with holiday themes are allowed up to 45 days without approval of a sign permit.

(vi) Miscellaneous. Sign types not otherwise listed which comply with the requirements of this subsection may be allowed upon approval by the DAT.

(vii) Neon Sign. Any sign where neon or other gas contained in tubing is illuminated by the application of electric current is prohibited, except property abutting North Bayshore Dr. (U.S. Highway 101) where signage would be allowed if placed within 10 feet of the west property line.

(viii) Sandwich Board. Portable signs that are not permanently affixed to the ground or a structure are prohibited.

(ix) Off-premises signs are prohibited.

(x) Readerboard signs are prohibited, except for properties abutting North Bayshore Dr. (U.S. Highway 101) if and properties on North Front Street from Fir Ave. to Ivy Ave. if the reader board sign is placed within 10 feet of the west property line.

Table 17.240.080 — Waterfront Heritage District — Uses

Use	WH-1 Core Area		WH-2 Transition Area		WH-3 Central Dock Area	
	Ground-Level	Upper-Level	Ground-Level	Upper-Level	Ground-Level	Upper-Level
Residential Uses						
Condominium	-	P	-	P	P	P
Dwelling	-	P	-	P	-	P
Dwelling, duplex	-	P	-	P	-	P
Dwelling, multifamily	-	P	-	P	-	P
Row houses	-	-	P	P	P	P
Civic Uses						
Administrative service	-	P	P	P	P	P
Community recreation	P	P	P	P	P	P
Library service and cultural exhibit	P	P	P	P	P	P
Lodge, club, fraternal or civic assembly — small and large	-	P	-	P	-	P
Public safety service	P	P	P	P	P	P
Visitor information center	P	-	P	-	P	P
Commercial Uses						
Business support service	-	P	P	P	P	P
Child care facility (fewer than 13), accessory to permitted use	-	P	P	P	P	P
Clinic	-	P	-	P	-	P
Convenience sales and personal services	P	P	P	P	P	P
Dining establishments — fast order food and sit-down	P	P	P	P	P	P

Use	WH-1 Core Area		WH-2 Transition Area		WH-3 Central Dock Area	
	Ground-Level	Upper-Level	Ground-Level	Upper-Level	Ground-Level	Upper-Level
Drive-in or drive-through facility compliant with the requirements of CBDC 17.335.070	P	X	P	X	P	X
Farmer's market/fish market	P	P	P	P	P	P
Financial, insurance and real estate services	P	P	P	P	P	P
Food and beverage retail sales	P	P	P	P	P	P
Fuel sales — marine	P	-	P	-	P	-
Galleries	P	P	P	P	P	P
Manufacturing, limited, which provides public viewing of on-site production and retail sales of finished products	P	P	P	P	P	P
Market place retail sales	P	P	P	P	P	P
Parking services — prohibited east of Front St. except in WH-3	P	P	P	P	P	P
Participant sports and recreation — indoor and outdoor	P	P	P	P	P	P
Personal services — general	P	P	P	P	P	P
Postal service	P	-	P	-	P	-
Professional — and administrative services	P	P	P	P	P	P
Retail sales — general (less than 10,000 sq. ft. building)	P	P	P	P	P	P
Spectator sports and entertainment — indoor and outdoor	P	P	P	P	P	P
Tourist habitation — waterfront heritage bed and breakfast	P	P	P	P	P	P

Use	WH-1 Core Area		WH-2 Transition Area		WH-3 Central Dock Area	
	Ground-Level	Upper-Level	Ground-Level	Upper-Level	Ground-Level	Upper-Level
Transportation service— rail and marine only	P	P	P	P	P	P
Watercraft sales/rentals	P	-	P	-	P	-

P = Permitted use.

[Ord. 532 § 2 (Att. B), 2020; Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

Chapter 17.260

MEDICAL PARK DISTRICT (MP)

Sections:

- 17.260.010 ~~Intent~~Purpose.
17.260.020 ~~Uses~~Land uses and permit requirements.
17.260.030 ~~Property development requirements~~Development and lot standards.
17.260.040 *Repealed.*

17.260.010 ~~Intent~~Purpose.

The medical park district is designed to achieve the following city objectives:

- (1) Encourage the centralization of Coos Bay's medical facilities.
- (2) Provide space for semipublic facilities needed to complement medical facilities.
- (3) Facilitate the establishment of the medical park district as an efficient regional referral center.
- (4) Facilitate the planning and programming of desirable and/or needed utilities and facilities to adequately accommodate planned service level and intensity of use.
- (5) Create an aesthetically pleasing, park-like environment conducive to the promotion of mental health and general well-being.
- (6) Establish and reserve appropriately located areas for desirable mixtures of medically related professional, limited complementary commercial, administrative business offices, and medically related multifamily-unit residential uses.
- (7) Control the encroachment of medically related facilities into established or intended residential areas. [Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.260.020 ~~Uses~~Land uses and permit requirements.

~~The uses set out in Table 17.260.020 are examples of uses allowable in the medical park district.~~
Land uses and permit requirements are listed in Table 17.260.020. Where a specific use is not listed in the table, the director shall determine the most appropriate similar use in the table. The table identifies those uses in the MP district that are:

~~P = Permitted use.~~

~~C = Conditional use.~~

~~X = Prohibited use.~~

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited.

The applicable procedural requirements are found in CBDC 17.130.

Table 17.260.020 – ~~Uses~~ Land Uses and Permit Requirements

Use	MP
Residential	
Group residential care facility	P
Multifamily which is medically related or fulfills a direct need to the district which cannot be fulfilled in other areas Dwelling, Multi-unit (subject to standards at CBDC 17.335.120)	<u>CS</u>
Residential uses not authorized by this chapter Dwelling, Single-unit	XP
Civic	
Bus shelters	C
Other similar uses deemed by the director to be compatible with the MP district and adjacent land uses	<u>P</u>

[Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.260.030 ~~Property development requirements~~ Development and lot standards.

(1) Site Plan. Except for bus shelters, a site plan and approval are required for the establishment or change of any use in the MP district.

(2) Lot Standards.

(a) Residential.

(i) Minimum area: 8,000 square feet for the first three dwelling units and not more than one dwelling unit per 1,200 square feet thereafter.

(ii) Minimum width: each lot shall have a minimum width of 40 feet.

(b) Nonresidential.

(i) Minimum area: none required.

(ii) Minimum width: none required.

(3) Building Coverage. Maximum lot coverage by buildings and structures shall not exceed 50 percent of the total lot area.

(4) Building Height. No building or structure shall have a height greater than three stories, not to exceed 35 feet, unless otherwise approved through site plan.

(5) Landscaping and Screening.

(a) Screen heating and air equipment from public view. This does not apply to roof-mounted equipment.

(b) Enclose and screen all storage and trash areas from public view. [Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.260.050].

17.260.040 Uses expressly prohibited.

Repealed by Ord. 511. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

Chapter 17.312

ACCESSORY DWELLING UNITS

Sections:

- 17.312.010 Purpose.
- ~~17.312.020 Definition.~~
- 17.312.030 Use and general restrictions.
- 17.312.040 Development and design standards.

17.312.010 Purpose.

ORS 197.312 requires that at least one accessory dwelling unit be allowed per detached single-family unit dwelling in every zone within an urban growth boundary that allows detached single-family unit dwellings. Accessory dwellings units are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. Accessory dwelling units provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family unit detached dwellings. Accessory dwellings units may be used as long-term housing rentals (no less than 30 days per month and not a vacation rental) or as a property owner's residence. [Ord. 524 § 7 (Exh. A), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018].

~~**17.312.020 Definition.**~~

~~"Accessory dwelling unit" is an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. [Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018].~~

17.312.030 Use and general restrictions.

An accessory dwelling unit, where allowed, is exempt from the land use process, pursuant to CBDC 17.130.015, except as per CBDC 17.312.040 where an accessory dwelling unit is subject to review and approval through a Type H procedure, pursuant to CBDC 17.130.090080, and

All accessory dwelling units shall conform to the following restrictions:

- (1) One accessory dwelling is allowed per legal lot of record containing a detached single-family unit or duplex dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor) or tiny home subject to the requirements of CBDC 17.312.040(1)(gh);
- (2) The accessory dwelling unit may not be used as vacation rental;
- (3) Construction of an accessory dwelling unit must meet the minimum standards of the current state residential specialty code or the requirements of CBDC 17.312.040(1)(gh);
- (4) A separate address shall be assigned to the accessory dwelling unit and the address shall be clearly identified, as required by state building code; and
- (5) A deed restriction must be recorded with the property advising future owners and lenders of the use restrictions. The deed restriction document will be created by the city and recorded at the county clerk's office. [Ord. 524 § 7 (Exh. A), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018].

17.312.040 Development and design standards.

(1) Development Standards. The development standards shall be applicable to all accessory dwelling units. An accessory dwelling unit, subject only to the development standards, is Exempt from the land use process, pursuant to CBDC 17.130.015.

(a) A detached accessory dwelling unit shall not exceed 1,000 square feet of floor area, or ~~75~~90 percent of the primary dwelling's total floor area, whichever is smaller.

(b) An attached or interior accessory dwelling unit shall not exceed 1,000 square feet of floor area, or ~~75~~90 percent of the primary dwelling's total floor area, whichever is smaller. However, an accessory dwelling unit that results from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling unit would be more than 1,000 square feet.

(c) Accessory dwellings units shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the designated zoning district, except that conversion of an existing legal nonconforming structure to an accessory dwelling is allowed; provided, that the conversion does not increase the nonconformity.

(d) Accessory dwellings units are not subject to the density requirements of the zone.

(e) Accessory dwellings units shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.

(f) Accessory dwelling units are not subject to the off-street parking requirements of CBDC 17.330.010.

~~(fg)~~ Structures detached from the primary home on a residential lot may be converted to an accessory dwelling unit if the structure meets the standards and requirements of the Oregon Specialty Building Code, this title's setback requirements and does not eliminate an existing functional garage.

~~(gh)~~ A permanent tiny home may be attached to an approved foundation subject to the Oregon Residential Specialty Code (ORSC) and Oregon Fire Code or U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety standards.

(2) Design Standards for historic properties. The design standards shall be applicable only to those accessory dwelling units that are on lots that include a building listed on the National Register of Historic Places, lots that are within a historic zoning district, or a historic property that receives special assessment under Oregon law. An accessory dwelling unit, subject to both the development and design standards, is subject to review and approval through a Type I procedure, pursuant to CBDC 17.130.080.

(a) An accessory dwelling unit, located in a historic district, must comply with the historic district regulations.

(b) An accessory dwelling unit located on the same lot as a structure listed on the National Register of Historic Places or listed as a cultural resource will be held to a high development standard, in that the exterior must be compatible with the primary structure.

(c) The exterior finish and trim materials of a detached accessory dwelling unit shall be similar to the primary dwelling unit in terms of type, size, placement, and finish.

(d) The roof pitch of a detached accessory dwelling unit shall be similar to the roof pitch of the primary dwelling. [Ord. 524 § 7 (Exh. A), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018].

Chapter 17.330

OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

- 17.330.010 Off-street parking requirements.
- 17.330.020 Joint use of facilities.
- 17.330.030 Parking design standards.
- 17.330.040 Loading.
- 17.330.050 Vehicles in residential zones.
- 17.330.060 ~~Multifamily-unit dwelling~~ parking lots and circulation.
- 17.330.070 Parking requirements of manufactured home parks.

17.330.010 Off-street parking requirements.

(1) General Parking Requirements. Off-street parking shall be provided in compliance with Table 17.330.010(A).

(a) Where the number of required off-street parking spaces contains a fraction, that fraction shall be rounded up to the next whole parking space.

Table 17.330.010(A) – Off-Street Parking Requirements

Use	Minimum Number of Parking Spaces
Residential:	
Dwelling, Single-unit or a Duplex	2 spaces per dwelling unit
Dwelling, Multifamily-unit, —group residential	1.5 spaces for multifamily per dwelling unit
Group residential care or treatment facility or senior citizen housing	1 space per 3 beds
Accessory Dwelling Unit	Exempt
Commercial:	
Auto, boat, trailer/mobile home sales or service or nursery	1 space per 500 square feet
Retail stores	1 space per 250 square feet of floor area
Furniture or appliance sales and service	1 space per 500 square feet
Bank, medical or office buildings	1 space per 250 square feet of floor area
Personal service and repair	1 space per 250 square feet of floor area
Hotel, motel or bed and breakfast houses	1 space per guestroom, plus 1 per every 25 rooms
Group residential care facility or emergency shelter or housing	1 space per 3 beds
Hospital	3 spaces per 2 beds

Use	Minimum Number of Parking Spaces
Restaurants or drinking establishments	1 space per 100 square feet of floor area
Religious institutions	1 space for each 6 seats or 12 feet of bench in the principal place of worship
Skating rink or dance hall	2 spaces per 100 square feet plus 1 per 2 employees
Bowling alley	2 spaces per lane
Schools and Civic Uses:	
Preschool, elementary and middle school	2 spaces per classroom and 1 space per additional office
High school and further education	6 spaces per classroom and 3 spaces per additional office
Library, museums, art galleries	1 space per 400 square feet of floor area
Day care	1 space per employee
Industrial or manufacturing	1 space per 500 square feet of floor area
Commercial storage or warehousing	1 space per 1,000 square feet of floor area
Government buildings	1 space per 330 square feet of floor area
Place of assembly with seating	1 space for each 4 seats or 8 feet of bench length which may potentially be provided in the main room of a church, religious institution, or other auditorium. Such space may not be provided in the required first 10 feet of any yard which abuts a street.
Place of assembly without seating	1 space per 4 persons, based on the occupancy load

(2) Exempt Parking.

(a) There shall be no off-street parking requirements for any property included within the area identified in Figure 17.330.010(B), Downtown Parking District. This area includes property within the parking lot assessment district, city-owned property, public right-of-way, and private property that has provided land for public parking.

Figure 17.330.010(B) – Downtown Parking District

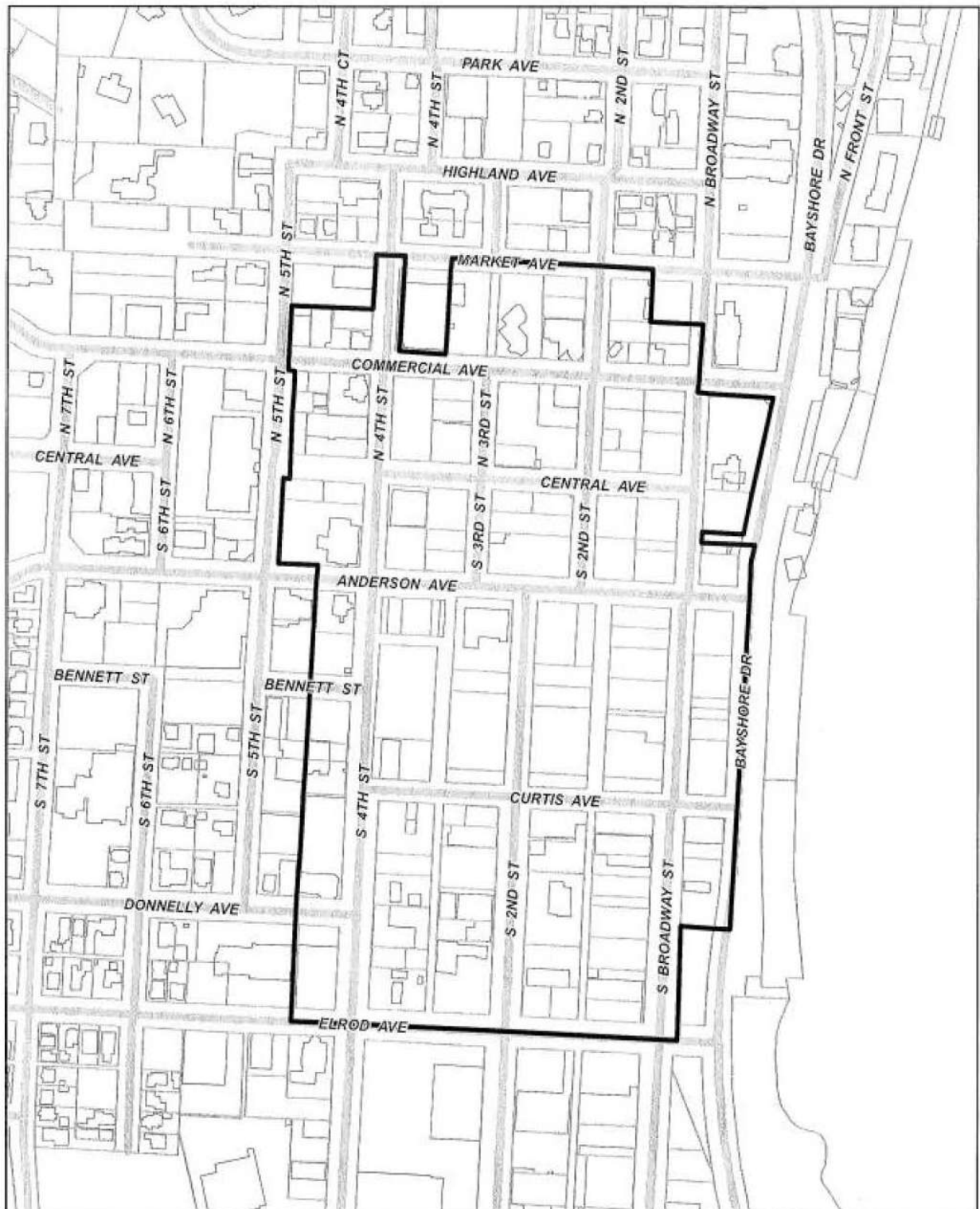
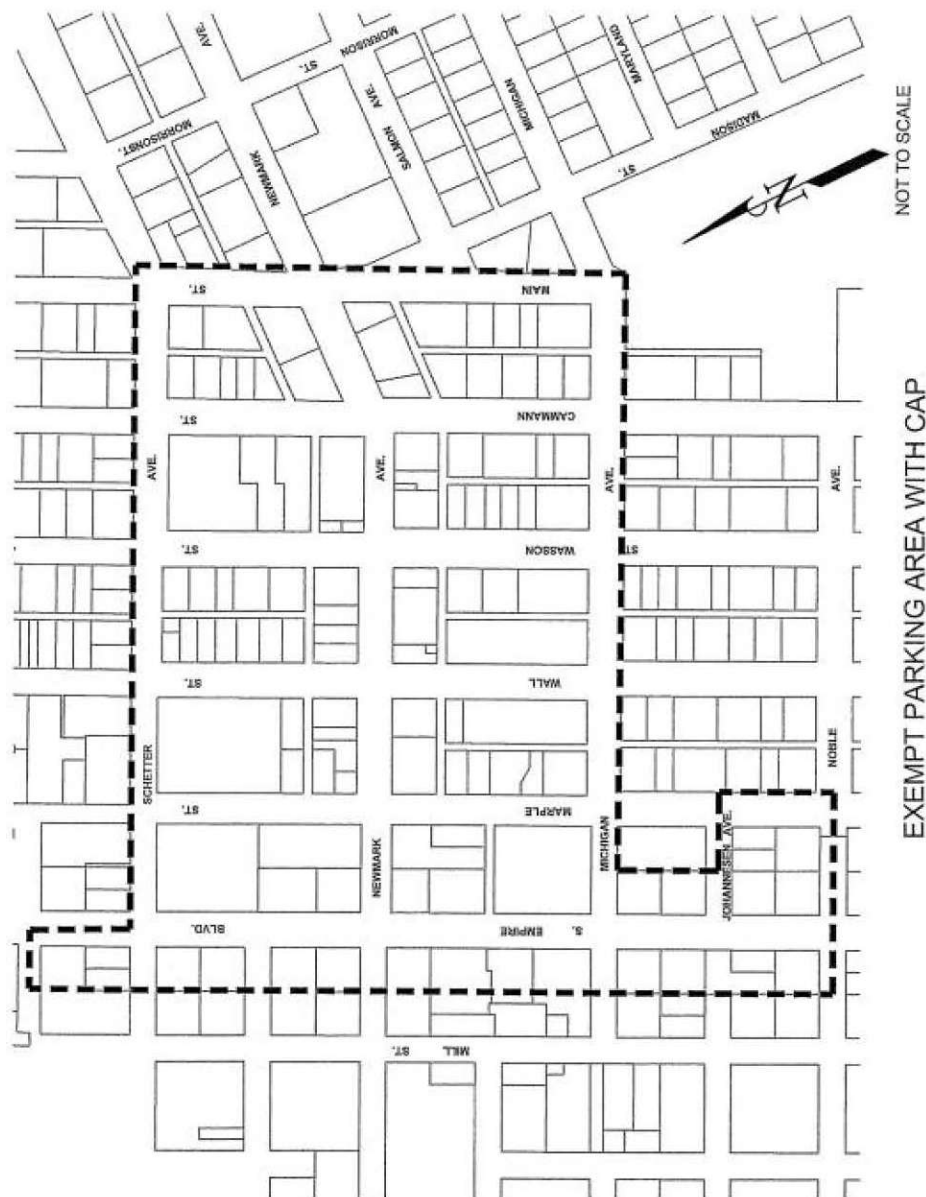


Figure 17.330.010(C) – Exempt Parking Area with Cap



17.330.020 Joint use of facilities.

Joint parking and/or loading facilities serving two or more uses, structures, or parcels of land may be approved to satisfy the requirements of both facilities, provided the owners or operators of the uses, structures, or parcels show that their operations and parking needs do not overlap in point of time. If the uses, structures, or parcels are under separate ownership, the right to joint use of

the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

Parking spaces and parking areas may be used for transit related uses such as transit stops and park-and-ride/rideshare areas, provided minimum parking space and design requirements for the site can still be met. Development required to provide park-and-rides shall be consistent with the location and design specifications of the Coos County transit master plan. [Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.340.020].

17.330.030 Parking design standards.

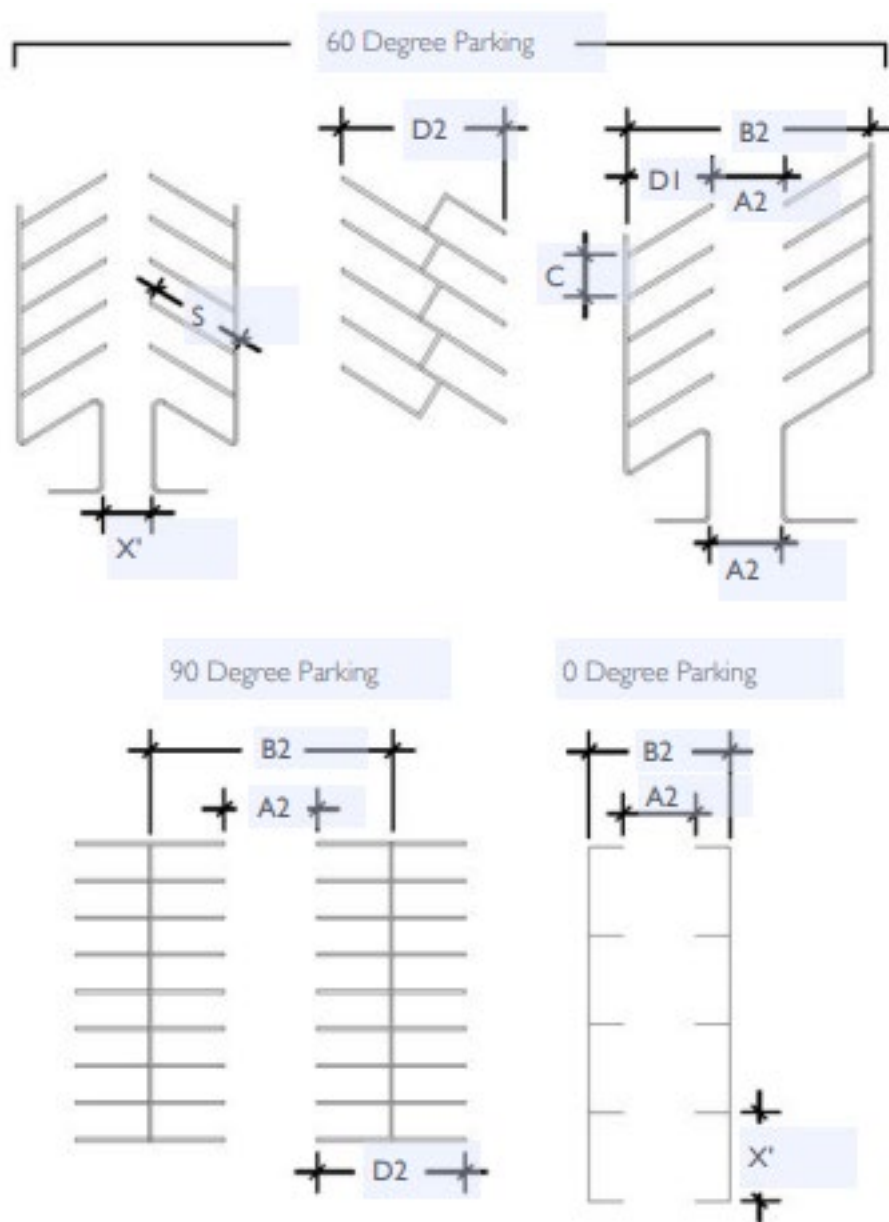
(1) Size of Parking Space. Each off-street parking space shall not be less than nine feet by 18 feet. Up to 25 percent of all required parking spaces can be used for compact vehicles. These compact spaces shall not be less than eight feet by 16 feet. Each space shall be provided with adequate ingress and egress.

(a) Parking Stall Design and Minimum Dimensions. Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with the CBMC. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other city-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 17.330.030(A) and Figure 17.330.030. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way.

Table 17.330.030(A) – Parking Area Minimum Dimensions

Parking Angle ≤ °	Curb Length	Stall Depth		Aisle Width		Bay Width		Stripe Length
		Single D1	Double D2	One Way A1	Two Way A2	One Way B1	Two Way B2	
90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
60°	10'	20'	40'	17'	18'	57'	58'	23'
45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

Figure 17.330.030 – Parking Stall Design and Minimum Dimensions



(2) Location. Off-street parking facilities shall be located on site to the extent feasible. Off-site parking shall be no further than 300 feet from the site, measured from the nearest point of the parking facility to the nearest point of the nearest building that the facility is required to serve. Off-site parking shall be primarily employee parking.

Parking areas that have designated employee parking and more than 20 automobile parking spaces shall provide at least 10 percent of the employee parking spaces (minimum two spaces) as preferential carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the employee entrance of the building than other parking spaces, with the exception of ADA-accessible parking spaces.

(3) Materials, Design, and Lighting.

(a) Off-street parking facilities shall be surfaced with a durable and dustless surface, shall be graded and drained so as to dispose of surface water to the satisfaction of the public works department and shall be maintained in good condition, free of weeds, dust, trash, and debris.

(b) Except for a single-family unit or duplex dwelling, groups of more than two parking spaces per lot must:

(i) Provide aisles or turnaround areas so that all vehicles may enter the street in a forward manner;

(ii) Serve a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one-way driveways be less than 20 feet and 12 feet, respectively, and arranged so as not to use any part of adjoining public sidewalks, street, or alley rights-of-way, except for ingress and egress;

(iii) Provide internal pedestrian connections in parking lots with more than 10 parking spaces located in commercial districts and in parking lots with more than 30 parking spaces located in noncommercial districts. These connections shall be a minimum of five feet wide and distinguished from vehicular areas through changes in elevation or contrasting paving materials (such as light-color concrete inlay between asphalt). Paint or thermo-plastic striping and similar types of nonpermanent applications may be approved for crossings of parking lot areas that do not exceed 24 feet in crossing length; and

(iv) Provide at-grade pedestrian lighting-level of no less than two foot-candles.

(c) Delays – Unimproved Rights-of-Way. Off-street parking and loading for residential and nonresidential uses on existing unpaved streets are allowed a delay from the surfacing requirements prior to the issuance of an occupancy permit. However, the property owner must consent and present a recorded deed restriction or covenant which states that remonstrance against any future street improvement project has been waived and that the required paving will be completed within 12 months after the street is improved.

(d) Improvements to the parking facilities of residential uses, such as the addition of a carport or garage, shall require compliance with the surfacing requirements of the driveway and maneuvering areas if the dwelling gains access from an improved street. At a minimum, the paved access must be 20 feet in length measured from the property line in which access is gained.

(e) Lighting used to illuminate off-street parking facilities shall be arranged so as to reflect light away from any adjoining residential area(s).

(4) All uses, except for single-family unit dwellings and duplexes, required to provide off-street vehicle parking shall provide bicycle parking consistent with the standards in Table 17.330.030(B).

Table 17.330.030(B) – Bicycle Parking

Type of Use	Number of Bicycle Parking Spaces
Multifamily Multi-unit residential	One space per dwelling unit
Commercial	One space per use plus one space per 15 vehicle parking spaces
Industrial, institutional and public uses	Schools – One space per 25 students Transit Stops – Two spaces Transit Centers – Four spaces or one per 10 vehicle spaces, whichever is greater Other Uses – One space per use plus one space per 10 vehicle parking spaces

(a) Bicycle parking space may be located within garage, storage shed, basement, utility room or similar area.

(b) Bicycle Parking Location. Bicycle parking shall be located in lighted, secure locations within 50 feet of the main entrance to a building, but not further from the entrance than the closest general-purpose automobile parking space. Where a building has multiple entrances, required bicycle parking shall be no farther than 50 feet from an entrance. Bicycle parking shall be located and designed so as to not impede or create a hazard to pedestrians (at least 36 inches between bicycles and other obstructions or buildings).

(c) Bicycle Parking for Transit. The location and design of bicycle parking for transit stops and transit centers shall be determined through the development review process. [Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.340.030].

(5) Driveways. Driveways and parking drives shall be designed in accordance with the following standards:

(a) Driveways. Driveways provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Driveways are intended to be used primarily for vehicular access and shall apply:

(i) Two-way driveways shall be a minimum width of 20 feet, one-way driveways shall be a minimum width of 12 feet.

(ii) The maximum driveway width is 28 feet.

(b) Alley Access. Lots with alley access, either at the rear yard or along the side yard, shall use the alley to provide access to the development site if either:

(i) The alley right-of-way width is 20 feet for the length of the alley between the lot and the street; or

(ii) The lot's only street frontage is on an arterial or collector street.

(c) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria CBDC 17.372 Adjustment Standards.

(6) Vehicle Parking.

(a) Parking Element Types. On-site parking shall be provided as part of any multi-unit development project in the form of garages (private or common), carports, and open parking areas. All parking, except common garages, shall be designed as parking clusters according to CBDC 17.330.030(6) Parking Clusters.

(b) Parking Clusters.

(i) Maximum Size of Parking Clusters. Individual parking courts shall be no more than 9,000 square feet in size and shall be physically and visually separated by a landscape area a minimum of 20 feet in width. No more than 3 individual parking courts may be connected by an aisle or driveway.

(c) Parking Cluster Separation. Landscape areas shall be placed between parking clusters to visually interrupt rows of parked vehicles and to separate individual parking clusters. Landscape areas between parking clusters shall have a minimum width of 20 feet and a minimum area of 360 square feet. Each of these islands shall provide a minimum of one 20' canopy shade tree.

(7) Architectural elements such as trellises, porches, and stairways may extend into planting islands between parking clusters.

(8) Limitation on Parking Frontage. To strengthen the presence of buildings on the street, parking and vehicle use areas and garages adjacent to any public or private street frontage shall extend across no more than 50 percent of any street frontage. No parking spaces, with the exception of underground parking, shall be placed within any required front yard area. Parking areas shall not be located between buildings and the street. unit

(9) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria CBDC 17.372 Adjustment Review.

17.330.040 Loading.

Every use for which a building is erected or structurally altered which will require the receipt or distribution of materials or merchandise by truck or similar vehicle shall provide off-street loading space on the basis of minimum requirements as follows:

(1) Commercial, industrial, and public uses shall provide truck loading or unloading berths in accordance with Table 17.330.040(A):

Table 17.330.040(A)

Square Feet of Floor Area	Number of Berths Required
Less than 5,000	0
5,000 – 30,000	1
30,000 – 100,000	2
100,000 and over	3

(2) Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar uses shall provide off-street truck loading or unloading berths in accordance with Table 17.330.040(B):

Table 17.330.040(B)

Square Feet of Floor Area	Number of Berths Required
Less than 30,000	0
30,000 – 100,000	1
100,000 and over	2

(3) A loading berth shall contain space 12 feet wide, 35 feet long, and have a height clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

(4) Existing loading space shall not be eliminated, if elimination would result in less space than is required to adequately handle the needs of the particular use.

(5) Off-street parking areas used to fulfill the requirement of this title shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

(6) Loading docks shall be located on the side or rear of the building. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.340.040].

17.330.050 Vehicles in residential zones.

(1) Purpose. Parking lots and outdoor storage of vehicles or recreational vehicles shall not be a primary use for any property located within a single-family~~unit~~ residential zone.

(2) Where Applicable. These regulations apply to all residential users in ~~LDR-6~~SLR and ~~LDR-8.5~~ zoning districts unless otherwise expressly indicated.

(3) Off-Street Parking. Each single-family~~unit~~ residence, constructed after the date of adoption of the ordinance codified in this title, shall provide for at least two off-street parking spaces. Off-

street parking must provide a minimum of 20 feet of lineal parking between the street and the dwelling setback. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.340.050].

17.330.060 ~~Multifamily-unit dwelling~~ parking lots and circulation.

Except for townhouse structures containing garages, parking lots and garages for multi-unit dwelling developments in MDR zoning districts shall be located in the rear portions of the property, with building construction occurring toward the front, closest to employment centers, shopping centers and transit corridors to minimize walking distance. Parking lots and garages located between buildings and streets are not permitted, except for townhouse structures that contain garages, in which case no more than 40 percent of the front of each townhouse dwelling unit shall be devoted to garage door space.

~~(1) At least one and one-half parking spaces shall be provided on site for each multiple-family dwelling unit.~~

~~(21)~~ A minimum of 10 feet of landscaped buffer area shall separate parking lots from adjoining properties and streets. Driveways to townhouse garages, which provide off-street parking, shall not be considered parking lots.

~~(32)~~ ~~MDR~~Multi-unit dwelling development projects shall provide access to collector or arterial streets; however, individual dwelling units within an ~~MDR~~multi-unit dwelling development project shall not have direct access to an arterial or a collector street.

(a) Within ~~an~~ ~~MDR~~multi-unit dwelling development project, parking lots or driveways to individual dwelling units shall connect directly to a local residential street with direct access to an arterial or collector street.

(b) ~~MDR~~Multi-unit dwelling development projects shall not have direct primary access to existing local residential streets within an MDR zoning district unless the review authority finds, by substantial evidence, that environmental, topographic or other issues relating directly to public safety or welfare require general access to a local, public residential street.

~~(43)~~ Pedestrian access shall be provided to transit corridors without having to pass through a parking lot whenever possible.

~~(54) (a) Parking lots associated with conditional and nonconforming uses in this district are subject to planning commission approval.~~

~~(b) Parking lot expansion for nonconforming uses shall be subject to the requirements of CBDC Chapter 17.328 CBDC.~~

~~(65)~~ In no event shall on-site parking facilities exceed 50 contiguous spaces per parking cluster. Where more than 50 spaces are required, there shall be a landscaped buffer, not less than 20 feet wide, between parking clusters. Where the applicant desires more than one parking cluster on a lot or contiguous lots, the director, through the site review process, shall require that each cluster be designed to accommodate bicycle parking facilities, and that pedestrian walk lanes are provided and clearly marked.

~~(76)~~ Through a Type II adjustment request, an applicant may request adjustments to this section if the topography or other environmental constraints associated with the property prevent reasonable compliance with this standard. Where the applicant desires more than one parking cluster on a lot or contiguous lots, the director, through the ~~site review~~applicable process, shall

require that each cluster be designed to accommodate bicycle parking facilities, and that pedestrian walk lanes are provided and clearly marked.

(8Z) All new townhouse developments shall include four additional off-street parking spaces for every three units. These spaces are to be evenly dispersed throughout the development with no more than four spaces being located in any one specific area. The director is authorized to establish final location of these parking spaces. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.340.060].

17.330.070 Parking requirements of manufactured home parks.

(1) Off-street parking shall be provided for at least two automobiles per dwelling unit, located on the lot or property which they are intended to serve. Off-street parking shall be provided within a garage or carport.

(2) Visitor Parking. At least one automobile parking space shall be provided for every two manufactured home lots or sites for use by visitors and delivery vehicles. These spaces shall be signed or designated as such. These spaces shall be within 100 feet of the lots to be served. Visitor parking may be provided on streets designed to accommodate parking and two standard lanes of traffic.

(3) All on-site parking shall be designed and constructed in compliance with the parking facility standards of this chapter.

(4) Trucks with a maximum gross vehicle weight more than one and one-half tons, recreational vehicles, boats on boat trailers, and similar equipment shall be parked in one of the two allocated off-street parking spaces if stored on an individual lot or space; provided no more than one passenger vehicle may be parked on a given lot or space. Car-top boats and canoes are exempt from this requirement. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.340.070].

Chapter 17.335

SUPPLEMENTARY DEVELOPMENT STANDARDS

Sections:

- 17.335.010 Generally.
- 17.335.020 Height and location of fences and walls ~~and hedges~~.
- 17.335.030 Solid waste.
- 17.335.040 Lighting.
- 17.335.050 Noise.
- 17.335.060 Landscaping.
- 17.335.070 Drive-ins/drive-throughs.
- 17.335.080 Indoor marijuana-related businesses.
- 17.335.090 Pedestrian and bicycle access.
- 17.335.100 Transit facilities.
- 17.335.110 Zero lot line development.
- 17.335.120 Multi-unit development standards.
- 17.335.130 Setbacks-intrusions permitted.

17.335.020 Height and location of fences and walls ~~and hedges~~

(1) Residential fences ~~and~~, walls ~~and hedges~~ not greater than eight feet in height shall be permitted on or within all property lines which are not within any vision clearance area.

(2) Fences and walls that conform with the standards required by the specific zones and CBDC 17.335.020 may be constructed in required front yard, side yard and rear yard setbacks.

(23) Commercial fences or walls located in the following areas shall only be allowed subject to approval of a Type II review (CBDC Chapter 17.130 ~~CBDC~~):

- (a) Bayshore Drive between Elrod Avenue and Highland Avenue.
- (b) Bayshore Drive north of Fir Avenue.
- (c) South Empire Boulevard south of Newmark Avenue.
- (d) 6th Avenue south of "F" Street.
- (e) All area located in the downtown Coos Bay and Empire urban renewal areas in commercial land use districts.
- (f) Chain link fences are prohibited in the areas noted in subsections (2)(a) through (e) of this section. [Ord. 532 § 2 (Att. B), 2020; Ord. 524 § 7 (Exh. A), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.362.020].

17.335.040 Lighting.

(1) Street lighting shall be a required component of all residential, commercial and industrial developments within the city of Coos Bay. ~~Lighting plans shall be a required component of complete preliminary subdivision, partition and site plan applications. All lighting plans shall be approved by the director.~~

(2) Lighting, including permitted illuminated signs, shall be designed and arranged so as to not:

- (a) Reflect or cast glare into any residential zone;
- (b) Rotate, glitter, or flash; or
- (c) Conflict with the readability of traffic signs and control signals.

~~(3) Lighting features on any site shall not exceed 15 feet in height if located on abutting property lines, 25 feet in height for freestanding outdoor light features on industrial property, and a 20-foot height limit for fixtures on all other nonresidential property.~~

(3) General Light Location. Lighting shall only be installed adjacent to structures, walkways, driveways, or activity areas (decks, patios, spas and pools, and similar use areas) and focal landscape areas close to the residence or activity area.

(4) Mounted Light Location.

(a) Building-mounted lights shall be installed below the eave line.

(b) Exterior light fixtures may be mounted on any exterior wall or structure at a maximum of 15 feet above the adjacent finished floor level. However, a light fixture adjacent to a second story balcony, deck, or exterior doors may be mounted on the wall at a maximum height of eight feet above the finished floor level.

(c) Lighting features on any site shall not exceed 15 feet in height if located adjacent to abutting property lines, 25 feet in height for freestanding outdoor light features on industrial property, and a 20-foot height limit for fixtures on all other property.

(5) Fixtures. Exterior lighting shall be hooded and arranged to reflect away from adjoining properties and streets.

(6) Level of Illumination. Exterior lighting shall represent the minimum level of illumination necessary to meet the aesthetic and security needs of the property. Light sources, intensity of light, and color of light shall be designed and located to achieve security or decorative lighting goals without causing an adverse impact on neighboring properties. Light sources shall be designed and located to minimize spillover of light or glare onto neighboring properties.

(7) Lighting Intensity. The lighting intensity within parking lots and adjacent areas shall be at least 1.0 foot-candle at all points, but shall not exceed an average of 3.0 foot-candles over the entire parking lot.

(8) Lighting Plan. A lighting plan is required for all applicable development demonstrating compliance with these Lighting standards. Lighting plans shall be a required component of complete preliminary subdivision, and partition applications. All lighting plans shall be approved by the director.

[Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.362.040].

17.335.060 Landscaping.

The following standards apply to landscaping and screening on private property required pursuant to this title. The city's public works department shall review and authorize landscaping and screening within public rights-of-way.

(1) Applicability.

(a) At a minimum, 15 percent of each new commercial or industrial zoned lot or development must be landscaped to the standards within this chapter.

(b) At a minimum, 15 percent of new multi-unit dwelling developments must be landscaped to the standards within this chapter.

(2) General.

(a) Applicants are encouraged to provide flexible landscaping design that takes advantage of natural features and addresses the use and function of the proposed development. Landscaping choices should consider the aesthetic qualities of the existing site and provide attractive variety in tree and shrub species, texture, color, height and density.

(3b) Existing vegetation may fulfill landscaping and screening requirements of this chapter if the existing landscaping provides at least an equivalent level of screening as the standard required for the development in question.

(4c) As a condition of approval for a conditional use or PUD, the city may require an applicant to provide landscaping and screening that differs from the standards in this section where necessary to comply with the other applicable approval standards for the use or development.

(5d) Landscaped areas required for stormwater management purposes may be used to satisfy the landscaping area requirements of this chapter, even though those areas may be inundated by surface water. Required stormwater management facilities are not classified as areas inundated by water.

(3) Landscape standards.

(6a) Required landscaping and screening shall be located on the perimeter of a lot or parcel. Required landscaping and screening shall not be located on a public right-of-way or private street easement, unless authorized by the city's public works department.

(b) Multi-unit dwelling developments shall provide a minimum 5-foot wide landscape screen along all property lines that abut a low density residential zoning district, per the standards of (i) – (iii).

(i) High shrubs that form a continuous screen, at least 6 feet high, within 5 years of planting.

(ii) 1 canopy tree per 30 linear feet as measured along interior lot lines.

(iii) Living plant materials covering a minimum of 70 percent of the required landscape area within 5 years of planting.

(iv) A masonry wall at least 6 feet high shall be permitted as a substitute for the shrubs but the trees and other plant materials are still required.

(7c) Parking and loading areas shall be landscaped as follows:

(a) A minimum five-foot-wide landscaped strip shall be provided where vehicle parking or loading adjoins a public road right-of-way.

(b) Parking areas that contain at least seven spaces are required to provide perimeter parking area landscaping and parking area landscaping along street and driveway entrances landscaping islands throughout the development. A landscape island shall contain at least 25 square feet, shall be at least ~~four~~ 4 feet wide, and shall prevent vehicles from ~~damaging trees overhanging into this required area~~ by using a wheel stop or curb. If a curb is used, the landscape islands shall be at least 6 feet wide.

(8d) The applicant shall install required landscaping and screening consistent with the approved site plan or development, or an approved modification thereto, before the city issues an occupancy permit or final inspection for the development in question; ~~provided~~, the city may defer installation of plant materials for up to six months after the city issues an occupancy permit or final inspection for the development in question if doing so increases the likely survival of plants.

(4) Plant materials.

(a) Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance. Landscaping materials shall be selected in accordance with a list of plant materials adopted by reference as the Sunset Western Garden Book.

(b) The applicant shall demonstrate and comply with the following:

(i) Plant materials shall be installed to current nursery industry standards.

(ii) Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.

(iii) Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain-link or other sturdy fence placed at the drip-line of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the drip-line of trees to be retained.

(9c) All required ground cover plants and shrubs must be of sufficient size and number to meet the required standards within three years of planting. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for living ground cover plants, lawn or approved flowers.

(10d) Shrubs shall be supplied in a minimum of two-gallon containers or equivalent burlap balls, with a minimum spread of three inches. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.

(14e) Trees shall be measured from the ground level at final planting to the top of the tree.

(a~~i~~) Trees required for parking and loading areas shall be a minimum caliper of two inches and a minimum height of 10 feet at the time of planting.

(b~~ii~~) Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of one and one-half inches and a minimum height of eight feet at the time of planting.

(c~~iii~~) Required evergreen trees (other than street trees) shall be fully branched and a minimum of six feet high at the time of planting.

(d~~iv~~) The review authority may reduce the minimum size of trees (other than street trees) if the applicant submits a written statement by a landscape architect registered in Oregon or expert in the growing of the tree(s) in question certifies that the reduction in size at planting will not decrease the likelihood the trees will survive.

~~(12) Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance. Landscaping materials shall be selected in accordance with a list of plant materials adopted by reference as the Sunset Western Garden Book.~~

~~(13) The applicant shall demonstrate and comply with the following:~~

~~(a) Plant materials shall be installed to current nursery industry standards.~~

~~(b) Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.~~

~~(c) Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain-link or other sturdy fence placed at the drip-line of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the drip-line of trees to be retained.~~

(5) Maintenance and Irrigation.

(14a) Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the review authority. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections.

(15b) Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required landscaped areas must comply with one of the following:

(a~~i~~) A permanent built-in irrigation system with an automatic controller will serve the landscape area in question, and the system will be installed and operational before the city grants an occupancy permit or final inspection for the development in question; or

(bii) A temporary irrigation system will be acceptable, provided the applicant must submit a statement from a landscape architect registered in Oregon or expert in the growing of the vegetation in question which certifies that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall; or

(eiii) A permanent or temporary irrigation system will not serve the landscape area in question; provided the applicant submits the following:

(iA) A statement from a landscape architect registered in Oregon or expert in the growing of the vegetation in question certifying that the materials to be planted will survive without watering other than natural rainfall; and

(iiB) A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the city. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.362.060]

17.335.110 Zero lot line development.

(1) Standards. The general conditions of the district shall prevail in addition to the special standards listed in this section: (See Figure 17.335.110.)

(a) The lot(s) contiguous to the zero-setback yard must be under the same ownership at the time of initial construction, or the applicant must produce written evidence that the contiguous property owner consents to this type of construction and is willing to enter into the required covenant agreement.

(b) The yard setback on the lot contiguous to the zero-lot line development must comply with the requirements of the Oregon Structural Specialty Code.

(c) If dwellings are constructed against both side lot lines, access must be provided along the rear lot lines for public pedestrian or vehicular access to the rear yards and for access by protection service vehicles.

(d) When two dwellings are built against the same zero lot line, no portion of them shall project over any property line.

(e) No more than 5 attached units shall be permitted without a separation between buildings. The minimum separation between buildings shall be the minimum required by the building code. See Figure 17.335.110.

(ef) Property owners of this kind of development and property owners of contiguous property shall sign a covenant agreement with the city which shall be recorded against the lots as a condition of project approval to be recorded prior to occupancy. The agreement shall provide that:

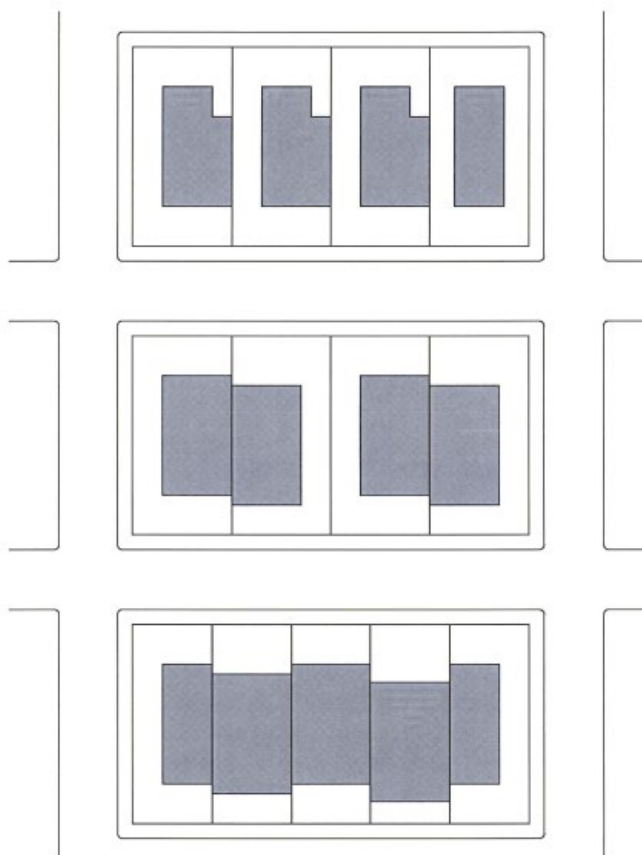
(i) In case of destruction of one or more units, new construction must follow the same concept of construction as previously designed.

(ii) Each owner shall carry fire and liability insurance on their portion of the building with the contiguous owner(s) also listed on the policy.

(iii) Provisions for the maintenance of the zero-lot line wall, the roof and any common facilities are included.

(iv) The procedures for the resolution of disputes are specified.

Figure 17.335.110 - Examples of Zero Lot Line Development



[Ord. 532 § 2 (Att. B), 2020].

17.335.120 Multi-unit dwelling standards.

The purpose of these development standards is to ensure that multi-unit dwellings provide for a physical environment with visual interest consistent with the Coos Bay Comprehensive Plan Land Use chapter.

(1) Applicability.

(a) Multi-unit dwelling standards shall apply to all multi-unit developments in all zones. In cases where the Multi-unit dwelling standards apply, they shall be considered applicable for the portion of the development site impacted by the proposed development.

(b) Multi-unit dwelling standards shall also apply to mixed use developments in commercial zones with the exception of storefronts, areas for lobbies (serving residential and commercial uses), stairs, elevators, and other non-residential use areas.

(c) Multi-unit dwelling standards shall apply to cottage clusters, recreational vehicle parks, and tiny home communities.

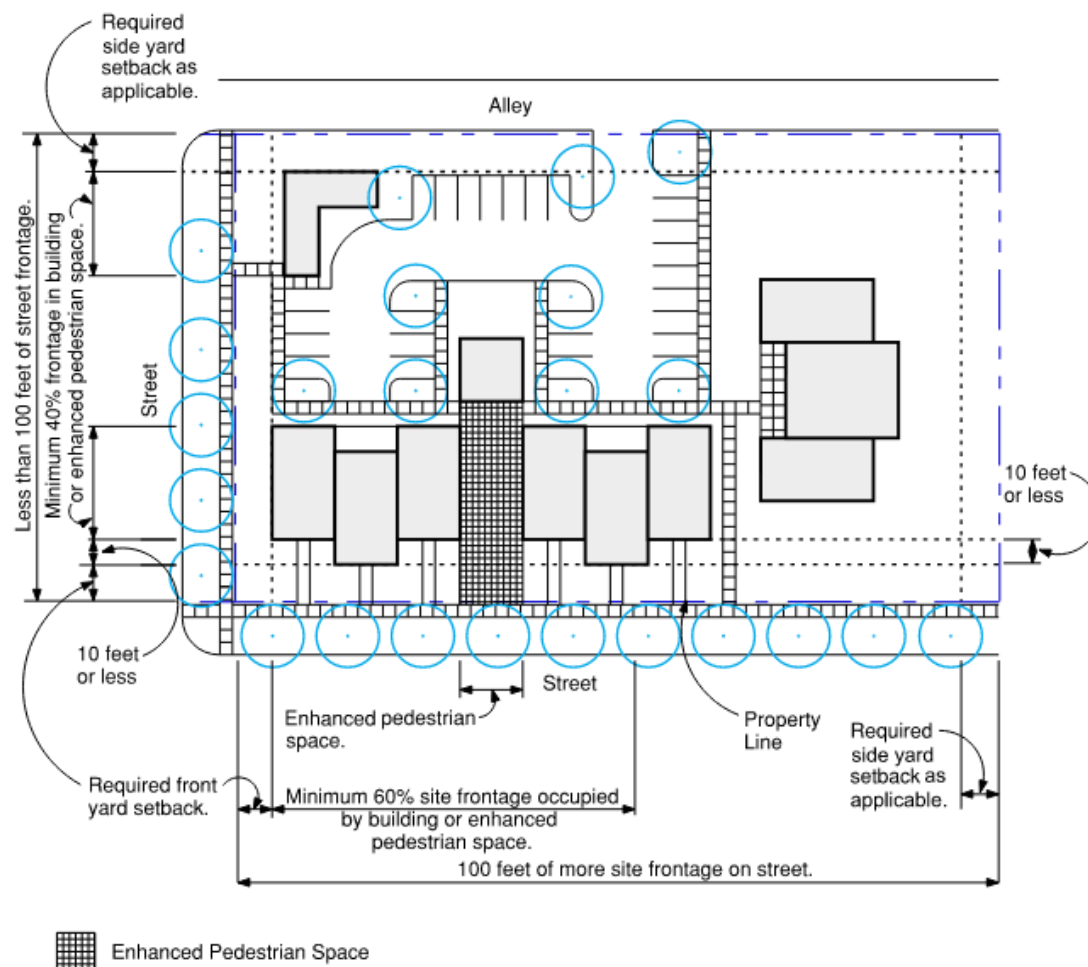
(2) Building Height. The maximum building heights allowed are those permitted according to the applicable zoning district.

(a) Criteria for Adjustment. Adjustments to the development standards in this subsection may be made, based on the criteria of CBDC 17.372 Adjustment Review.

(3) Required Setbacks. The required building setbacks are those required in the applicable zoning district in addition to the following requirements.

(a) Street Frontage. On development sites that will result in 100 feet or more of public or private street frontage, at least 60 percent of the site frontage abutting the street (including required yards) shall be occupied by a building(s) or enhanced pedestrian space placed within 10 feet of the minimum front yard setback line. On development sites with less than 100 feet of public or private street frontage, at least 40 percent of the site width shall be occupied by a building(s) placed within 10 feet of the minimum front yard setback line. "Site width," as used in this standard, shall not include areas of street frontage that have significant natural resources as mapped by the city, delineated wetlands, slopes greater than 15%, recorded easements, required fire lanes or other similar non-buildable areas, as determined by the director. (See Figure 7.335.120(2)(a) Multi-Unit Minimum Building Setback Along Streets.)

Figure 17.335.120(2)(a)
Multi-Unit Minimum Building Setback Along Streets



(b) Setback intrusions permitted are those required according to CBDC 170.335.130 Setbacks-Intrusions Permitted.

(c) Criteria for Adjustment. Adjustments to the development standards in this subsection may be made, based on the criteria of CBDC 17.372 Adjustment Review.

(4) Building Orientation and Entrances.

(a) Building Orientation. Multi-unit dwelling buildings located within 30 feet of a front lot line shall have the primary orientation toward the street. Buildings proposed to be “side oriented” to public streets due to access requirements, dimensional constraints and/or compatibility with other on-site buildings are exempt from this requirement.

(b) Ground Floor Building Entrances. An entrance(s) of ground floor units of any residential building located within 30 feet of a street must face the front lot line. Entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. The following exceptions shall apply:

(i) On corner lots the main building entrance(s) may face either of the streets or be oriented to the corner.

(ii) For buildings that have more than 1 entrance serving multiple units, only 1 entrance must meet this requirement.

(iii) For buildings proposed to be oriented away from public streets due to access requirements, dimensional constraints and/or compatibility with other on-site buildings, main entries may face away from the street provided both of the following apply:

(A) There is an on-site pedestrian pathway between the new building entrance and the street. On-site pedestrian pathways shall be designed and constructed to provide a direct and clearly identified connection from the building entrance to the existing public right-of-way and public accessways.

(B) The ground floor building side facing the street shall contain windows that occupy a minimum of 10% of the facade.

(c) Criteria for Adjustment. Adjustments to the development standards in this subsection may be made, based on the 17.372 Adjustment Review.

(5) Building Mass and Facade.

(a) Maximum Building Dimension. Neither the maximum length nor width of any building within 30 feet of a front lot line can exceed 150 feet.

(b) Windows. Street facades shall contain windows covering a minimum of 10% of the facade on each floor level.

(c) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on criteria CBDC 17.372 Adjustment Review.

(6) Building Articulation.

(a) Articulation Requirement. To preclude large expanses of uninterrupted wall surfaces, exterior elevations of buildings shall incorporate design features such as offsets, projections, balconies, bays, windows, entries, porches, porticos, changes of material, varying roof heights or types, or similar elements. At least two (2) of these design features shall be

incorporated along the horizontal face (side to side) of the structure on each floor, to be repeated at intervals of no more than 20 feet.

(b) When offsets and projections are used to fulfill articulation requirements, the offset or projection shall vary from other wall surfaces by a minimum of 2 feet. Such changes in plane shall have a minimum width of 6 feet.

(c) Individual and common entry ways shall be covered by roofs, awnings, or porticos.

(d) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on criteria CBDC 17.372 Adjustment Review.

(7) Site Landscaping.

(a) Landscaping shall be installed consistent with CBDC Chapter 17.335.060 Landscaping. The required landscaping shall be placed within the required front yard setback area and may be pierced by pedestrian and vehicular access ways. All areas of a site not devoted to structures, driveways, or walkways shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.

(8) Open Space. A minimum of 15% open space of the total site area shall be provided unless exempt under other provisions of the CBDC. Required open space may be provided as common open space and/or private open spaces with a minimum of 30% of the required open space shall be pervious area with living plant material.

(a) Common Open Space. Common open space may include any of the following:

(i) Outdoor areas incorporating:

(A) Lawn or hard surfaced areas to be used for active or passive recreation in which user amenities such as trees, shrubs, planters, pathways, tables, benches or drinking fountains have been placed.

(B) Ornamental or food gardens.

(C) Common open space for passive recreational use.

(D) Children's play areas.

(E) Roof terraces, patios, porches, and internal courtyards.

(ii) Common open space may also include up to 30% of the required area in natural resource areas, such as steep slopes greater than 25%, forested areas, conservation

areas and delineated wetlands provided the area includes passive walking trails meeting the following standards in Table 17.335.120(8)(a)(ii) Common Open Space Natural Resource Areas:

Table 17.335.120(8)(a)(ii) Common Open Space Natural Resource Areas

<u>Characteristic</u>	<u>Requirement</u>
<u>Width</u>	<u>4' (with passing areas) - 10'</u>
<u>Surface</u>	<u>Soil, gravel, Fiber (or engineered wood fiber equivalent), wood chips</u>
<u>Longitudinal Slope</u>	<u>0-5% (8% for max. 50')</u>
<u>Cross-Slope</u>	<u>2%</u>
<u>Radius</u>	<u>Aesthetic consideration</u>
<u>Sight Distance</u>	<u>N/A except road crossings</u>
<u>Easement Width</u>	<u>Tread + 10' min.</u>
<u>Side Slope</u>	<u>Varies</u>

(iii) Outdoor common open space shall comply with all of the following:

(A) The minimum area for any single outdoor common open space shall be 225 square feet.

(B) At least one area of outdoor common open space shall be a minimum of 15 feet by 15 feet.

(C) The minimum dimensions for any portion of outdoor common open space in the front yard setback shall be at least 15 feet by 15 feet. The minimum dimensions for any other portion of outdoor common open space shall be at least 10 feet by 10 feet.

(E) Required setback areas and areas required to comply with landscape standards may be applied toward the minimum open space requirements when the minimum dimensions of such space meet the standards above in (A)-(C).

(F) Outdoor common open spaces shall not be used as parking areas.

(b) Private Open Space. Private open space is outdoor space directly adjacent to a dwelling unit providing an outdoor area for private use by the occupants of the dwelling unit. Private open space, where provided, shall meet the minimum standards in the following Table 17.335.025(8)(b) Minimum Private Open Space Sizes.

Table 17.335.120(8)(b) Minimum Private Open Space Sizes

<u>Location</u>	<u>Minimum Area</u>	<u>Minimum Dimension</u>
<u>Ground Level</u>	<u>100 square feet</u>	<u>10 feet</u>
<u>Balcony</u>	<u>18 square feet</u>	<u>3 feet</u>
<u>Roof Terrace</u>	<u>80 square feet</u>	<u>8 feet</u>

(i) Balconies located within 20 feet of property zoned LDR and SLR shall not be counted as private open space.

(ii) To be counted toward the minimum required, private open space may be covered, but cannot be enclosed. Private open space is considered enclosed when the space between a floor, decking, or ground level and a roof structure has more than three sides taller than 42 inches in height.

(iii) Ground level private open space shall be screened or buffered from adjacent private open space and dwellings by landscape, fencing or partitions. Such screening or buffering shall be a minimum of 30 inches in height.

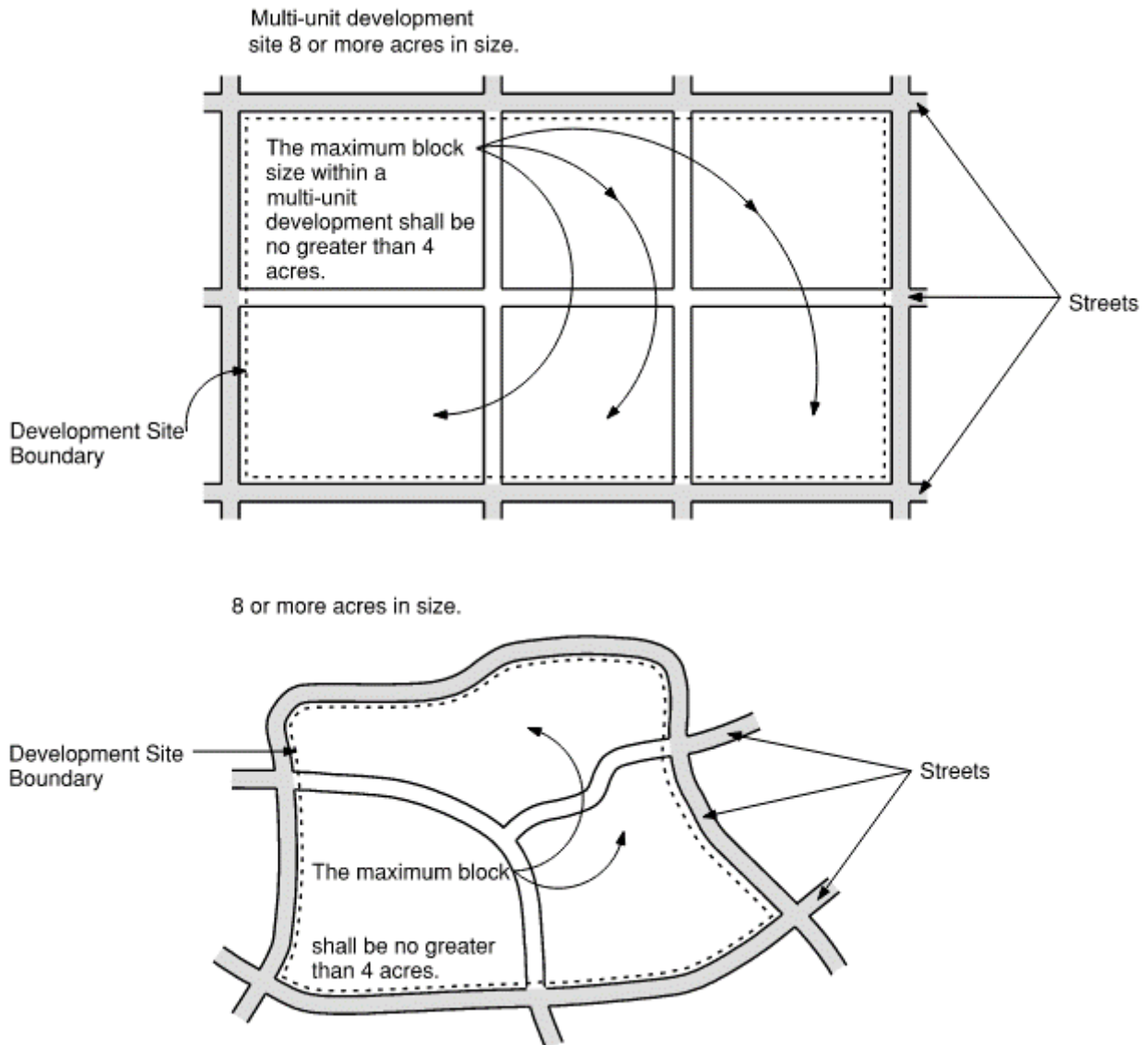
(c) Ground level common and private open space shall be physically separated and screened from adjacent parcels per CBDC 17.335.060 Landscaping.

(d) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on criteria CBDC 17.372 Adjustment Review.

(9) Block Requirements.

(a) Block Structure. Multi-unit developments 8 or more acres in size shall be developed as a series of complete blocks bounded by public right-of-way or private drive aisles or streets. Natural areas, waterways, high voltage power lines, and other similar substantial physical features may form up to 2 sides of a block. The maximum block size within a multi-unit dwelling development shall be no greater than 4 acres in size. (See Figure 17.335.120(9)(a) Multi-Unit Block Requirements.)

Figure 17.335.120(9)(a)
Multi-Unit Block Requirements



(b) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria CBDC 17.372 Adjustment Review.

(10) On-Site Pedestrian Circulation.

(a) Multi-unit dwelling developments shall provide safe on-site pedestrian circulation designed and constructed to provide a direct connection to existing public right-of-way and public accessways.

(b) To connect any new building entrances on a site to all other new and existing building entrances on the same site, except entrances used primarily for loading and unloading freight and egress only entrances.

(11) Recycling and Garbage Areas. Multi-unit developments shall provide screening for outdoor garbage and recycling collection areas according to CBDC 170.335.030 Solid Waste.

(12) Lighting. Multi-unit dwelling developments shall provide exterior lighting according to CBDC 170.335.040 Lighting.

17.335.130 Setbacks-Intrusions Permitted.

(1) Applicability. Except as restricted by easements or other restrictions on title, the intrusions in this section may project into required front, side and rear yard setbacks to the extent and under the conditions and limitations indicated.

(2) Depressed Areas. In any zone, fences, hedges, guard railings or other landscaping or devices for safety protection around depressed ramps, stairs or retaining walls, may be located in required setbacks, provided that such devices are not more than 42 inches in height.

(3) Projecting Building Features.

(a) Notwithstanding projection limitations authorized or limited by CBMC Title 15, intrusions permitted in setbacks include the following Table 17.335.130(3)(a) except as provided in subsection (c):

Table 17.335.130(3)(a) - Setbacks-Intrusions Permitted

<u>Architectural Feature</u>	<u>Setback</u>		
	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>Awnings</u>	<u>18 inches</u>	<u>--</u>	<u>18 inches</u>
<u>Balconies</u>	<u>48 inches</u>	<u>--</u>	<u>48 inches</u>
<u>Bay windows, garden windows</u>	<u>18 inches</u>	<u>18 inches</u>	<u>18 inches</u>
<u>Chimneys</u>	<u>18 inches</u>	<u>18 inches</u>	<u>18 inches</u>
<u>Cornices, belt courses, buttresses, pilasters, pillars, sills</u>	<u>12 inches</u>	<u>12 inches</u>	<u>12 inches</u>
<u>Eaves</u>	<u>24 inches</u>	<u>24 inches</u>	<u>24 inches</u>
<u>Trellis structures and patio covers</u>	<u>24 inches</u>	<u>18 inches</u>	<u>48 inches</u>

(b) Permitted Mechanical Equipment Projections. Mechanical equipment shall not be located within any required front or side yard setback and shall not be set back less than three feet from the rear lot line; however tankless water heaters may encroach 24 inches into interior side or rear yards.

(4) Fences and Walls. Fences and walls that conform with the standards required by the specific zones and CBDC 17.335.020 may be constructed in required front yard, side yard and rear yard setbacks.

(5) Public Telephone Booths and Public Bus Shelters. Public telephone booths and public bus shelters may be located in required front yard, side yard and rear yard setbacks, provided vision clearance is maintained for vehicles passing on the street and leaving the development site.

(6) Driveways. Except as provided in CBDC 17.330 Off-Street Parking and Loading Requirements and Chapter 15, driveways or accessways providing ingress and egress to or from parking spaces, parking areas, parking garages, or structured parking shall be permitted, together with any appropriate traffic control devices, in any required setback.

(7) Parking Spaces in Required Setbacks.

(a) Except as provided in CBDC 17.330 Off-Street Parking and Loading Requirements and Chapter 15, in areas with a broad zone category of residential, parking in required front and side yard setbacks is permitted with the following restrictions:

(i) Parking spaces in required front yard setbacks are permitted in conjunction with a single-unit dwelling, accessory dwelling, or duplex, provided the parking spaces are located on driveways.

(ii) For lots and parcels with at least 50 feet of frontage, driveways shall cover a maximum of one-half of the area in the required front yard setback. All portions of required front yard setbacks not otherwise covered by legal driveways shall be landscaped and maintained.

(iii) Within the required front yard setback, recreational vehicles, boats, boat trailers, and other vehicles not in daily use, may only be parked on the paved driveway portion of the required front yard setback. No parking shall occur in the landscaped portion of the required front yard setback. These vehicles not in daily use, are allowed to park in the front setback for not more than 48 consecutive hours.

(iv) Recreational vehicles, boat trailers, and other vehicles not in daily use, are permitted to be located in the required side yard and rear yard setbacks.

(b) Except as provided in CBDC 17.330 Off-Street Parking and Loading Requirements and Chapter 15, in areas with the broad zone category of commercial or industrial, parking spaces and parking areas are permitted in any required side and rear yard setback.

(8) Utilities. Structures necessary for the operation and maintenance of public and private utilities may be located in required front yard, side yard and rear yard setbacks, provided these structures are screened as per CBDC 17.335.060 Landscaping and provided vision clearance is maintained. Exceptions shall be made for such features as below grade transformers, back flow

prevention devices and closures, which have a low visual impact with director approval.

(9) Poles. Poles for outdoor lights or government flags shall be permitted in any required setback.

Chapter 17.255

URBAN PUBLIC DISTRICT ~~(UP)~~

Sections:

- 17.255.010 ~~Purpose Establishment of district designation.~~
17.255.020 Uses.
17.255.030 Development standards.

17.255.010 ~~Purpose Establishment of district designation.~~

~~The Urban Public District is intended to accommodate public services and ancillary uses to accommodate residents and long-term visitors. The urban public (UP) district applies to areas designated at the time of the adoption of the ordinance codified in this chapter. This designation may be applied to additional areas pursuant to a zone change. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

17.255.020 Uses.

The permitted uses in the UP district include public facilities, public parks, playgrounds, open spaces, cemeteries, and natural resource preservation or enhancement, subject to the applicable provisions of this and other applicable provisions of this title.

Land uses and permit requirements are listed in Table 17.255.030. The table identifies those uses in the Urban Public District that are:

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited.

The following uses in the urban public district zone are permitted (P), conditional (C) or prohibited (X) as indicated in Table 17.255.020.

Table 17.255.020 – Uses

Residential	
Single-family dwelling, only in conjunction with a permitted use	P
Civic Use Types	
Community <u>facilities including but not limited to libraries and recreation facilities</u>	P
Parking service	P
Government offices and related uses	P
Bus shelter	P

Educational service and related buildings	P
Commercial Use Types	
Funeral and interment services – cemetery	P
Dining establishments, only in conjunction with a permitted use	<u>PG</u>
<u>Other Uses</u>	
<u>Park Model Parks subject to the standards of 17.322.030.</u>	<u>P/S</u>
<u>Other uses</u> and development deemed by the director to be similar to and/or compatible with Table 17.255.020 and state regulations.	<u>P</u>
Uses Expressly Prohibited	
<u>As determined by the Director, a</u> All nonrelated uses	X

[Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.255.030 Development standards.

- (1) All development proposal requests shall participate in the pre-application process.
- (2) In general, the dimensional and development standards of the commercial zoning district shall apply. At the time of pre-application conference, the director shall determine which base zone standards shall be required or whether additional standards are necessary.
- (3) The following development standards apply to all land and structures in the UP district:
 - (a) Building Height. No building shall have a height greater than three stories, not to exceed 35 feet in height.
 - (b) Riparian Vegetation.
 - (i) Riparian vegetation surrounding Empire Lakes is considered significant habitat in the comprehensive plan. This habitat shall be protected by leaving the existing vegetation undisturbed to its full width, if possible, but at least to a width of 50 feet measured horizontally from the shoreline. If there is less than 50 feet of vegetation, all of it shall be protected. The shoreline shall be the line of nonaquatic vegetation.
 - (ii) Water access, trails/paths, picnicking areas, or other recreation uses may be permitted if the activities are part of a master plan for the park, and if they constitute no more than a 20 percent cumulative reduction in the total vegetation surrounding the lake within the zoning designation.
 - (iii) The riparian vegetation along the shoreline in the Eastside area will be protected based on Policy 23 of the Coos Bay estuary management plan. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

Chapter 17.322

MANUFACTURED HOME CERTIFIED MANUFACTURED HOME AND RECREATIONAL VEHICLE PSPECIAL SITING PARK STANDARDS

Sections:

- 17.322.005 Purpose
17.322.010 Manufactured Dwellings on existing lots of record Type Type and size.
17.322.020 Manufactured Dwelling ParksSiting requirements.
17.322.030 Recreational Vehicle Parks

17.322.040 Park Model Vehicle Parks
17.322.030 Roof.
17.322.040 Siding.
17.322.050 Insulation.
17.322.060 Unauthorized location.

17.322.050 Purpose. This chapter articulates Manufactured Home recreational vehicle parks and park model parks (as defined in 17.150 – Definitions) to provide affordable and safe shelter locations.

17.322.010 Type and size. Manufactured Homes on existing lots of record
A manufactured home must be multi-sectional and enclose a space of not less than 1,000 square feet.

1. Development Standards

- a) 17.322.020 Siting requirements. The home shall be enclosed at the perimeter with a concrete or concrete masonry wall which extends from the bottom of the excavated area to the underside of the manufactured home. The required wall must be trimmed at the meeting with the home to approximate the appearance of a concrete foundation for a conventional single-dwelling dwelling. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.365.020].
- b) 17.322.030 Roof. The manufactured home must have a sloping roof with a minimum pitch of three feet in height for each 12 feet in width (3:12). [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.365.030].
- c) 17.322.040 Siding. The manufactured home must have conventional wood or textured siding material. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.365.040].
- d) State of Oregon requirement compliance. A manufactured home must comply with all State of Oregon requirements. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.365.010].

~~17.322.050 — Insulation.~~

~~(1) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope that meets the performance standards equivalent to that required for a single family dwelling constructed pursuant to specialty code as defined in ORS 455.010.~~

~~(2) Documentation that the home meets "Super Good Cents" energy efficiency standards is acceptable in lieu of the manufacturer's certification. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.365.050].~~

~~17.322.060 — Unauthorized location.~~

~~Manufactured homes are not permitted on property located 100 feet from the external boundaries of property identified in the State Inventory of Historic Property, the National Register of Historic Property, or property designated in the comprehensive plan as a historic district or cultural resource. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.365.060].~~

17.322.020 Manufactured Home Parks

(1) Existing Parks. All extensions or improvements made to existing residential certified manufactured home parks made after the enactment of the ordinance codified in this title shall comply with the provisions of this title.

(2) New Parks. All Manufactured Home Parks proposed and developed after the enactment of the ordinance codified in this title shall comply with the provisions of this title.

(3) Development Standards.

(a) Minimum park area: one acre.

(b) Unit density: As specified in the underlying zone.

(c) Separation. Building separation in a mobile home park for each mobile home and its accessory structures shall not be located closer than 15 feet from any other mobile home, closer than 10 feet from a park building within the mobile home park, or closer than five feet from a park property boundary line or street right-of-way.

(c) Building Height. No dwelling or accessory building shall be erected or installed with a height in excess of 17 feet.

(d) Parking as specified in 17.330.070.

(e) Access and Roads.

(1) Dedicate and improve vehicular and pedestrian access to the park from the improved street.

(2) Pave roads within a park according to the following minimum standards:

(i) Twenty-two feet where no on-street parking is allowed.

(ii) Twenty-eight feet where on-street parking is allowed on one side of the street.

(iii) Thirty-six feet where parking is permitted on both sides of the street.

(3) All private streets and ways within the park shall be built as approved by the public works department.

(4) An additional five feet from each edge of the pavement or two feet from the edge of the sidewalk shall be designated as right-of-way from which setbacks are to be measured.

(d) Services.

(1) Sewer. Every residential certified factory-built home park shall be connected to a sanitary sewer. Each space shall be provided with a connection to the sewer.

(2) Water. Every residential certified factory-built home park shall be connected to a supply of potable water for domestic use. Each space shall be provided with a connection to the water supply.

(3) Utilities. All utilities, including telephone, television, and electricity, shall be installed underground throughout the park and shall be provided at each space.

(e) Fire Protection. No space shall be occupied that is not located within 500 feet of a fire hydrant, following the street right-of-way. Existing spaces now located or occupied at a distance greater than 500 feet from an approved hydrant may continue until such time as the park is expanded in size or number of spaces.

At the time of such expansion, the owner or operator of the park shall have installed one or more hydrants at locations such that no occupied space remains at a greater distance than 500 feet, following the street right-of-way, from any hydrant. The Coos Bay fire department shall be authorized by the owner to inspect the hydrants in accordance with current standard procedures and to require periodic tests when deemed necessary. No parking shall be permitted within 10 feet of fire hydrants.

(f) Lighting. All roads within the park shall be lighted at night to provide a minimum of 0.35 foot-candles of illumination.

(4) Open Space and Recreational Area.

(a) Minimum Area. Open space shall constitute six percent of the total gross area of the park. Improved recreational areas shall have a minimum area of 8,000 square feet or 100 square feet per dwelling unit, whichever is greater.

(b) Plan. The site plan shall contain information required by the State of Oregon and the following:

(1) Boundaries of the proposed areas.

(2) Written explanation of the purposes of the areas and a description of any improvements to be made.

(3) Description of the manner in which the area will be perpetuated, maintained, and administered.

(5) Guarantee. The preservation and continued maintenance of property and/or structures commonly owned and/or held for common use shall be guaranteed by a covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance

assurances. Copies of these legal documents shall be filed with the community development department before occupancy of any dwelling.

(6) Landscaping. All exposed ground surface in all parts of the park shall be protected and maintained with landscaping to include plant material, paving, gravel, and/or other solid material that will prevent soil erosion, mud, and dust within the park. The ground surface in the park shall be graded and furnished with drainage facilities to drain all surface water in a safe, efficient, and sanitary manner.

(7) Fences and Walls. A visual barrier shall be provided and maintained such as a solid fence, a concrete wall, or an approved buffer of trees or shrubs between the mobile home park and abutting properties. The barrier shall have a minimum height of six feet, except the area defined as the entrance of the park where the wall may be three feet for vision clearance.

(10) Special Manufactured Home Siting Requirements.

(a) Residential certified factory-built home parks and units shall be required to meet the following and all state requirements.

(i) Skirting. Mobile homes shall be skirted to provide an appearance of permanency.

(ii) Storage Facilities. Each space shall have a minimum of 50 square feet of totally enclosed storage space.

(iii) Accessory Buildings. Accessory buildings and other similar permanent structures may be installed or erected in conjunction with a space and shall require a building permit. These structures shall be deemed to be a part of the certified factory-built.

(11) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes.

(12) Park Improvements.

(a) Construction Plans and Specifications. As part of the site plan application, the applicant shall submit to the community development department construction plans, profile and cross-section drawings, and specifications for the required utilities and streets, accompanied by a plan check fee. These plans will be reviewed and the applicant will be notified in writing of compliance with city requirements or of any necessary modifications. The final drawings and specifications shall be permanently filed with the department. A copy of the water system plans shall be submitted to public works by the applicant.

(b) Contract for Improvements. Within 48 months of site plan and review of the improvement plans and specifications, but prior to the issuance of any development permits, the applicant shall be required to enter into an agreement to construct and/or improve facilities to serve the development. At the time the improvement agreement is executed, the applicant will submit the inspection fee and also post a performance bond, cash, or security deposit guaranteeing the completion of the contractual provisions. All contracted improvements shall be completed within 24 months after the bond or surety is posted. If the applicant is unable to complete the improvements within two years with good cause, a one-year extension may be granted by the public works department. Further extensions must be approved by the planning commission.

(c) Bond and/or Surety, Cash or Security Deposit Provisions. The assurances for completion of improvements shall be filed with the city in the nonnegotiable amount established by resolution of the city council. The bond or deposit shall:

(i) Name the city as obligee.

(ii) Be in a form approved by the city attorney.

(iii) Be conditioned upon the final approval and acceptance of the development.

(iv) Provide full warranty for the improvements for a minimum of two years from the date of final acceptance by the city.

(v) Be forfeited to the city if the applicant does not complete the requirements within the agreed-upon time limit, or if the applicant has created a hazard causing imminent danger to the public health and safety within or adjacent to the development which the developer fails to correct.

(vi) Cover any costs, attorney's fees, and liquidation damages resulting from delay or failure to meet the deadline.

(d) Construction. Construction of improvements may begin in accordance with the agreement. During this phase of development, the applicant shall be required to prepare record drawings of all improvements. Special attention shall be given to underground utilities.

(e) Acceptance of Improvements. Upon completion of the improvements, the applicant shall submit record drawings to the public works department of the street and sanitary/storm sewer plan profiles. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.322.030 Recreational Vehicle Parks

1. Permitting process: As specified in Building Codes Division Chapter 918 Division 650.

2. Permitted land uses: Recreational Vehicles as defined in 17.150 and one park manager's unit. Tents, cabins and other shelter forms are not permitted.

3. Development standards:

(a) Minimum lot size – 1 acre

(b) Occupied area surface treatment of asphalt, concrete or permanently contained crushed rock.

(c) Number of spaces available for Recreational Vehicles shall comply with the density of the underlying zoning district.

(d) [Parking as specified in 17.330.070](#)

(e) The park shall be buffered from surrounding use and development by a fifteen (15) foot minimum setback from the side property line when adjoining a residential district; and twenty-five (25) foot setback from the rear property line when adjoining a residential district. The parks shall be buffered from a public street or highway by a twenty (20) foot minimum setback from the property line. A five-foot setback from side and rear property lines shall be required in all other instances.

- (f) All applicable State of Oregon and Coos Bay sanitation, water, plumbing, electrical and sewerage installations standards.

17.322.040 Park Model Vehicle Parks

1. Permitting process: As specified in Building Codes Division Chapter 918 Division 650.
2. Permitted land uses: Park Models as defined in 17.150 and one park manager's unit. Tents, cabins and other shelter forms are not permitted.
3. Development standards:
 - (a) Minimum lot size – 1 acre
 - (b) Occupied area surface treatment of asphalt, concrete or permanently contained crushed rock.
 - (c) Number of spaces available for Park Models shall comply with the density of the underlying zoning district.
 - (d) [Parking as specified in 17.330.070.](#)
 - (e) Front yard setbacks and landscaping specified landscape standards for each individual park Model consistent with the underlying zone.
 - (f) The park shall be buffered from surrounding use and development by a fifteen (15) foot minimum setback from the side property line when adjoining a residential district; and twenty-five (25) foot setback from the rear property line when adjoining a residential district. The parks shall be buffered from a public street or highway by a twenty (20) foot minimum setback from the property line. A five-foot setback from side and rear property lines shall be required in all other instances.
 - (g) All applicable State of Oregon and Coos Bay sanitation, water, plumbing, electrical and sewerage installations standards.

Chapter 17.340

VARIANCES

Sections:

- 17.340.010 Pre-application review.
- 17.340.020 Review process.
- 17.340.030 Application contents.
- 17.340.040 Approval criteria.
- 17.340.050 Expiration and extension.

17.340.010 Pre-application review.

An application for one or more variances subject to Type I or Type II review is not subject to pre-application review, unless filed concurrent with an application that is subject to pre-application review. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.330.010].

17.340.020 Review process.

(1) Review of a technically complete application for variance of up to 10 percent of the numerical standards for the following: setbacks, buffers, building heights, landscaping, lot coverage and lot dimensions or, lot area ~~or density~~, is subject to a Type I process, CBDC 17.130.080.

(2) Review of a technically complete application for all other variances greater than 10 percent are subject to a Type II process, CBDC 17.130.090.

(3) An application for a variance(s) necessarily associated with another application(s) subject to this title shall be combined with the associated application(s) for processing and review. The variance application shall be subject to the highest number review procedure applicable to the combined applications.

(4) If an application for a variance(s) is approved and an application(s) subject to an equal or higher number review procedure type is subsequently filed, the decision approving the variance may be altered for good cause by the decision on the merits of the subsequent application(s).

(5) An application for a variance(s) proposed as a post-decision action shall be subject to the post-decision review procedures of CBDC 17.130.150. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.330.020].

17.340.030 Application contents.

An applicant for a variance(s) shall submit the requisite fee and the information required by CBDC 17.130.040, except as otherwise provided therein. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.330.030].

17.340.040 Approval criteria.

The approval authority may impose appropriate conditions to ensure compliance with the criteria. The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared:

(1) Reasonable use of the property cannot be achieved without the variance. The variance is the minimum variance necessary to make reasonable use of the property.

(2) The variance will not result in violation(s) of any other code standard, and the variance will meet the purposes of the regulation being modified.

(3) The need for the variance was not created by the applicant and/or owner requesting the variance.

(4) If more than one variance is requested, the cumulative effect of the variances results in a project that is consistent with the overall purpose of the zone. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.330.040].

(5) The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;

17.340.050 Expiration and extension.

A decision approving a variance expires and can be extended as provided in CBDC 17.130.140. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.330.050].

Chapter 17.347

CONDITIONAL USES

Sections:

- 17.347.010 Purpose of a conditional use.
- 17.347.020 Pre-application review.
- 17.347.030 Application content and review processes.
- 17.347.040 Criteria for approval, minor modifications and revocation.
- 17.347.050 Ownership, transfer and cessation of use.

17.347.010 Purpose of a conditional use.

~~The purpose of the conditional use process is to allow desirable uses. There are certain uses which may be generally similar and appropriate within a given zone, but which, due to the nature of their potential impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. Uses subject to a conditional use review may also possessing~~ unique or special characteristics that ~~require~~ necessitate certain requirements or "conditions" ~~to review for the use to be them to~~ successfully be integrated into a particular zone. ~~The intent of the conditional use process is to identify potential negative impacts of a proposal, if any, and determine whether conditions of approval should be imposed on the proposed use to mitigate potential negative impacts. Only if conditions of approval cannot be imposed to mitigate any identified impact should a conditional use be denied. [Ord. 506 § 1 (Exh. A), 2018].~~

17.347.020 Pre-application review.

Applications for conditional use review or modification of a conditional use review ~~are subject to the requirements is not subject to pre-application review unless requested by the applicant. Applications must be consistent with~~ CBDC 17.130.020, Pre-application review. [Ord. 506 § 1 (Exh. A), 2018; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.325.010].

17.347.030 Application content and review processes.

An application ~~tion~~ for a conditional use review shall submit the requisite fee and the information required in CBDC 17.130.040, Application contents, and other information the director ~~or their designee~~ determines necessary to review the application.

(1) Review of a technically complete application for conditional use review ~~and Conditional Use Permit processing by the City~~ is subject to ~~either a Type II or a~~ Type III process, ~~contingent upon the development or use type and/or size. - See CBDC 17.130.090 Type II procedure and 17.130.100, Type III procedures.~~

(2) Review of a technically complete application for a minor modification, alteration, intensification or expansion of a previously approved conditional use review is subject to a Type II process consistent with CBDC 17.130. ~~145090, Type II procedure~~. [Ord. 506 § 1 (Exh. A), 2018; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.325.020].

17.347.040 Criteria for approval, conditions, minor modifications and revocation.

(1) ~~Criteria for approval.~~ The ~~review authority planning commission~~ shall approve or approve with conditions an application for conditional use review if it finds the applicant has sustained the burden of proof ~~for the following:~~
~~ving that:~~

(a) The use complies with applicable Comprehensive Plan policies and Development Code standards; with the exception of any variance authorization.

The review authority evaluation will assess if and how the proposal complies with applicable Comprehensive Plan policies and Development Code standards; with the exception of any variance authorization.

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(a) ~~(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 use is appropriate at the proposed location.

The review authority will consider appropriateness of the site given the site's physical and development surroundings.

(c) The topography, soils, and other physical site characteristics will not be negatively impacted by the proposed use.

The review authority will consider the site's physical characteristics to determine whether the proposed use is appropriate.

(e) Negative impacts from the proposal can be mitigated by imposing reasonable conditions to address reasonable conditions of approval that address the impact to levels consistent with other uses and no greater than other uses permitted in the zone.

~~Any The review authority will assess potential impacts of the proposal 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.~~

(f) There are adequate utilities, access roads, drainage, and other necessary improvements to allow the land use, or improvements.

The review authority will assess whether wastewater, drainage, stormwater and transportation facilities are available for the proposed use. The review authority will also consider access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability will be determined by an assessment of the potential impact of these facilities or the lack thereof on the use of the property.

(2) Conditions. The review authority planning commission may impose, in addition to regulations and standards expressly specified in this title, reasonable conditions of approval necessary to mitigate potential impacts; however conditions may not be imposed that restrict the use to a specific person or group. 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;
- (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.

~~(3) Conditions may not be imposed that restrict the use to a specific person or group.~~

~~(34) Minor Modifications.~~ The ~~Director review authority~~ may approve a minor modification, alteration or expansion of an approved conditional use pursuant to a Type II process if:

- (a) The modification, alteration or expansion will result in less than a 20 percent cumulative enlargement or relocation of the structure, floor area, parking area or exterior improvement area, up to a total maximum of 5,000 square feet;
- (b) The existing use is in compliance with the intent, use and all conditions of approval of the original review; and
- (c) The proposed modification, alteration or expansion is not expressly prohibited by the zone or the conditional use review issued for the existing use.

~~(45) Revocation of a Conditional Use Permit.~~ Revocation of an approved conditional use review is subject to a Type ~~II III~~ process. ~~Revocation shall be initiated by the director. Revocation shall be initiated by the director and is subject to CBDC Chapter 17.130. or their designee by scheduling a hearing and issuing the required notice.~~ Revocation shall not be the exclusive remedy for violation.

The ~~Director planning commission~~ may revoke or amend a ~~C~~conditional ~~U~~use ~~permit review pursuant to a Type III process~~ if ~~s/he~~it finds one or more of the following:

- (a) The conditional use is not being conducted consistent with the decision or conditions of approval authorizing the conditional use review or other applicable standards of this title; ~~and~~
- (b) The applicant has failed to remedy the alleged violation within a reasonable time required by the community development department or within 60 calendar days after the city mails notice of such alleged violations to the operator of the conditional use or owner of the property,

whichever is first. [Ord. 506 § 1 (Exh. A), 2018; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.325.040].

(c) The conditional use has not been executed within one year of its authorization.

(d) The conditional use has been abandoned for a period of one year.

17.347.050 Ownership, transfer and cessation of use.

(1) An approved conditional use review is specific to the subject property and cannot be transferred to another property.

(2) The review authority planning commission may limit the conditional use to a specific business or owner, if necessary, to help assure compliance with all conditions of the original conditional use approval; otherwise, a conditional use approval is for the use, not for the specific business, business name, or ownership which may change. However, all conditions of approval continue to apply.

(3) The review authority may limit the conditional use to a time frame and require periodic review of the authorized use.

(4) A conditional use approval is automatically revoked if the use is discontinued for a period of 24 months. [Ord. 506 § 1 (Exh. A), 2018; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.325.050].

Chapter 17.349

CULTURAL RESOURCES

Sections:

- 17.349.010 Purpose.
- 17.349.020 General provisions.
- 17.349.030 Development, alteration, or demolition of cultural resources.
- 17.349.040 Hearing.
- 17.349.050 Decision.
- 17.349.060 Waiting period.
- 17.349.070 Conditions.
- 17.349.080 Maintenance and repair.

17.349.010 Purpose.

The recognition, protection, enhancement, recovery, and adaptive use of cultural resources embodying Coos Bay's historical heritage can improve civic identity and add cultural and educational enrichment. The purpose of the following regulations is to: identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses; promote the continued use of historic buildings without detrimentally affecting their significance; enhance the visual character of the city by encouraging the renovation of historic structures; foster public appreciation and a sense of community identity based on the beauty and heritage of the city; and protect and enhance the city's attraction to residents, tourists, and visitors. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.010].

17.349.020 General provisions.

Any property identified as a cultural resource shall not be developed, altered, remodeled, relocated, or demolished if this activity will detrimentally affect the significance of the resource. Determination of a site's significance and consideration of the proposed changes against the site's cultural value shall be made in accordance with the provisions of this chapter. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.020].

17.349.030 Development, alteration, or demolition of cultural resources.

(1) General. This section establishes the procedure to determine the site's significance and to weigh potential conflicts between conservation and alteration or removal before approval of any such activity.

(2) Application. Prior to the issuance of any general or specific development permit, the property owner or authorized agent shall provide the department, as applicable:

(a) Property legal description.

(b) Plans or drawings showing the property and existing building dimensions and the character or details of the exterior, structural alterations (including additions), and, if a demolition is planned, the proposed use of the site.

(c) Statement explaining why the resource should or should not be preserved or protected. Supporting evidence from a qualified resource specialist is encouraged.

(d) If a demolition is proposed, a statement from the State Historic Preservation Office relating to the resource's value and a structural survey by the building official.

(e) If an archaeological site will be disturbed, proof that the Coos, Siuslaw, and Lower Umpqua Tribal Council and the State Historic Preservation Office have been notified and given the opportunity to respond.

(3) Exception. A cultural resource permit shall not be required of a certified cultural resource if:

(a) The owner or agent has received a special assessment for historic properties from the State Historic Preservation Office; and

(b) The approval of special assessment includes a review of the proposed development, alteration, or remodel.

To be eligible for this exception, the owner or agent shall submit plans for the work and documentation that these plans have received state approval. If a development or building permit is issued for the work, the city shall assure that the work is completed in conformance with the state-approved plan. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.030].

17.349.040 Permit requirementHearing.

The ~~review authority planning commission shall conduct a Type III hearing prior to the~~shall consider designation, development, alteration, or demolition of a cultural resource with authorization of a land use permit. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.040].

17.349.050 Decision.

The ~~review authority planning commission~~ shall approve, conditionally approve, or deny an application after adopting findings of fact based on substantial evidence in the record.

(1) Cultural Resource Value. The ~~review authority commission~~ must make findings to support at least one of the following conclusions:

(a) The resource exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, or architectural history; or

(b) The resource is identified with persons or events significant in local, state, or national history; or

(c) The resource is representative of the notable work of a builder, designer, or architect; or

(d) The resource embodies distinctive characteristics of a style, type, period, or method of construction or is valuable as an example of the use of indigenous materials or craftsmanship.

(2) Development, Alteration, or Relocation of a Structure. The ~~review authority commission~~ must make findings to support the conclusion that the proposal is compatible with the character and value of the resource. Applicable criteria include:

(a) Building coverage and height;

(b) Yards;

(c) Predominant architectural features and fixtures, appurtenances, or detailing;

(d) Building materials; and

(e) Visual characteristics, such as paint color and surface texture, grading, surface paving, and landscaping.

(3) Demolition of a Structure or Disturbance of an Archaeological Resource. Prior to issuance of a permit to demolish a structure or disturb a resource, the ~~review authority commission~~ must make findings to support all of the following conclusions:

(a) All feasible and prudent alternatives to the proposed activity have been explored;

(b) Whether it is feasible to maintain or preserve the resource; and

(c) The proposed use is compatible with the zoning and current use of the land and its immediate surroundings. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.050].

17.349.060 Waiting period.

If a demolition or disturbance to an historic or archaeological site is proposed, the ~~review authority commission~~ may impose a waiting period up to 120 days to enable the applicant to seek other alternatives. If the demolition of a structure is proposed, the alternatives shall include but not be limited to:

(1) Public or private acquisition and restoration;

(2) Sale of the premises to a party capable of maintaining, restoring, or relocating the resource; and

(3) Salvage of Significant Features. If a disturbance to an archaeological site is proposed, or a previously unknown or unrecorded archaeological site is encountered during the development, the alternatives shall include but not be limited to:

(a) Clustering development to avoid disturbing the resource;

(b) Designing the development so that the sensitive resource area is used for non-impacting activities, such as storage, parking, or open space;

(c) If permitted pursuant to the requirements of state law, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reintering the human remains in accordance with the wishes of Tribal Council; and

(d) Using civic means to ensure adequate protection of the resources such as acquisition of easements, public dedications, or transfer of title.

(4) At ~~the next regularly scheduled commission meeting after~~ the end of the waiting period, the ~~review authority commission~~ shall reconsider evidence that alternatives were pursued in good faith and shall evaluate this information against the decision criteria in CBDC 17.349.050. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.060].

17.349.070 Conditions.

The ~~review authority planning commission~~ may impose other conditions deemed to be necessary to ensure the value of the resource will be protected. These conditions shall be stated in terms that are specific and measurable so the applicant is fully aware of the intent and justification of the condition and how and when implementation is to be accomplished.

(1) These conditions may include those specified in Chapter 17.347 CBDC, Conditional Uses.

(2) File a pictorial or graphic record of the structure with the department prior to alteration or demolition. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.070].

17.349.080 Maintenance and repair.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material, or external appearance. This chapter shall not prevent the construction, reconstruction, alteration, restoration, demolition or removal of any feature if the building official certifies to the commission that the action is required for public safety by CBMC Title 15. the State Structural Specialty Code. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.080].

Chapter 17.362

PLANNED UNIT DEVELOPMENT

Sections:

- 17.362.010 ~~PurposeGeneral.~~
- 17.362.020 Preliminary PUD application contents.
- 17.362.030 Approval criteria for a preliminary PUD.
- 17.362.040 Property development requirements.
- 17.362.050 Expiration and extension of preliminary PUD approval.
- 17.362.060 Construction prior to final plat approval – Bonds.
- 17.362.070 Improvement plans.

17.362.010 ~~PurposeGeneral.~~

~~(1) For Subdivision of Land.~~ The subdivision planned unit development (PUD) process is established to encourage the development of single or multiple tracts of land as one project. An approved PUD may deviate from specific site standards as long as the PUD substantially complies with general purposes of the applicable standards of this title. The PUD approach is appropriate if it maintains compatibility with surrounding areas and creates an attractive, healthful, efficient, and stable environment. It is the intent of the PUD process to: achieve a more efficient use of land through shared facilities and services, thereby economizing on development costs; afford innovative design opportunities rather than the conventional lot-and-block land use so that a developer gains freedom in the placement and uses of buildings and open space, and in the design of facilities and traffic circulation systems; maximize development potential of building sites constrained by special features such as topography, shape, or size while minimizing the potential for hazardous conditions; and provide substantial active and passive open space and trail systems for use of nearby residents.

~~(2) For Development Projects. The planned unit development (PUD) process for nonsubdivision projects is established to accommodate the intent and directives of the comprehensive plan but allows deviation from a land use district's underlying development standard consistent with CBDC 17.362.030(2). The PUD approach can facilitate creative and innovative development strategies if it maintains compatibility with surrounding areas and creates an attractive, healthful, efficient, and stable environment.~~ [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.010].

17.362.020 Preliminary PUD application contents.

~~(1) PUD Related to a Subdivision.~~

(1) An applicant for a preliminary partition shall submit the materials required of CBDC 17.130.040 and 17.130.050 and the subdivision requirements of CBDC 17.367.030, Preliminary plat application contents.

(2) Applicant use of the services of a licensed architect is required to prepare the project design and application for a subdivision of four acres or less. For areas exceeding four acres, required is a professional design team comprised of an architect, civil engineer or land surveyor and a landscape architect or planner.

~~(2) PUD Related to Nonsubdivision Development Projects. A land use application shall include the requirements specified in CBDC 17.130.040 and 17.130.050.~~ [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.020].

17.362.030 Approval criteria for a preliminary PUD.

~~(1) Subdivision PUD.~~ The review authority shall evaluate a preliminary PUD against the approval in CBDC 17.367.040, Approval criteria for a preliminary plat, and the requirements of this chapter.

~~(2) Development Project PUD.~~ The review authority shall evaluate a PUD against the approval requirements of the CBMC to accommodate an adjustment of the numerical standards for the following: setbacks, building heights, landscaping, lot coverage and lot dimensions or lot area. However, deviation from these standards shall not exceed the limits of the Uniform Building Code. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.030].

17.362.040 Permitted uses and pProperty development requirements.

(1) Permitted Uses. With a PUD, the city may allow any permitted or conditional use in any zone of the city as a part of the land use permitting process.

(2) Density. Dwelling unit densities for subdivisions and residential non-subdivision development projects may exceed the allowed density of the zoning district but remain in compliance with the CBCP. The difference between the expanded density and the permitted density in the underlying zone shall be designed, sized and developed for affordability to individuals and families within 50% of the Coos Bay median income.

(3) Open space and public access for recreation. For subdivisions and commercial projects on more than five (5) acres, open space and public access easements for use as recreation areas and / or open space on slopes less than 20% for over 40 percent of the total gross project area. The preservation and continued maintenance of property commonly owned and/or held for common use shall be guaranteed by a restrictive covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents shall be filed with the community development department before occupancy of any development or dwelling.

(4) Protection of Natural Features. Significant natural features shall be preserved and/or enhanced. These include significant on-site vegetation, native plant communities, documented habitat, prominent topographic features such as ridgelines and rock outcrops and wetlands.

(5) Tree installation. Introduction of 24" box trees at every 25' of property frontage that, upon full growth, fulfill a screening function, provide relief from glare, shade expansive areas of pavement, provide a buffer between potentially incompatible land uses and contribute to the project aesthetic.

(6) Energy savings. Solar installation or another energy alternative, at the discretion of the director, shall be included in the subdivision or development project.

(7) Access and Roads. The development shall provide vehicular and pedestrian access from a dedicated and improved street. Private streets within the development shall meet the following minimum paving standards:

(i) Eighteen feet where no on-street parking is allowed.

(ii) Twenty-eight feet where on-street parking is allowed only on one side of the right-of-way.

(iii) Thirty-six feet where parking is permitted on both sides of the right-of-way.

(iv) All private streets within a PUD shall be designed and constructed to city standards.

(v) An additional three feet on each side of pavement shall be designated as right-of-way area in which no construction shall take place.

(vi) The review authority shall approve the names of all streets within the PUD. The owner or operator of the development shall furnish, install, and maintain street signs of a type approved by the review authority.

(8) Fire Protection. The PUD shall provide on-site fire protection facilities in accordance with current regulations and requirements of the city applicable to the development.

(9) Lighting. All roads within subdivisions shall be lighted at night to provide a minimum of 0.35 foot-candles of illumination.

~~(1) Permitted Uses. With a PUD, the city may allow any permitted or conditional use in any zone of the city as a part of the land use permitting process.~~

~~(2) Density. The density of a PUD shall not be more or less than 10 percent of the overall density permitted by the underlying zoning district.~~

~~(3) Access and Roads.~~

~~(a) The development shall provide vehicular and pedestrian access from a dedicated and improved street.~~

~~(b) Private streets within the development shall meet the following minimum paving standards:~~

~~(i) Eighteen feet where no on-street parking is allowed.~~

~~(ii) Twenty-eight feet where on-street parking is allowed only on one side of the right-of-way.~~

~~(iii) Thirty-six feet where parking is permitted on both sides of the right-of-way.~~

~~(iv) All private streets within a PUD shall be designed and constructed to city standards.~~

~~(v) An additional three feet on each side of pavement shall be designated as right-of-way area in which no construction shall take place.~~

~~(vi) The review authority shall approve the names of all streets within the PUD. The owner or operator of the development shall furnish, install, and maintain street signs of a type approved by the review authority.~~

~~(4) Services.~~

~~(a) Fire Protection. The PUD shall provide on-site fire protection facilities in accordance with current regulations and requirements of the city applicable to the development.~~

~~(b) Lighting. All roads within a planned unit development shall be lighted at night to provide a minimum of 0.35 foot-candles of illumination.~~

~~(5) Recreational Areas and/or Open Space (Residential Subdivisions Only).~~

~~(a) Minimum Area. A PUD shall provide not less than 40 percent of the total gross area as recreation areas and/or open space. Designated recreational and/or open space shall contain a minimum area of 3,000 square feet with a minimum dimension of 30 feet.~~

~~(b) Plan. The plan shall contain the following:~~

~~(i) The boundaries of the proposed area;~~

~~(ii) A written explanation of the purpose of the area and a description of any improvements to be made; and~~

~~(iii) A description of the manner in which the area will be perpetuated, maintained, and administered.~~

~~(c) Guarantee. The preservation and continued maintenance of property commonly owned and/or held for common use shall be guaranteed by a restrictive covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents shall be filed with the community development department before occupancy of any dwelling.~~

(116) Off-Street Parking and Loading. The provisions of Chapter 17.330 CBDC shall apply.

(127) Signs. The provisions of Chapter 17.333 CBDC shall apply. [Ord. 532 § 2 (Att. B), 2020; Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.040].

17.362.050 Expiration and extension of preliminary PUD approval.

(1) A subdivision approved as a PUD is subject to CBDC 17.367.050, Expiration and extension of preliminary plat approval.

(2) A PUD related to all other development is subject to CBDC 17.130.140, Expiration and extension of decisions. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.050].

17.362.060 Construction prior to final plat approval – Bonds.

A subdivision approved as a PUD is subject to CBDC 17.367.060, Construction prior to final plat approval – Bonds. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.060].

17.362.070 Improvement plans.

A subdivision approved as a PUD is subject to CBDC 17.367.070, Improvement plans. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.070].

Chapter 17.365
COTTAGE CLUSTER HOUSING

Sections:

- 17.365.005 Purpose.
- 17.365.010 Property development standards and residential land uses
- 17.365.015 Pre-application review.
- 17.365.020 Review processes
- 17.365.030 Expiration and extension of preliminary plat approval for a cottage cluster subdivision.
- 17.367.040 Construction prior to cottage cluster subdivision final plat approval – Bonds.
- 17.367.050 Improvement plans for Cottage cluster projects.

17.365.005 Purpose

The purpose of a cluster development is to provide an alternative to conventional lot and block residential design. Cluster development can be used to preserve and enhance open space and natural amenities, maximize the use of land with severe topographical constraints, and to provide solar and wind access, maximize site density, encourage community open space, and compliment and protect natural resources.

17.365.10 Property Development Standards and residential land uses

- (a) Contiguous parcels or lots. The land area of the cluster development shall be composed of contiguous parcels or lots.
 - (b) Deviation from underlying development standards and residential land uses is permitted, except for landscaping requirements, parking requirements and density specifications. Deviation from the development standards in the underlying zoning district may be considered by the review authority without a requirement for an Adjustment review. However, no deviation is permitted from CBMC Title 15 criteria and/or State of Oregon standards related to development of environmentally sensitive or hazardous areas.
 - (c) Groupings of no fewer than four and no greater than five detached or attached dwelling units.
 - (d) As determined by the review authority, appropriate transition to surrounding properties including, but not limited to, anticipated building locations, bulk, and height.
 - (e) A common courtyard or open space area throughout the project equaling a minimum of 500 square feet of open space for each cottage cluster unit. Open space areas shall maintain open space around natural features, such as steep slopes, wooded areas, and natural waterways or wetlands where those exist, or create common open space with amenities for community activities for residents such as picnic areas, playgrounds, sports features, or gardens
 - (f) Parking is required as specified in Chapter 17.330.
 - (g) Chapter 17.335.120 Development Standards apply to cottage cluster projects.
 - (h) Cottage cluster subdivisions shall be consistency with the requirements of 17.367.040.
-

17.365.015 Pre-application review.

A cluster cottage proposal is subject to the Pre-application review requirements of Chapter 17.130. A cluster subdivision is also subject to pre-application review required in 17.367.010(2).

17.365.020 Review processes

The review process for a cottage cluster project is identified in Chapter 17.130.020 (4b) or (4c), and is determined based on the contingent upon the project size. The review process for a subdivision cottage cluster project is also subject to review process requirements of 17.367.020. Applications for cottage cluster projects and/or subdivisions shall include applicant use of the services of a licensed architect to prepare the project design and application for four acres or less. For areas of more than four acres, required is applicant use of a professional design team comprised of an architect, civil engineer or land surveyor and a landscape architect or planner.

17.365.030 Expiration and extension of preliminary plat approval for a cottage cluster subdivision.

A cottage cluster subdivision is subject to the expiration and extension of preliminary plat approval directives of Chapter 17.367.050.

17.367.040 Construction prior to cottage cluster subdivision final plat approval – Bonds.

A cottage cluster subdivision is subject to the requirements of Chapter 17.367.060.

17.367.050 Improvement plans for Cottage cluster projects.

Improvement Plans shall be submitted to the Director designed by or under the direct supervision of a licensed engineer where required by statute. The engineer shall certify same by seal and signature. All improvement plans shall comply with the provisions of city ordinances pertaining to streets, roads and utilities, and any other applicable city ordinances. If the cottage cluster project includes a subdivision, in addition to the above, certification shall contain the following:

(1) Subdivision name;

(2) Name, mailing address, and telephone number of the engineer preparing the plan; and

(3) Date (month and year). [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.315.070].

17.370 Single Room Occupancy units and residential hotels.

17.370.010 Purpose

The purpose of the Single Room Occupancy regulations is to enable development of reduced-size dwelling units, called an (SRO, residential dwelling units or residential hotels as affordable housing options.

17.370.015 General Requirements.

The following are general requirements specific to 17.370.020 and 17.370.030:

- (1) Oregon and CBMC Title 15 compliance. SRO units and SRO residential hotels shall comply with all requirements of state and CBMC Title 15 requirements, including all accessibility and adaptability requirements.
- (2) Facility management. Twenty-four-hour on-site management must be provided at an SRO units and SRO residential hotels of seven or more rooms and shall include a dwelling unit designated for the manager. All SRO projects must have a management plan. The management plan shall contain management policies, maintenance plans, rental procedures, tenant rules, and security procedures.
- (3) Parking. On-site parking must be provided with one (1) space per three (3) units. With the exception of projects that allow only senior residents, projects shall also provide one (1) bicycle parking space per unit.
- (4) Tenancy. Tenancy of SRO units shall not be for less than thirty (30) days.

17.370.020 SRO living unit criteria

- (1) Minimum size. Excluding the closet and the bathroom area, an SRO living unit must be a minimum of one hundred fifty (150) square feet in floor area.
- (2) Design. Each SRO living unit room shall be designed to accommodate a maximum of two (2) persons.
- (3) Bath and kitchen facilities. An SRO living unit may contain partial or complete kitchen and bath facilities.
 - (a) Bath facilities. If bath facilities for each room are not provided, common bath facilities must be provided consistent with Oregon State law adopted by CBMC Title 15.
 - (b) Kitchen facilities. If kitchen facilities for each room are not provided, common kitchen facilities must be provided that adequately serve the residents of the SRO living unit.
- (4) Laundry facilities. Laundry facilities must be provided in a separate room at the ratio of one (1) washer and one (1) dryer for every twenty (20) units or fractional number thereof.
- (5) Common space. An SRO living unit facility must provide at least two hundred (200) square feet in area of interior common space, which may include a kitchen but excludes janitorial storage, laundry facilities and common hallways.

17.370.020 SRO residential hotel or motel criteria

(1) Minimum room size. Excluding the closet and bathroom space, an SRO residential hotel room must be at least seventy (100) square feet in floor area.

(2) Design. An SRO residential hotel room of one hundred to two hundred (100-200) square feet in floor area shall be designed to accommodate a maximum of one (1) person, and an SRO residential hotel room between two hundred (200) and three hundred (300) square feet or greater shall be designed to accommodate a maximum of two (2) persons. Rooms over three hundred square feet may accommodate one person for every one hundred square feet.

(3) Partial kitchen and bath facilities. An SRO residential hotel unit may contain partial kitchen and bath facilities. If individual bath facilities are not provided, common bath facilities must be provided in accordance consistent with Oregon law adopted by CBMC Title 15.

(4) A closet and designated storage space is required in every SRO residential hotel room.

(5) A cleaning supply storeroom and/or utility closet with at least one (1) laundry tub with hot and cold running water must be provided on each floor of the residential hotel.

(6) The SRO residential hotel shall provide a minimum fifty feet of interior common area per each hotel room, excluding hallways, kitchen facilities, laundry and storage areas.

(7) Bath and kitchen facilities. An SRO living unit may contain partial or complete kitchen and bath facilities.

(a) Bath facilities. If bath facilities comprised of a water closet and sink for hygiene purposes in each room is not provided, common bath facilities must be provided consistent with Oregon law adopted by CBMC Title 15.

(b) Kitchen facilities. A full kitchen for every twelve rooms or a partial kitchen for each room shall be provided:

i) Full kitchen. A kitchen for every twelve rooms containing a sink, refrigerator, stove top and oven is required with a design consistent with Oregon law adopted by CBMC Title 15.

ii) Partial kitchen. A partial kitchen comprised of a sink, stove top or over and a mini-refrigerator for each SRO room.

Chapter 17.372 **ADJUSTMENT REVIEW**

Sections:

- 17.372.005 Adjustment Review purpose**
- 17.372.010 Pre-application review.**
- 17.372.015 Application contents**
- 17.372.020 Review process.**
- 17.372.025 Expiration and extension.**
- 17.372.030 General Provisions**
- 17.372.040 Approval criteria.**
- 17.372.050 Modification of Adjustment Review**

17.372.005 Adjustment Review purpose.

Adjustment Review can facilitate creative and innovative development strategies while accommodating the intent and directives of the Comprehensive Plan and compliance with the State of Oregon and City of Coos Bay health and safety requirements. Development and Subdivision projects may utilize the Adjustment Review process for this purpose.

17.372.010 Pre-application review.

Adjustment Review is subject to pre-application review application contents specified by Chapter 17.130.035 for development applications. Adjustment review applications related to subdivisions are also subject to the pre-application requirements specified in 17.367.010.

17.372.015 Application contents.

- (1) Chapter 17.130.040 required information**
- (2) Chapter 17.367.030 required information if the application includes a subdivision.**
- (3) Project plans prepared by an Oregon licensed architect for a development project, and an Oregon licensed engineer for a subdivision. For a subdivision application, plans shall also include boundaries of the proposed area, a written explanation of the purpose of the area, planned improvements description and how the manner in which the area will be perpetuated, maintained, and administered.**
- (4) Identification of the purpose statement of the standard or standards for which relief from the strict application of the standard(s) is/are proposed. Note how the deviation of the purpose of the standard (or standards if more than one adjustment is requested) will still allow compliance with the standard (or standards) general purpose.**
- (5) If the project area is in a residential zone, specify how the proposal will be compatible and consistent with the character of the area. This will require examining the homes in the area (one block minimum) and providing written and pictorial examples of how your project will fit into the area.**

(6) If more than one adjustment is being requested, identify the effect of all adjustments and how granting the adjustments will still result in a project that is consistent with the purpose of the zoning district where the project is located. If only one adjustment is requested, this requirement does not apply.

(7) Identify how application of the standard for which an adjustment is desired will preclude the economic benefit of development.

17.372.020 Review process.

(1) Review of a technically complete Adjustment Review application associated with other land use application(s) subject to this title shall be combined with the associated application(s) for processing and review.

(2) If an application for an Adjustment Review is approved and an application(s) subject to an equal or higher number review procedure type is subsequently filed, the decision approving the Adjustment Review may be altered, as determined by the Director, based on the merits of the subsequent application(s).

(3) Chapter 17.130.020 (4b) or (4c), identify the land use review process for Adjustment Review; the process is based upon the project size, type and/or scope. The review process for an Adjustment Review related to a subdivision is also subject to the review process requirements of 17.367.020.

(4) Applications for Adjustment Review projects and/or subdivisions shall include applicant use of the services of a licensed architect to prepare the project design and application for four acres or less. For areas of more than four acres, required is applicant use of a professional design team comprised of an architect, civil engineer or land surveyor and a landscape architect or planner.

17.365.025 Expiration and extension

Authorization of an Adjustment Review is subject to expiration and extension timeframes specified in 17.130.140 Expiration and extension of decisions.

17.365.030 General Provisions

(1) Adjustment Types

(A) Class 1 – An adjustment to density not to exceed 10% and/or an adjustment to any CBDC numerical development standard in the CBDC that increases or decreases the standard by not more than 20 percent.

(B) Class 2 – An adjustment to density not to exceed 20% and/or an adjustment to any CBDC development standard other than a Class 1 adjustment, including an adjustment to any numerical development standard in the CBDC that increases or decreases the standard by more than 20 percent.

(2) Adjustment Review may not be used for modification of:

(A) A use or activity not allowed under the CBDC or CBCP.

(B) The status of a use or activity under the CBDC.

(C) A definition or use application.

(D) A use standard.

(E) The applicability of any CBDC requirement.

(F) A prohibited use or standard

(G) A CBDC procedural requirement.

- (H) A condition of approval placed on a property through a previous planning action.
- (3) No adjustment shall be allowed that conflicts with the City's Comprehensive Plan, the Coos Bay Municipal Code or any state or federal requirements or limitations to protect natural resources and/or public safety.
- (4) In granting an Adjustment the review authority may attach conditions to protect the health, safety and welfare of the public and to mitigate adverse impacts which might result from the approval.
- (5) The Adjustment will run with the land and is not transferable.

17.365.040 Approval criteria.

- (1) The following approval criteria applies to any Adjustment Review authorization:
 - (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified.
 - (B) The proposal will not detract from the livability or appearance of the residential area. (for residential projects only)
 - (C) The cumulative impact of more than one adjustment results in a project which is still consistent with the overall purpose of the zone. (this finding applies when more than one adjustment is requested)
 - (D) Reasonable economic use of the site would be adversely impacted with the application of the regulation in question.
- (2) The following criteria applies to Class 1 Adjustment Review authorization:
 - (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Clearly satisfied by the proposed development and
 - (B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.
- (3) The following criteria applies to Class 2 Adjustment Review authorization:
 - (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Equally or better met by the proposed development.
 - (B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.
 - (C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.
 - (D) The adjustment will enable the project to provide a CBCP public benefit or accommodate an affordable housing need.

17.365.050 Modification of Adjustment Review

- (1) Applicability. An adjustment may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed modifications that do not meet the criteria in this section require submittal of a new application for adjustment.

- (2) Submittal requirements. An application for modification of a Class 1 or Class 2 adjustment approval shall include the information required by 17.372.015.
- (3) Criteria. An application for modification of a Class 1 or Class 2 adjustment approval shall be granted if all of the following criteria are met:
 - (A) The proposed modification does not substantially change the original approval; and
 - (B) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.
- (4) Expiration. The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

City of Coos Bay

COMPREHENSIVE PLAN 2000

Volume 1

**Plan Policy Document
1987-2000**

**Coos Bay City Council
1981**

UPDATED JUNE 2010

ZONG ORDIAUCE

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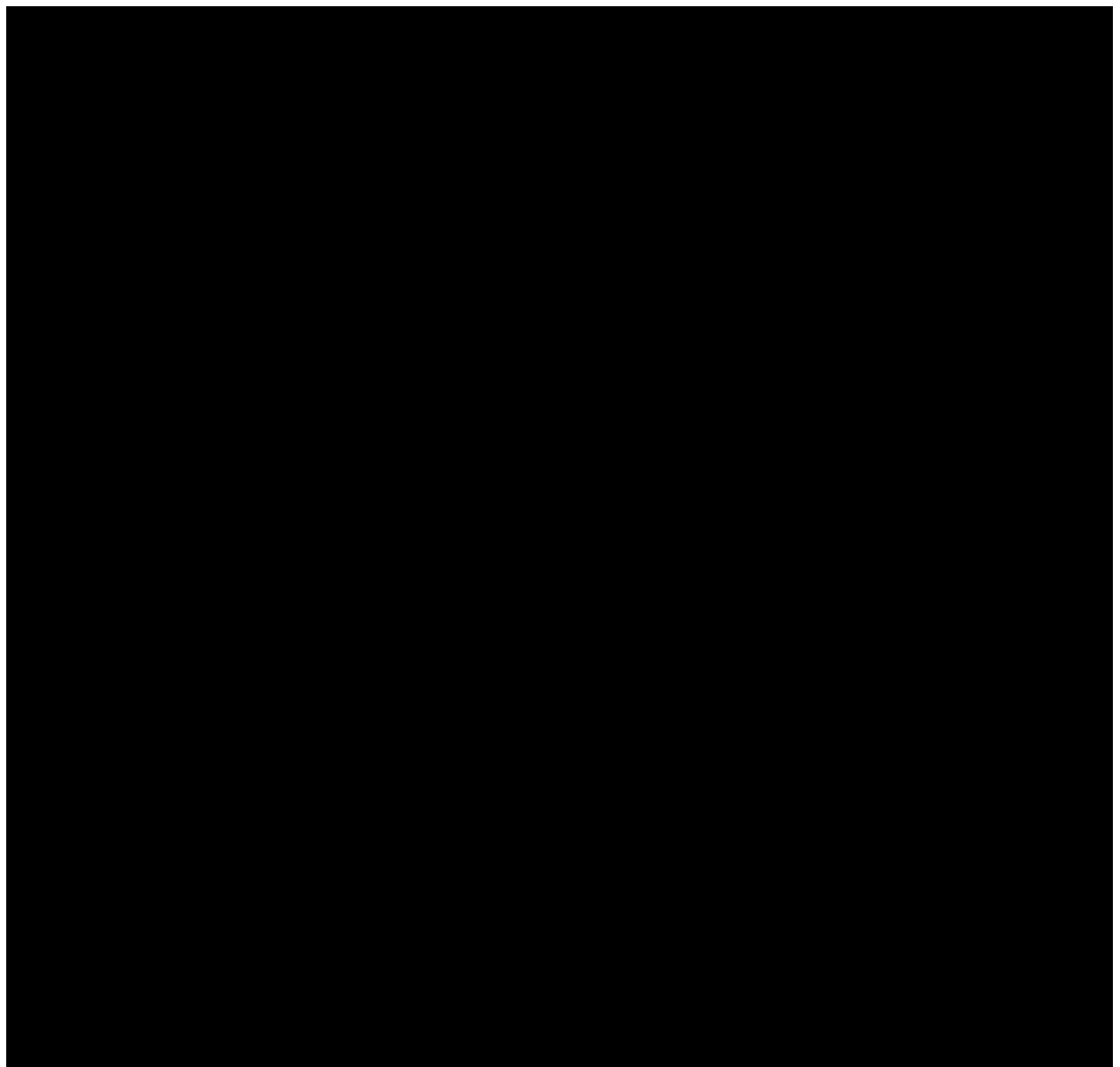
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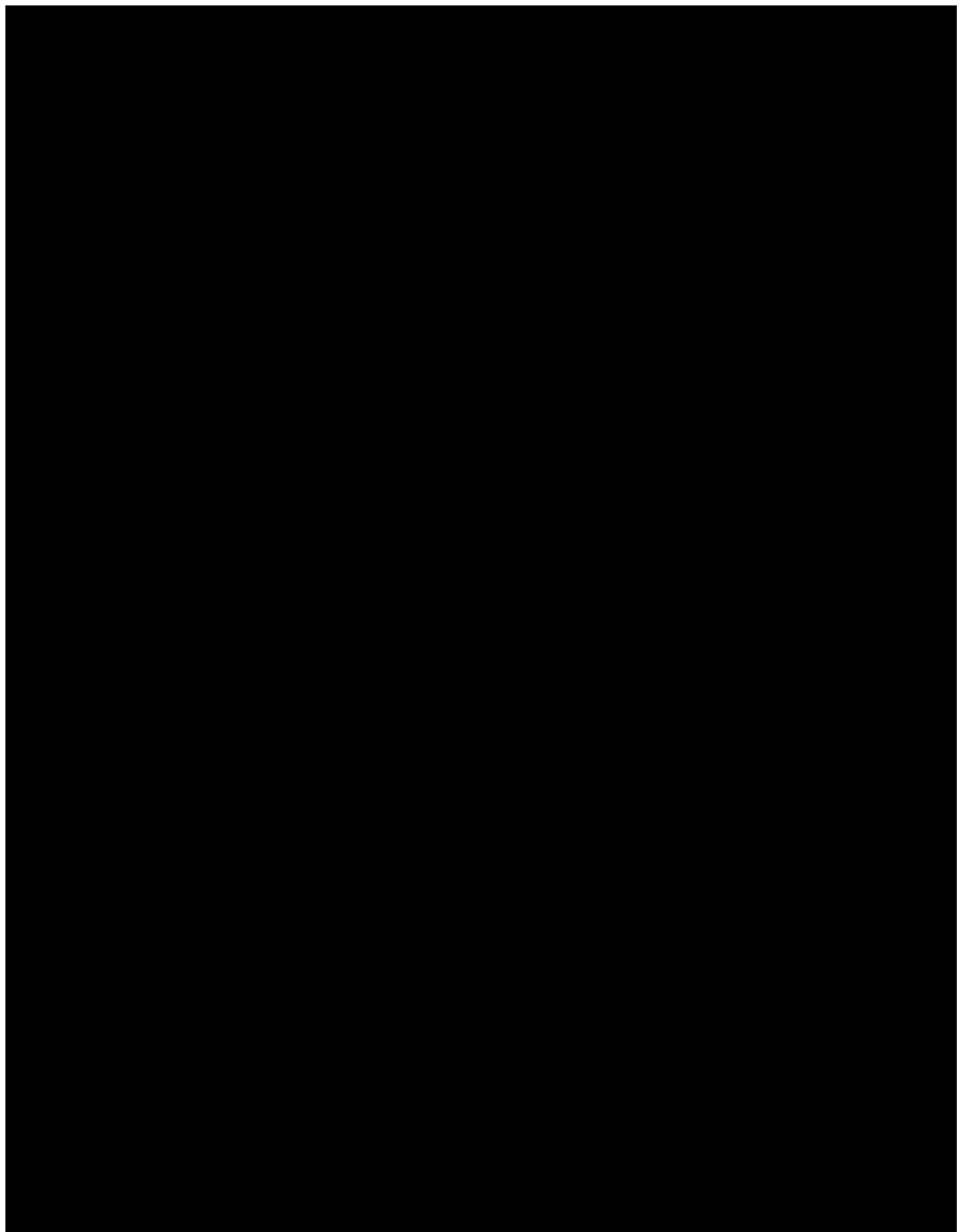
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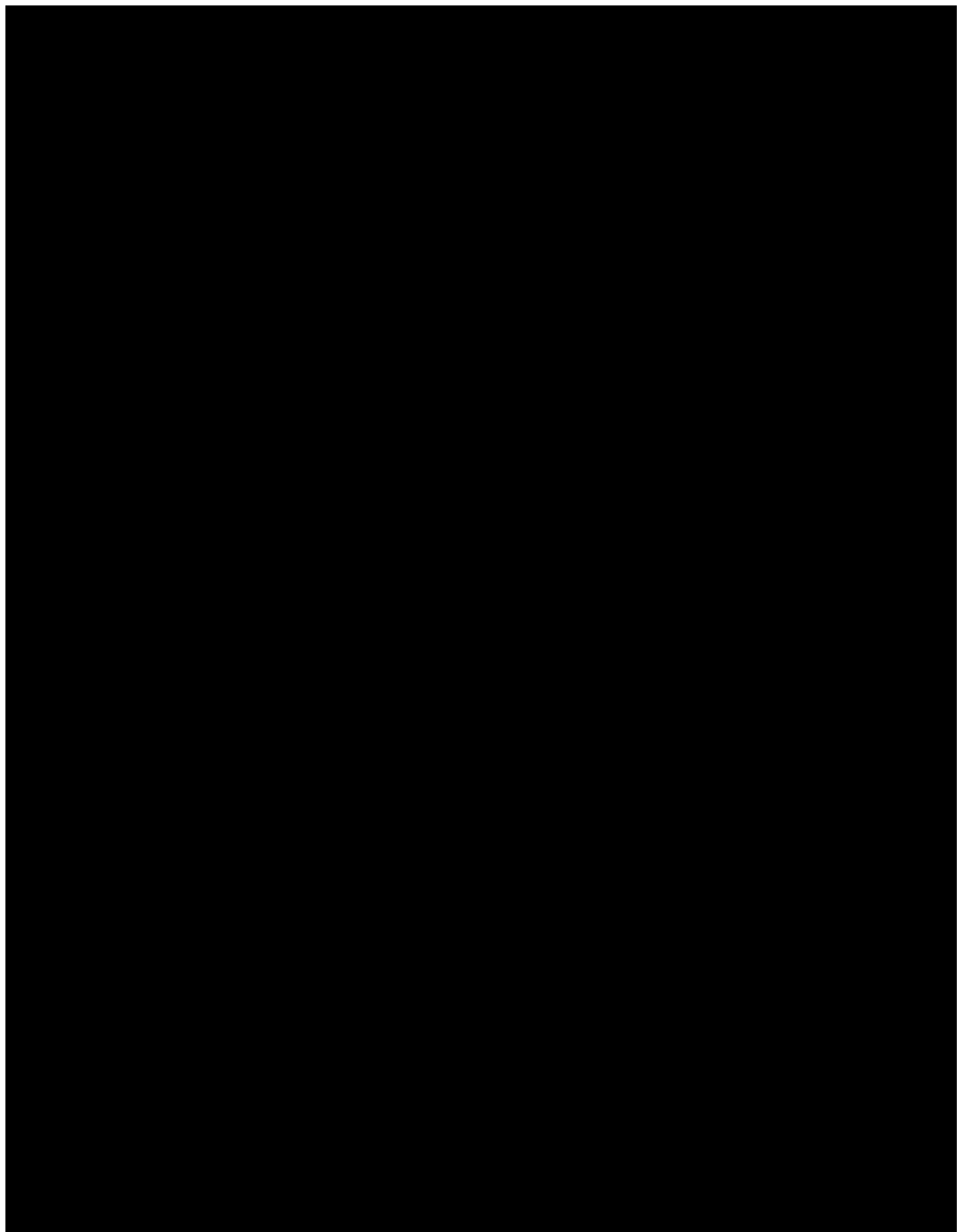
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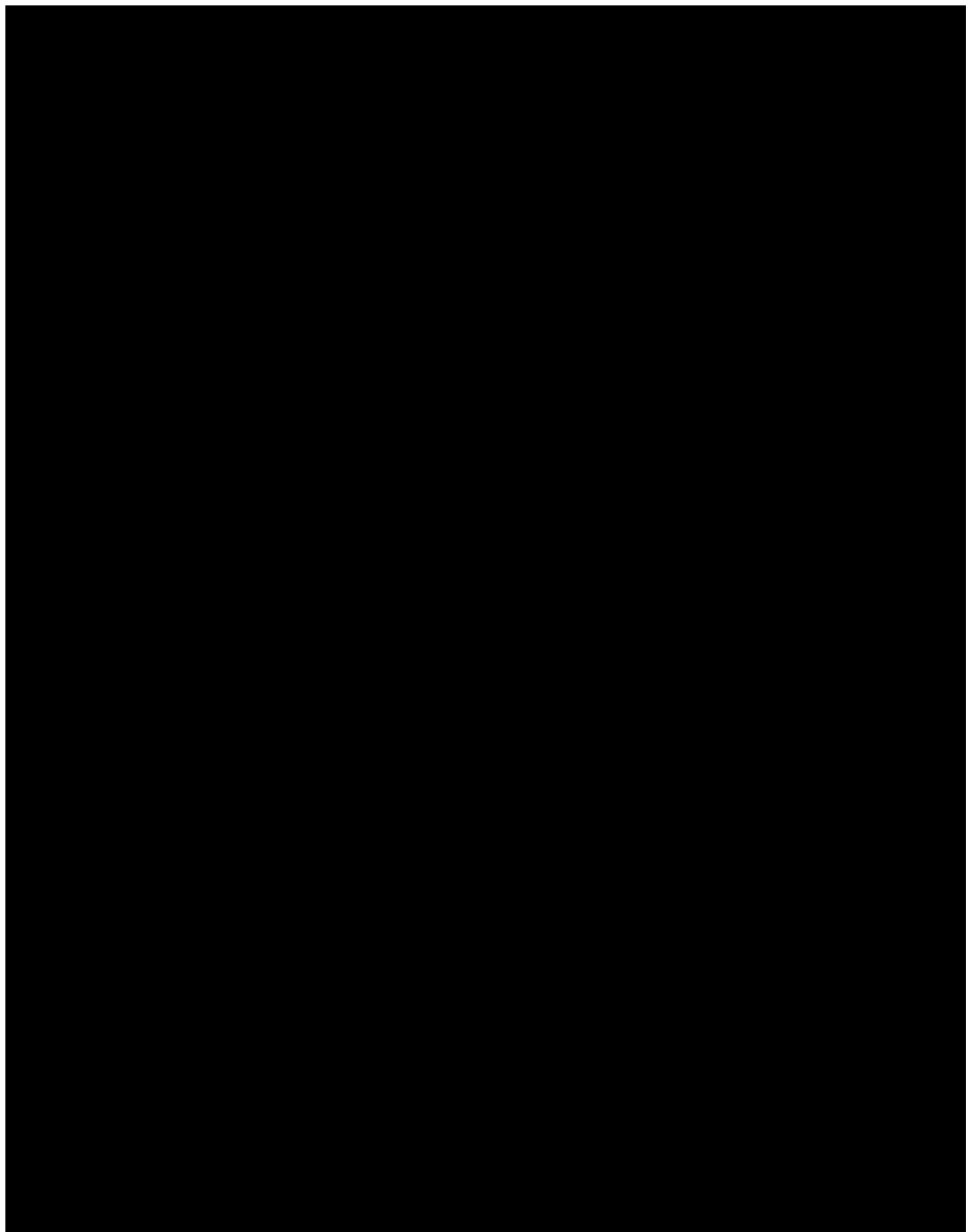
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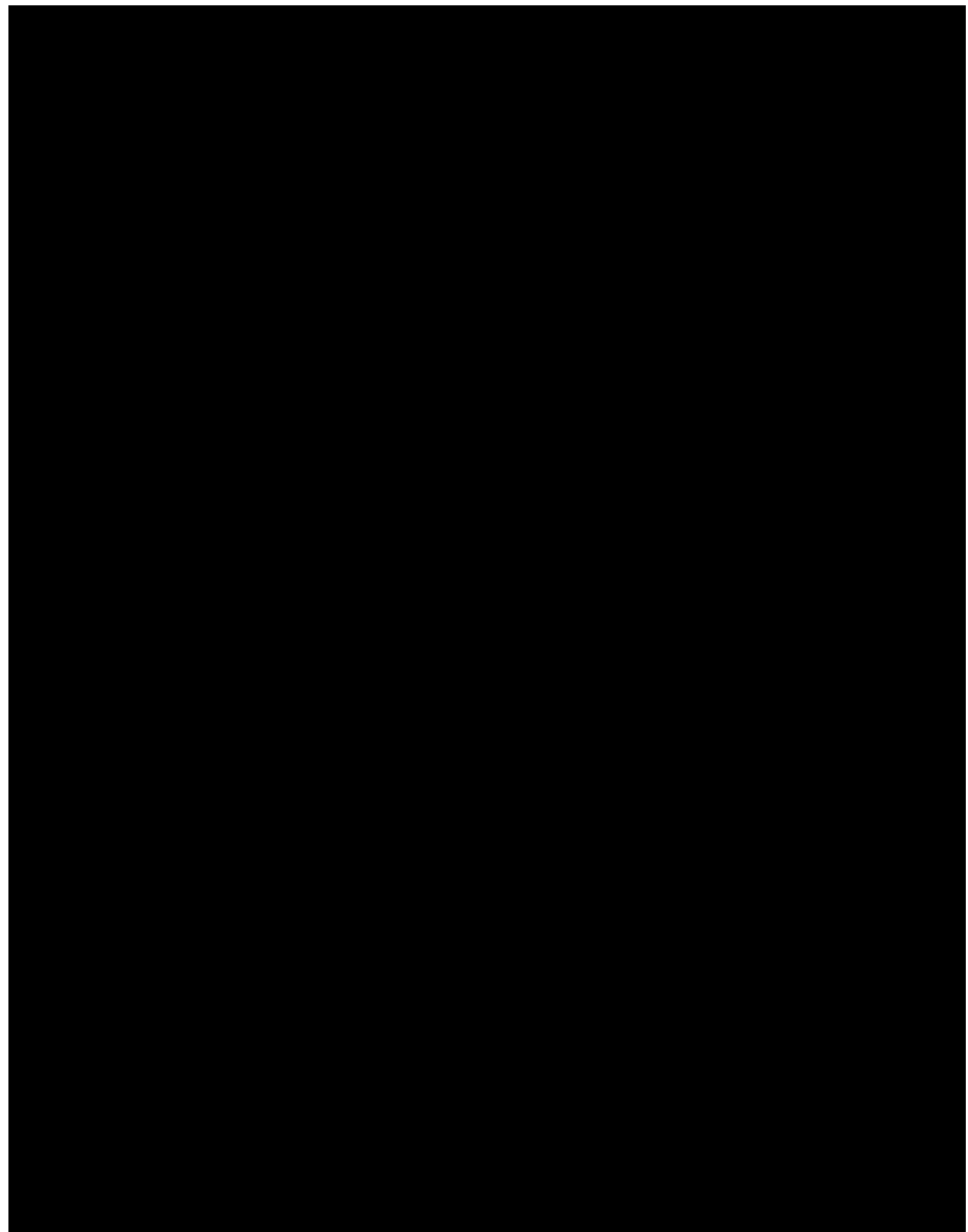
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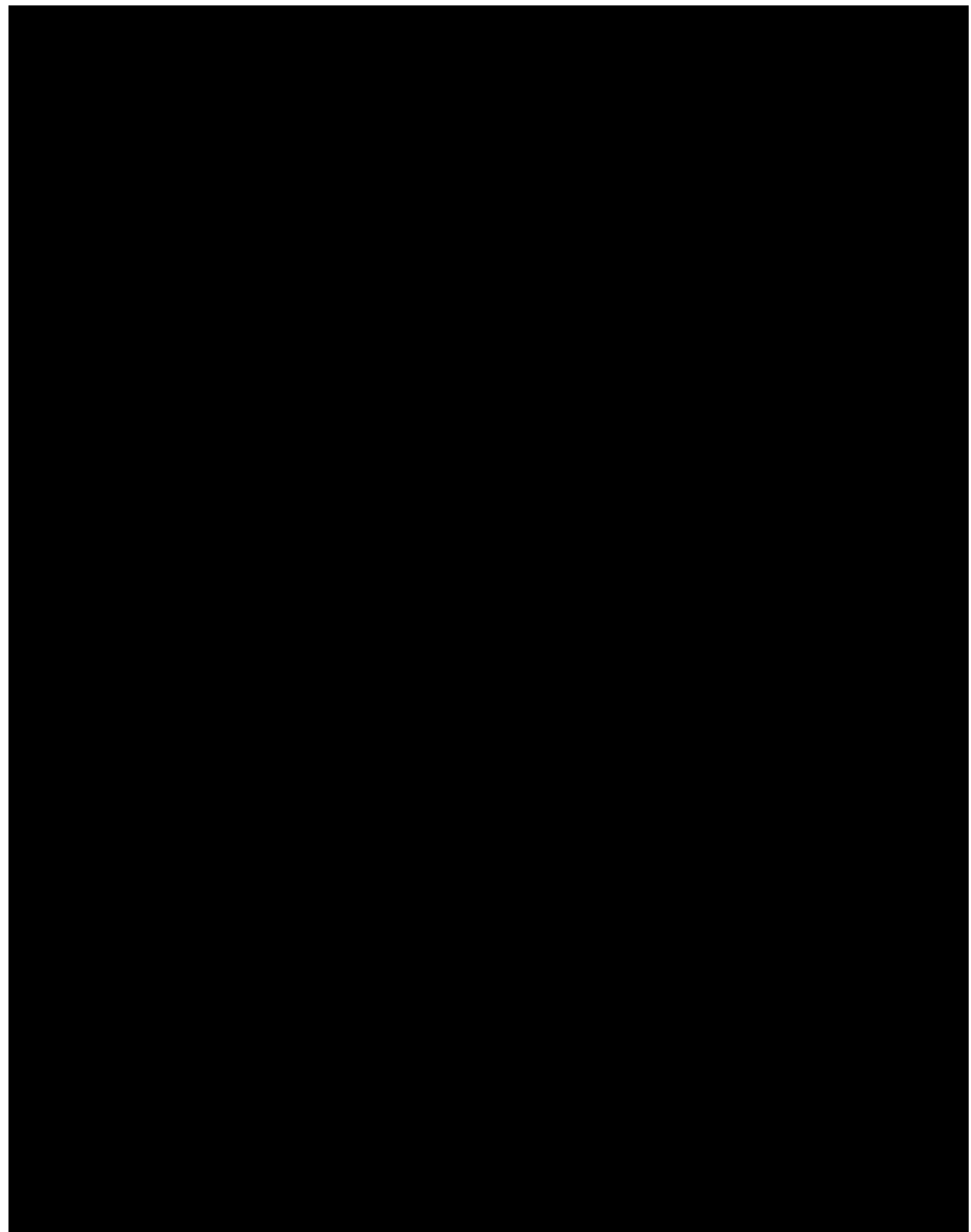


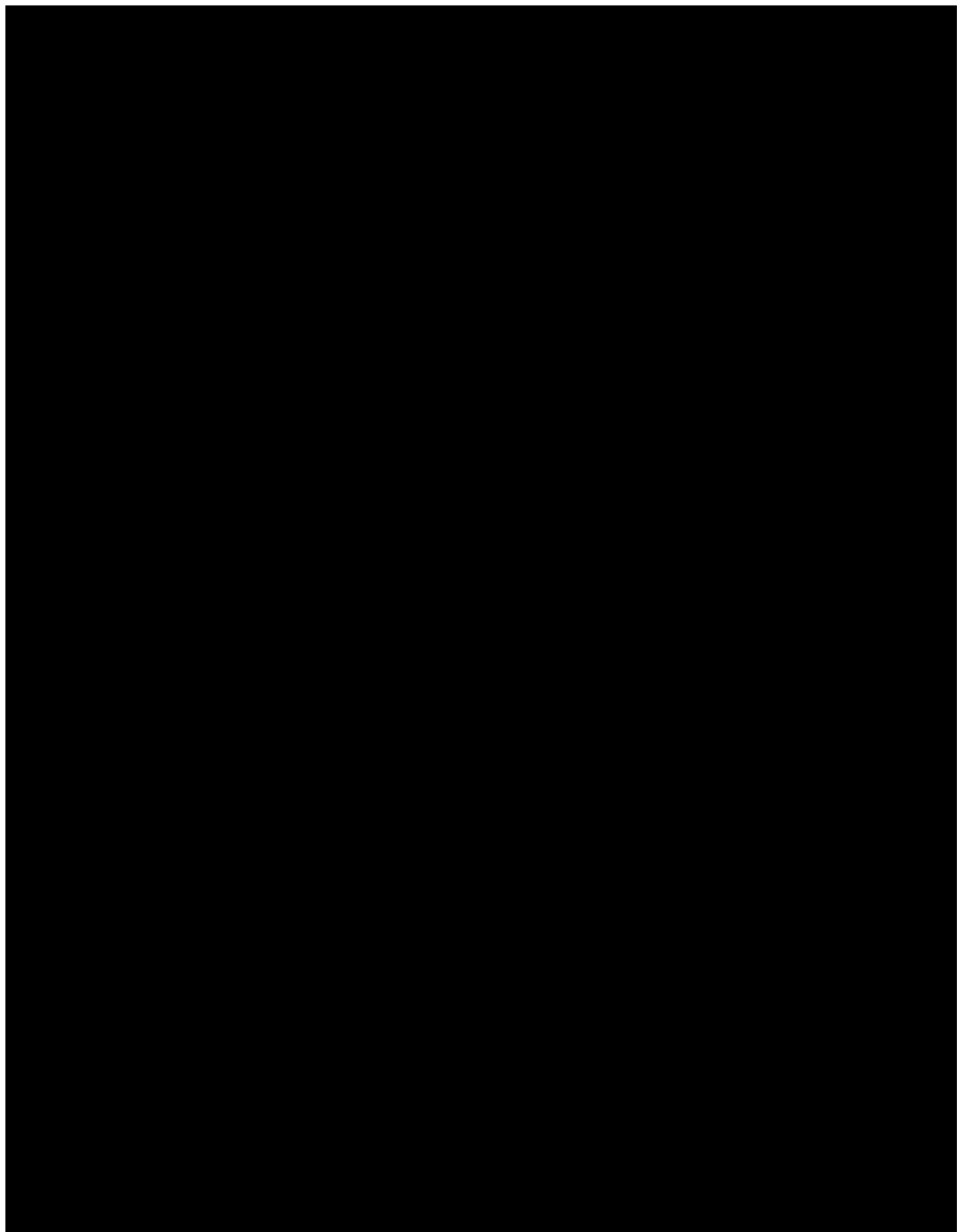


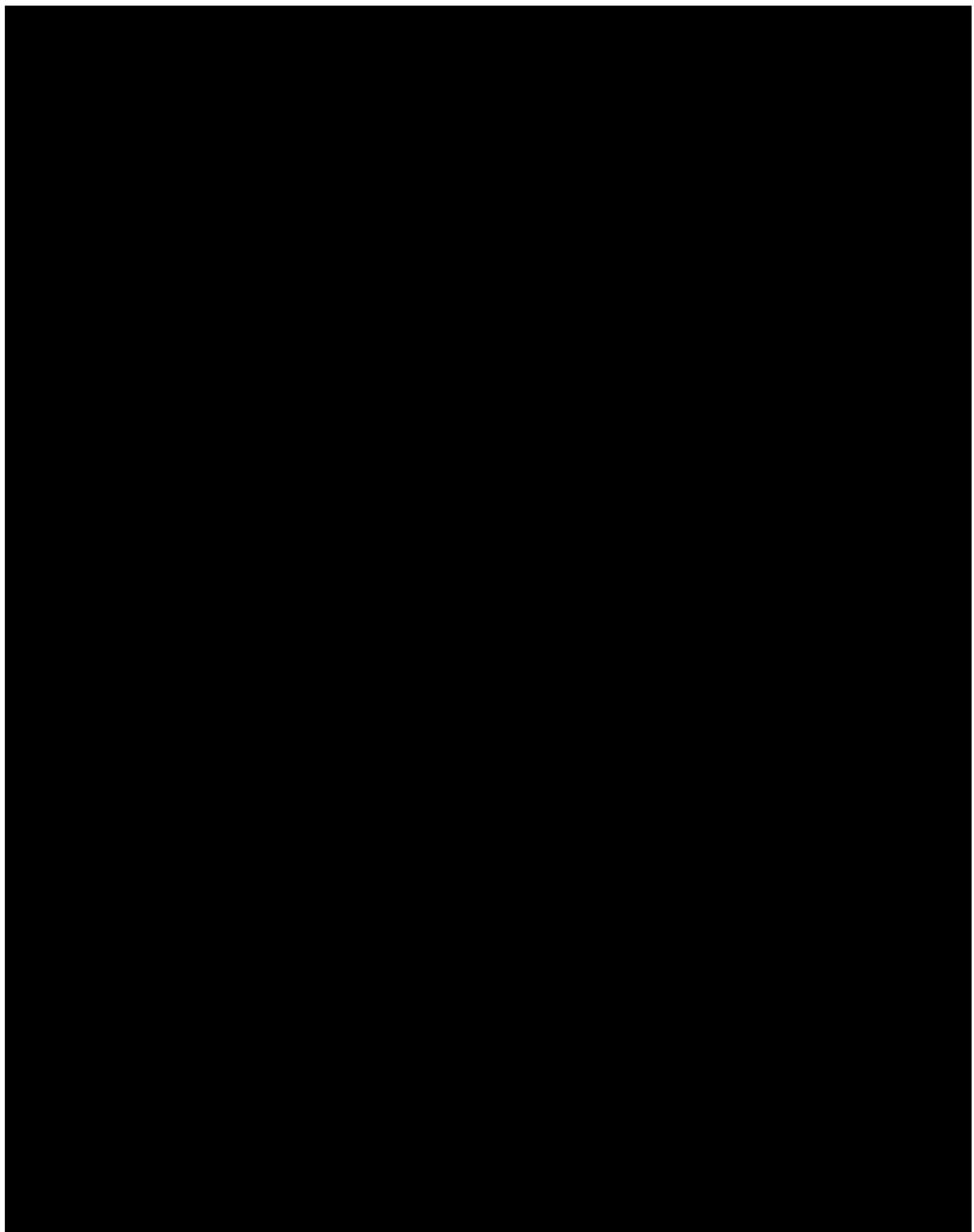


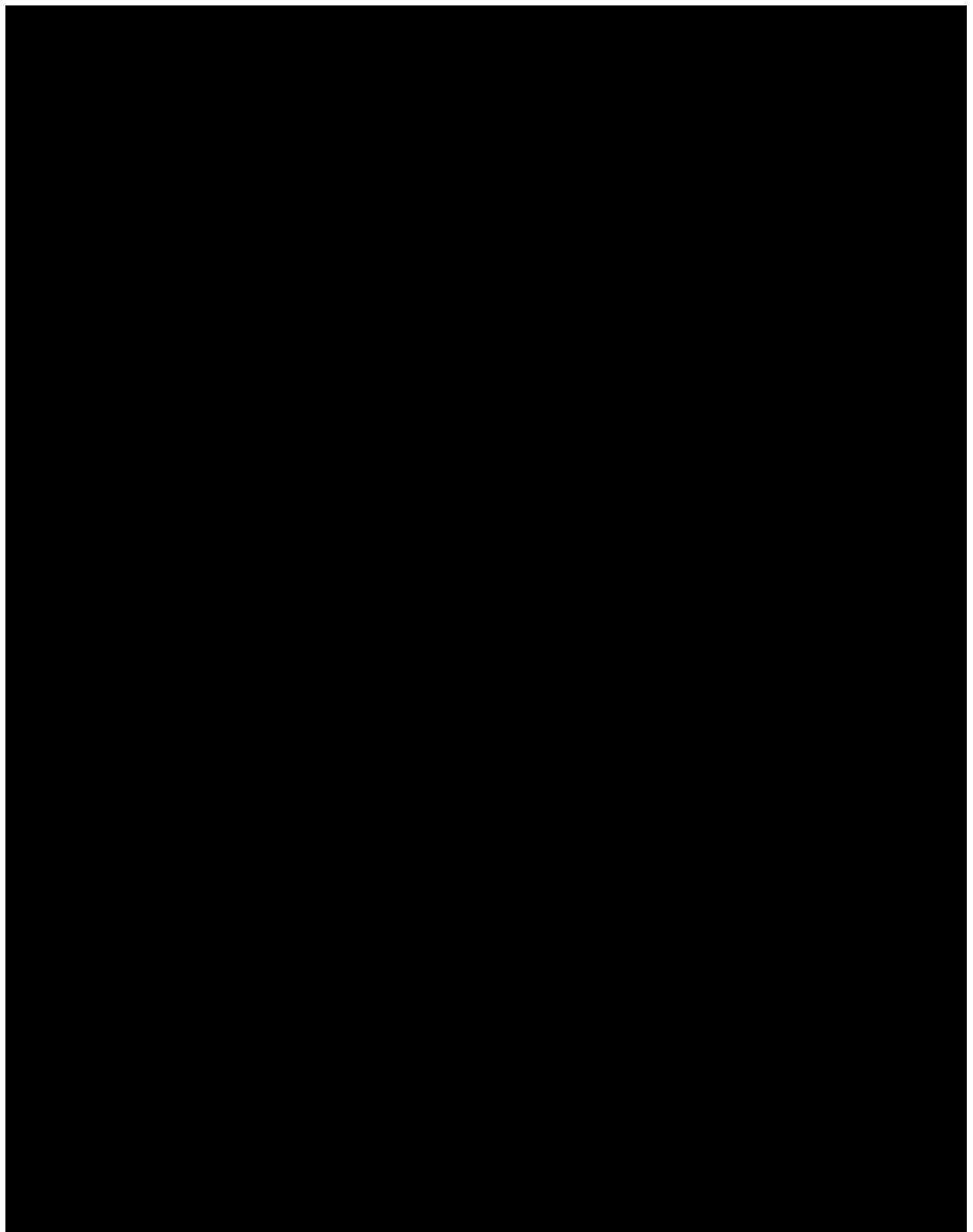


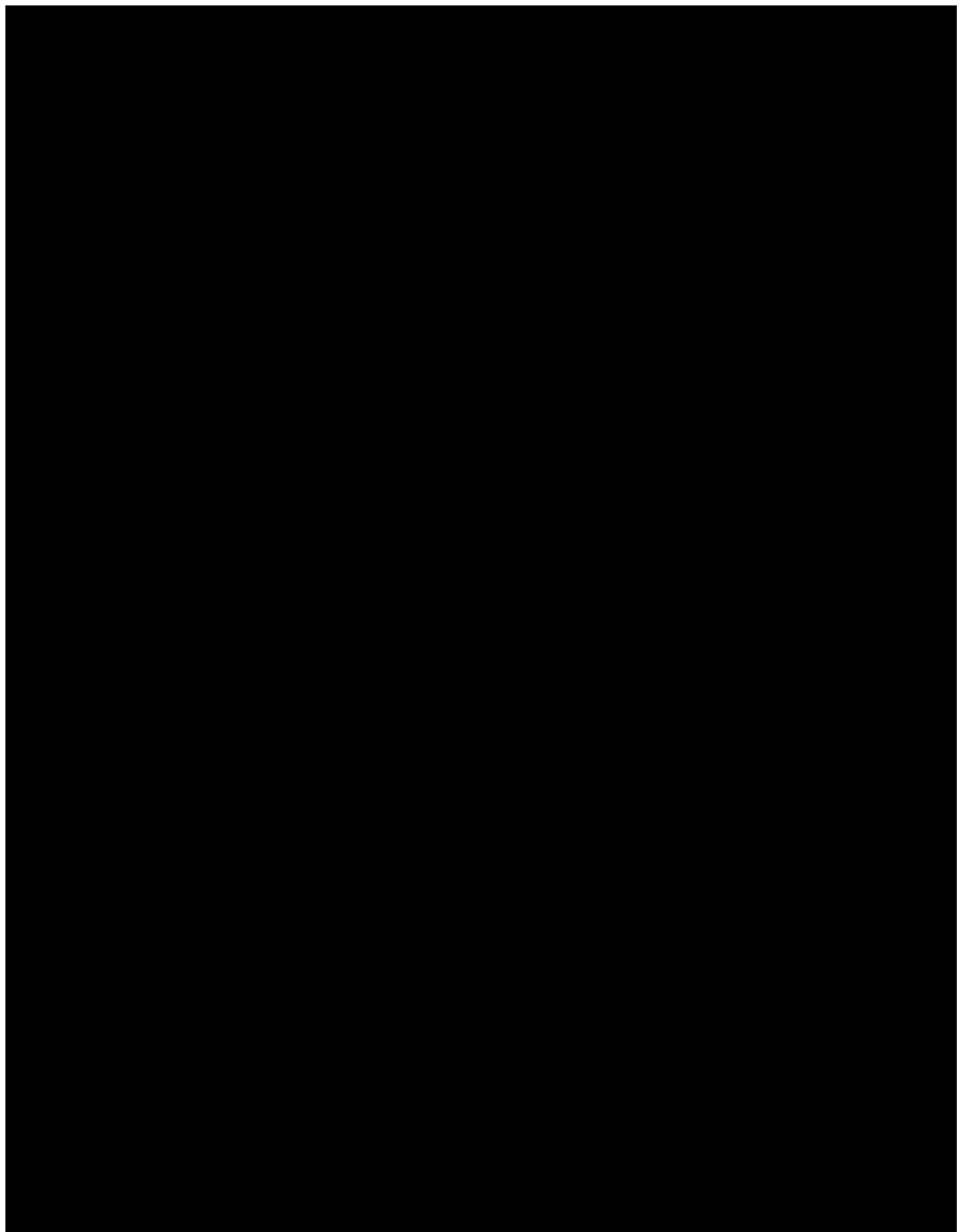


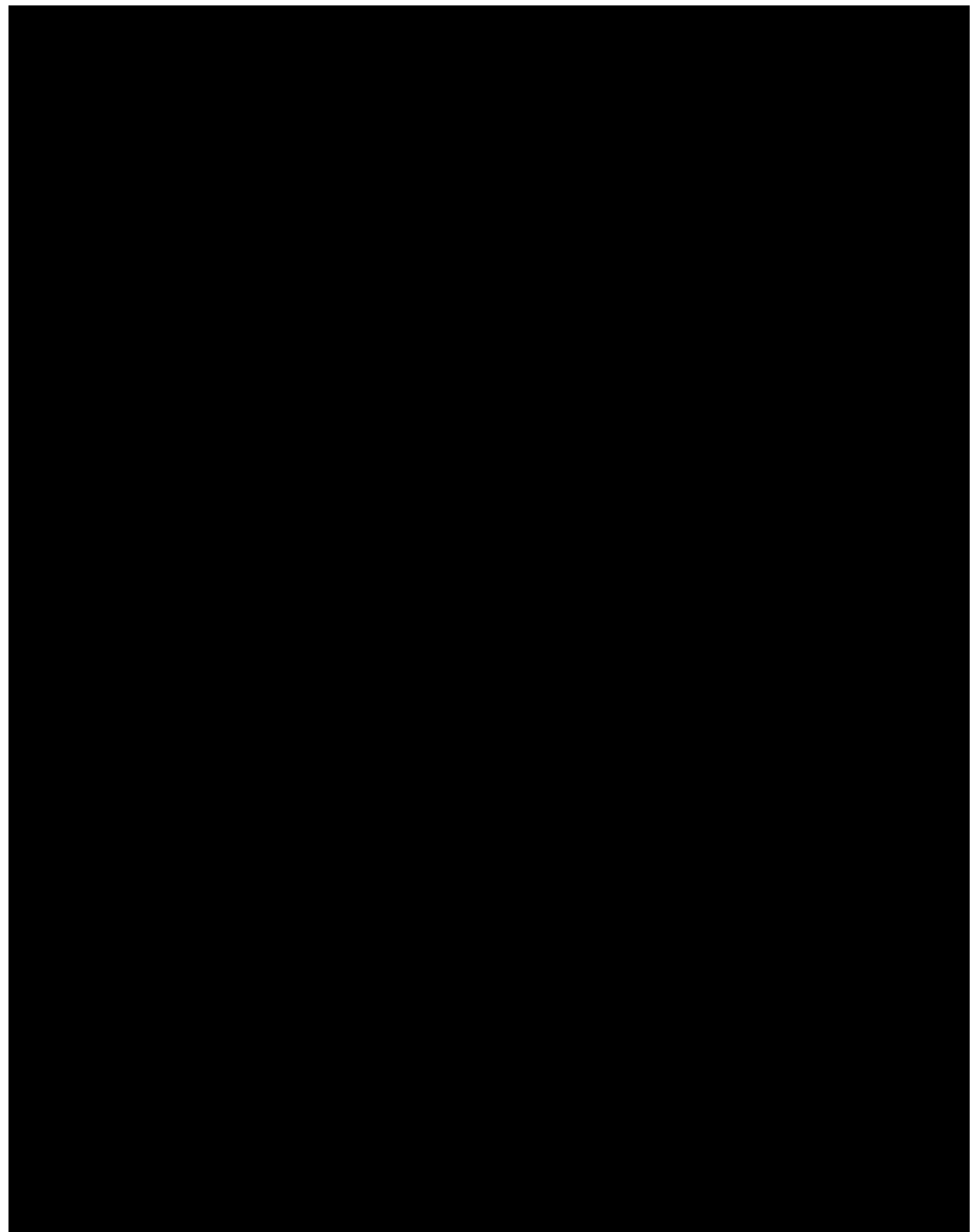












INTRODUCTION

CHAPTER 1

1.1 GENERAL INTRODUCTION

The Coos Bay Comprehensive Plan 2000 has been developed by the joint efforts of the Committee for Citizen Involvement, the Coos Bay Planning Commission, and the Coos Bay City Council. It represents the culmination of three years of researching and of innumerable meetings to develop, refine, and approve a plan to meet the distinctive needs of this city. The document contains the general policies guiding the city's development which were created in accordance with the statewide planning goals and in consideration of the statewide planning guidelines as adopted by Senate Bill 100 and Senate Bill 570. The City of Coos Bay completed Period Review on . Periodic Review included the former Eastside Comprehensive Plan and Coos Bay Comprehensive Plan being merged to become one document, known as the Coos Bay Comprehensive Plan.

All data specifically relating to the former City of Eastside was retained in the new document. This data included but was not limited to inventory and plan policy information. The document is organized into five major sections which chronologically follow the steps involved in the planning process.

1. Background:

It is necessary to first understand the City's and State's planning history and devise the structure for developing the new plan. The emphasis here is placed upon recognizing the purpose of a comprehensive plan, the importance of citizen participation, the need for agency coordination, and how to make the plan effective.

2. Research and Data Base:

It is not possible to make municipal land use policy without first understanding in detail existing conditions. Inventories of the physical environment, ecology, the cultural environment, and land use must be made. In many cases, this analysis cannot segregate the city from the area as a whole. Therefore, references to "planning area" denote the city and environs to the south (roughly to Millington and Charleston) (Map 1.1-1). This section of the plan document contains a brief overview of the more lengthy inventories which are contained in a companion volume of this plan. (City of Coos Bay 1981: Vol. II).

3. Identification of Problems and Goal Setting:

Consideration of the factual information amassed in the inventory material results in an understanding of problems affecting the city's future growth and development. This analysis sets the direction for creating long-range goals and general development strategies or policies. This section and section 4 are the nucleus of the plan.

4. Overall Land Use Plan:

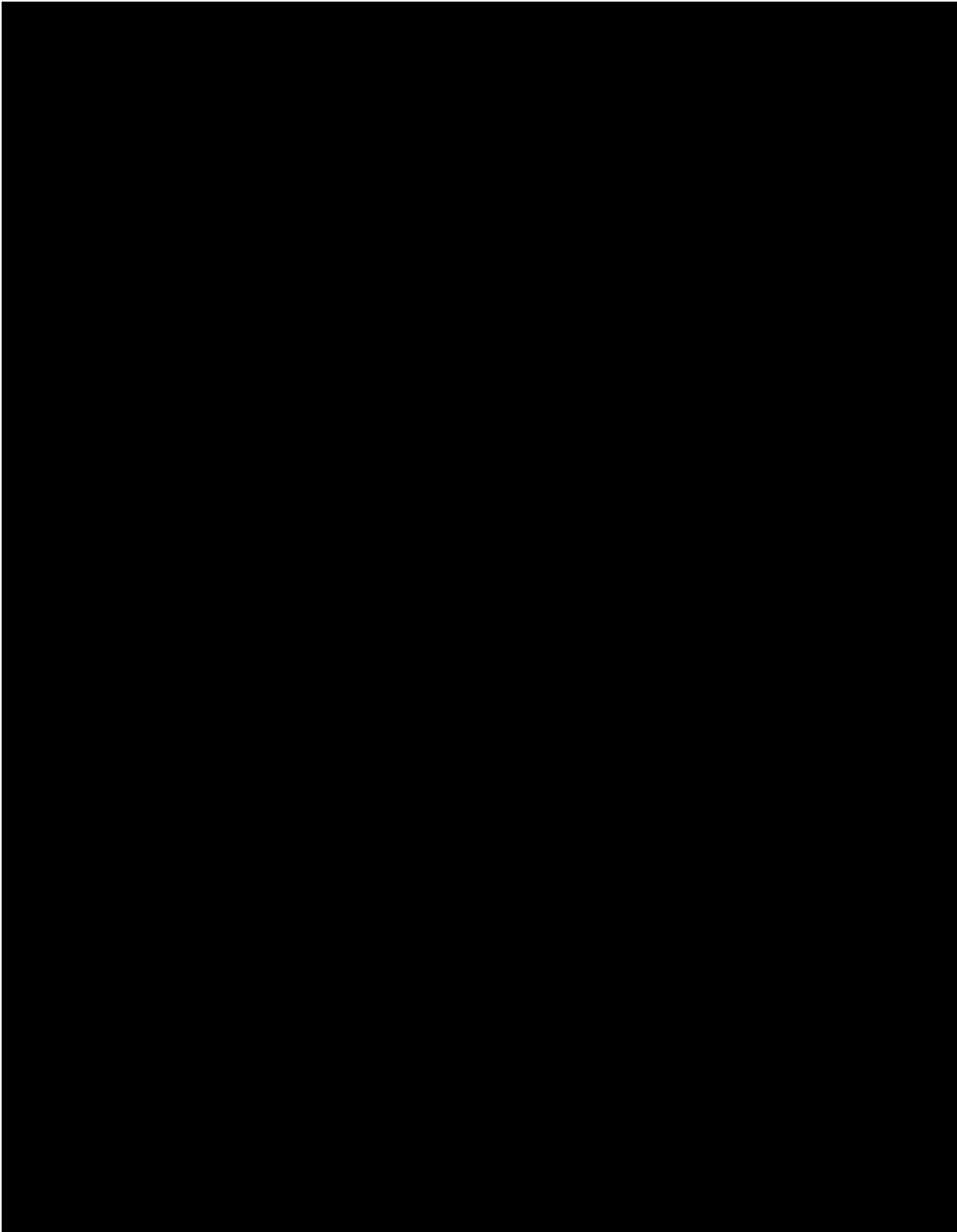
Coupled with these strategies (policies) of how the city will develop, general land uses must be identified to delineate where development can occur.

5. Plan Administration:

A plan is not meant to be static; it should change with need in order to be effective. This section describes the ongoing activities of periodic plan review by the public and other agencies. It also establishes how the plan can be amended and how conflicts in policy direction can be resolved.

Map 1.1-1

Coos Bay City Limits and General Planning Area



1.2 PURPOSE

Comprehensive Plan - Definition

A City development plan has been a planning tool in America since the turn of the century under such various labels as general plan, master plan, comprehensive plan, development plan, and so on. There are several characteristics which define the functions of a plan; it is physical, long-range, and comprehensive; it states policy and is used as a decision-making guide. As Oregon law states,

... a comprehensive plan is a set of public decisions dealing with how the land, air, and water resources of an area are used or not used considering the present and future of an area. (LCDC 1977)

First, as a physical plan, it guides the development or redevelopment of a city in terms of where, how, and when it can occur. Although the ultimate produce emphasizes physical development, the plan results from due consideration of people by incorporating social and economic factors. Second, the plan is long range in scope and covers a period of generally 10 to 20 years, usually with a re-examination every five years. It is comprehensive by encompassing all geographic areas of a city and deals with all city functions and community resources.

As a plan is developed, a community makes decisions about growth and development. These decisions, reflecting the desires of the community, are expressed in broad goals or "apple-pie" statements that are refined by policies. These goals and policies are the flesh of a plan, and lead to the final element of a comprehensive plan – its function as a guide to future decision making. It is all too often unclear what role the comprehensive plan should take once it has received a stamp of approval. Many plans are prepared at great financial expense and labor only to sit and gather dust. Oregon legislation and case law are clear that a comprehensive plan is the basis upon which public decisions should be made. Moreover, an approved comprehensive plan supersedes other conflicting ordinances and laws, and the land use control measures must be supported by a plan. The Oregon Supreme Court has clarified this point on several occasions, and has stated, for example, that:

... a comprehensive plan is the controlling land use planning instrument for a city. Upon passage of a comprehensive plan, a city assumes a responsibility to effectuate that plan and conform prior conflicting zoning ordinance to it. We further hold that the zoning decisions of a city must be in accord with that plan. (Baker v. City of Milwaukie, 1975)

Oregon Planning

Specific Oregon legislation aimed at empowering and protecting a city's right to regulate land use originated in 1919 when enabling legislation permitting cities to establish planning commission and establish laws governing local land use. Several decades passed before Oregon again ventured into the field by enacting a series of legislation aimed toward statewide mandated land use planning.

- 1969 Senate Bill 10 required cities and counties to develop comprehensive land use plans in compliance with 10 goals. The bill did not provide for enforcement of the goals, financial or technical assistance by the state, nor a mechanism to coordinate planning efforts locally.
- 1973 Senate Bill 100 is a more comprehensive land use act selecting the more desirable components of SB 10 and creates the Land Conservation and Development Commission who is charged with coordinating and promoting comprehensive planning and to provide for orderly growth and development. Public participation is compulsory; state assistance is to be provided to local jurisdictions, and plans of state, local, and federal agencies are to be coordinated.
- 1974 The LCDC adopted the first 14 goals.
- 1975 The LCDC added Goal 15 concerning the Willamette River Greenway.
- 1976 The LCDC adopted the four goals concerning coastal resources upon recommendation of the Oregon Coastal Conservation and Development Commission.
- 1977 Senate Bill 570 clarified the goals vs. the guidelines. The goals are law which must be addressed; the guidelines are the state's suggestions of ways to satisfy the law.

Coos Bay's Planning History

The City of Coos Bay has had a long tradition of zoning and planning beginning in 1927 with the creation of the City Planning Commission. Minutes of these early meetings disclose that considerable time was devoted to improving and beautifying the city; for instance, Mingus Park was acquired and improved during this time. In addition, parking, housing, public parks, street lighting, and sanitation were examined. The Commission gradually developed and refined ordinances and master plans (outlined in Table 1.1-1) which demonstrates that planning and zoning are not new to Coos Bay.

TABLE 1.1-1

HISTORY OF ZONING, COOS BAY

<u>Date</u>	<u>Activity</u>
1927	<u>November</u> – Ordinance 1248 is adopted which creates a City Planning Commission.
1928	<u>January</u> – Committees are formed to study lighting; zoning (building areas, traffic, parking vehicles); streets (beautifying, improvements, changes, widening, new additions); housing (construction, height, size, convenience, saleability, location on lot, appearance, upkeep); parks and playgrounds (location, size, improvements, maintenance); and sanitation and improvement of lots and vacant property.
1928	<u>June</u> – Commission adopts policy to review building plans prior to the issuance of permits.
1928	<u>August</u> – Committees present a map of zoning districts, and agreed that a zoning ordinance be drafted and presented to the City Council.
1928	<u>December</u> – The issue of lot coverage is discussed.
1929	<u>January</u> – A milk ordinance is adopted.
1929	<u>September</u> – The proposed zoning ordinance is accepted by the Commission and a public hearing set for October 15, 1929.
1929	<u>October</u> – A citizen object to the construction of gardens. With no adopted ordinance, the Planning Commission has not authority to prevent its construction.
1930	<u>May</u> – The proposed zoning ordinance approved and presented to the City Council.
1931	<u>January</u> – The Commission approve the Hollywood Plat.
1937	<u>May</u> – The first Zoning Ordinance adopted by the City Council, Ordinance #1327.
1940	<u>December</u> – Zoning Ordinance #1540 adopted.
1945	<u>November</u> – The need for a Master Plan and cooperative planning with other bay area cities expressed by the Commission. Robert Pierson, Planning Consultant, with the League of Oregon Cities, retained to prepare the city's master plan.
1947	<u>April</u> – Master Plan is adopted.
1947	<u>June</u> – As a result of the newly adopted Master Plan, Pierson pointed out the need for a new zoning ordinance.

- 1948 August – Zoning Ordinance #1675 was adopted. Ordinance #1764, governing trailer coach parks, also adopted.
- 1950 February – Commission discussed the reconsideration of the city’s Master Plan.
- 1958 October – The North Broadway area designated as the first project under the Urban Renewal Program.
- 1959 October – The first subdivision ordinance adopted – Ordinance #2057. This ordinance is still in effect with few minor changes.
- 1960 October – New Master Plan adopted.
- 1965 October – Zoning Ordinance #2242 adopted.
- 1967 October – The first Sign Ordinance adopted – Ordinance #2400.
- 1970 September – Sign Ordinance #2444 adopted.
- 1971 June – Preliminary land use plan adopted.
- 1974 August – Master Plan and Land Use Map completed and Zoning Ordinance #2610 adopted.
- 1976 April – Sign Ordinance #2674 adopted. This ordinance is still in effect.
- 1976 August – Zoning Ordinance #2685 adopted. This ordinance is still in effect.
- 1981 June – Zoning Ordinance #2875 is adopted in conformance with the 1981 Comprehensive Plan.
- 1987 June – Zoning Ordinance #93 is adopted in conformance with the Comprehensive Plan.

Source: City of Coos Bay, Planning Commission Minutes, 1927 – 1988.

1.3 THE PLANNING PROCESS

The current planning process for the city was underway in 1977. At that time, the city was functioning under the goals of a plan completed in 1974. However, state legislation, passed on 1973, 1974, and 1976 mandating the consistency of city and county land use plans, established several statewide requirements. These laws were reinforced by four broad stipulations:

1. All city and county land use plans take into consideration specific topics or goals (18 applicable to the City of Coos Bay) affecting natural resources, housing, economic development, energy conservation, recreation, urban growth, and so forth.
2. Such plans must be coordinated so that policies of one jurisdiction's land use plan do not cause undue conflict in the land uses of another area.
3. All land use decisions must be based upon documented, factual information.
4. Measures must be established to adequately solve needs identified by the plan, such as ordinances, improvement programs, and further study.
5. Coos Bay's 1974 plan could not meet all these requirements as set by law, so with financial and technical assistance from the LCDC, Coos Bay embarked upon another comprehensive planning effort.

Notwithstanding the fact that the 1974 Plan would not meet all statewide requirements, the underlying values of both that plan and this new comprehensive plan are parallel. It is the intent of both plans to address the need of anticipated growth by maintaining a balance between physical development on one hand, and its effects on facilities, services, transportation, and the environment on the other. The aim to guide residential, commercial, and industrial development in the best interests of city residents has not dramatically changed from that established in 1974.

The two plans generally stand apart only to the degree to which this plan states policy in more specific terms and spells out the justification for each policy and the means by which each policy will be effectuated.

The following table summarizes the countless time and labor concentrated upon the preparation of this plan:

TABLE 1.2-1

PLANNING ACTIVITIES, COOS BAY'S COMPREHENSIVE PLAN

1977 January – March. City participates in the preparation of the Commercial Airport Siting Element with the City of North Bend and the Coos-Curry Council of Governments.

April – May. Soil classes for the entire city are mapped and analyzed.

May – December. A land use inventory of existing land uses is amassed on a parcel-by-parcel basis. This special project includes mapping of the land uses and computation of land area by type of use.

May – September. A housing condition survey is conducted based upon field inspection of all dwelling units.

1978 January – August. Background information for each statewide goal is researched, staff gathers pertinent literature, interviews knowledgeable person, attends workshops and meetings on planning issues.

August. A general citizen attitude survey and a survey about the 4th and Alder Intertie is prepared, distributed, and tabulated by the Committee for Citizen involvement.

August – December. Drafts of background inventories are prepared.

July – December. Drafting of maps and associated graphics commences and continues through the next year.

1979 January Background. Inventories are distributed to local, state, and federal agencies; citizens; city staff; and Planning Commission for review.

February – March. Committee for Citizen Involvement sponsors several public meetings to review the inventory data. Concurrently, local, state, and federal agencies issue written comments.

April. Pursuant to citizen agency input to the inventory information, specific problems and issues associated with each goal and three land use alternatives are developed in draft form by staff. This first draft is reviewed by the CCI and agencies, and the draft plan and proposed changes are forwarded to the Planning Commission. A series of 14 public meetings are devoted to the inventory and plan review.

May – October. The Planning Commission holds 20 meetings to discuss the draft plan document and make its recommendations to the City Council. Additional public input is logged during these sessions.

April. A Zoning and Property Development Committee is formed by the CCI to review the zoning and subdivision ordinances and make specific revision recommendations to the Planning Commission. The Committee is composed of two commissioners and several community persons active in the construction and land development trades.

September – December. The approved inventory documents are edited and prepared in final form.

August. The city initiates its participation in the Coos Bay Estuary Management Plan with North Bend, Eastside, Coos County, and affected local, state, and federal agencies. The Interagency Task Force is formed by elected officials of these jurisdictions and designated representatives of the agencies.

October. The City Council begins a series of 12 meetings held with the Commission and CCI to review the second draft of the plan document. Differences of opinion between the Commission and the CCI are duly noted and discussed.

December. Staff begins work with Coos County staff in the Coos Bay/Coos County urban growth management plan. Urbanization issues are aired by the city and county governing bodies.

1980 January. The January 1, 1980 compliance deadline to request acknowledgement from the LCDC passes, the city proceeds to use the 60-day slippage period.

(January. The City of Eastside adopts the Eastside Comprehensive Plan on January 8, 1980 per Resolution 8-1.)

January – March. City Council continues its review of the second draft of the plan and concludes that the existing southern city limits shall restrict future growth in that direction since there is sufficient buildable residential land within the city.

March – December. Planning Commission and CCI begin a review of the proposed Land Development Ordinance which is one of the major plan implementation measures.

January – December. Coos Bay Estuary Planning process continues. A preliminary draft of the plan and inventories is to be prepared by the end of the year.

March. City Council holds a public hearing on the plan, except for the urbanization and estuary policies. Little public input is received.

March. City requests an extension of its compliance deadline due to a decrease in staff and unexpected time consumed in review and approval of plan policies and ordinance. Estimated completion date is July 1980, the statewide deadline.

July. The plan and implementing measures are still incomplete. The city again utilizes a 60-day grace period.

September. The city does not submit plan to the LCDC. Continuous progress review is approved and the city estimates a March 31, 1981 completion deadline.

November. Officials of Coos Bay and North Bend finally agree upon the disposition of unincorporated land between the two cities.

November – December. Staff prepares entire comprehensive plan and inventories in final form to be adopted by the Council in early 1981.

1981 March. Staff completes the final draft of the Coos Bay comprehensive plan.

March. City Council holds one final hearing and adopts the comprehensive plan.

June. Coos County Planning Commission recommends approval of the City's urban growth boundary and management agreement to the County Commissioners.

July. County Board of Commissioners approves Coos Bay's urban growth boundary and a management between city and county.

1982 March. Planning Commission and CCI complete their review of the draft Land Development Ordinance and zoning maps and recommends approval to the City Council.

June. With the cooperation of the Planning Commission and the CCI, the City Council reviews the Land Development Ordinance and zoning map, holds a final public hearing, and adopts the ordinance.

June. The Plan and implementing measures are submitted to the LCDC for compliance review and acknowledgement.

1984 April. The Coos Bay Estuary Management Plan is adopted per Resolution No. 84-4.

1988 June. Staff begins Periodic Review which includes updating and merging the former City of Eastside and Coos Bay Comprehensive Plans and implementing L.D.O.

November. City requests an extension of its compliance deadline due to staff turnover and unexpected time consumed in review, consolidation of the Eastside and Coos Bay Plans and approval of plan policies and ordinance. Estimated completion date is January 31, 1989.

1989 January. The city does not submit plan to the LCDC. Continuous progress review is approved and the city estimates a July 31, 1989 completion deadline.

1.4 PUBLIC PARTICIPATION

Citizen Involvement Program

A mainstay of the statewide planning mandate is a high level of citizen participation. Senate Bill 100 requires a city to develop *“a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”* (LCDC, 1977) Basically, the plan should clearly define how the public will be involved and establish methods for the continual dissemination of information. Above all, the program should be well publicized to guarantee participation. The two-pronged approach to garner citizen participation is outlined in the goal. It stipulates that a citizen advisory committee, officially recognized by the city, shall assist in developing and implementing the involvement program. This advisory committee shall also periodically evaluate the program's progress and success. The program itself shall be implemented by a committee represented by a broad cross-section of the population whose tasks are aimed toward the land use plan. Technical information, financial and staff support should be provided to the group.

City of Coos Bay

In response to Senate Bill 100, the City of Coos Bay established the Committee for Citizen Involvement (CCI), a group which combines the roles of advisory committee and broad planning participation. The initial group of 10 members was formed in 1976 and soon established general program policies and goals. By 1978, the Planning Commission approved by resolution a set of bylaws which implemented the program. (Appendix A) During this early planning process, the CCI grew in size and experienced tremendous activity and intense interest.

The CCI was instrumental in much of the data gathered for the plan and in assembling knowledgeable persons for advice and expertise. In addition to the numerous public meetings sponsored by the Committee during the time of draft plan and inventory evaluation, the CCI accomplished several key activities.

1. A citizen opinion survey was developed and administered in 1977 regarding the proposed transportation and safety plan known as the 4th and Alder Intertie. (City of Coos Bay, 1981:II)
2. A field survey of current land use was conducted in 1977 under the direction of several committee members. (City of Coos Bay, 1981:II)
3. The CCI identified a problem in support and communication from the public and promoted efforts to publicize the city's land use activities.
4. The CCI evaluated the Commercial Airport Siting Element of the plan for the proposed expansion of the North Bend Airport. (City of Coos Bay, 1981:II)
5. A citizen attitude survey was conducted in 1978 to sample citizen views on a broad range of issues related to the city's future plan and development. (City of Coos Bay, 1981:II Appendix).

1.5 AGENCY COORDINATION

The state requirement of land use planning is based upon coordinating the needs of local government with those of counties, other state and federal agencies, special districts, and community organizations. The city has acted to insure this coordination by:

1. Preparing a lengthy mailing list of agencies to be notified of work sessions and public meetings, and to receive the ongoing glut of planning information and comment upon any of the planning material and activities produced by the city (Appendix B).
2. The city entered into cooperation agreements with School District #9, the Bay Area Health District, and Southwestern Oregon Community College. These agreements reiterate the pledge to cooperate in planning and inform each other of planning information.
3. The City of Coos Bays and Coos County have worked together to frame an urban growth managements agreement which will coordinate land use activities in urbanizing areas adjacent to the city and establish a reciprocal exchange of information.
4. Coos Bay and North Bend have agreed to a similar arrangement, particularly concerning two unincorporated areas of land between the two cities and entailing activities along the common city boundaries or which will have an effect on either jurisdiction.
5. The city has actively participated in regional planning processes: the extension of runway 4-22 at the North Bend Airport resulting in the Commercial Airport Siting Element as part of this plan (Vol. III) and the Coos Bay Estuary Management Plan which is under separate cover as part of this plan.

SETTING

CHAPTER 2

INTRODUCTION

This section contains brief summary statements of important factual information on the location, history, and population of the city, condensed from the major plan inventories. This has been done primarily for convenience.

Questions regarding specific data can be answered by referring to the complete documents contained in Inventory, Volume II, of this plan. The section and page number of Volume II follow the major headings.

2.1 LOCATION

Coos Bay, a city of Coos County, is located on the southwestern Oregon coast, approximately 200 miles south of the Columbia River and 450 miles north of San Francisco bay. With a 1987 population of 14,290, it is part of the largest urban area on the Oregon coast. Its population, when combined with that of the City of North Bend's population of 8,755 as well as other nearby communities easily qualifies the bay urban area as an important trade and service center for the southern Oregon and northern California coasts. However, Coos Bay, as is typical of other southwestern coastal Oregon cities, is relatively isolated because of its geographic position between the Coast Range and Pacific Ocean.

The majority of the bay area urban population has settled on a peninsula which is surrounded by Oregon's largest estuary, Coos Bay. This water body, which resembles an inverted horseshoe, and the adjoining steep topography of the Coast Range account for urbanization patterns in the area. Two sections of the City of Coos Bay, old Marshfield and Empire specifically, are situated on the eastern and western extremities of this land peninsula. In terms of actual land coverage, Coos Bay contains 10.05 square miles of land area while the remaining 10.00 square miles is water area. (Map 2.1-1).

2.2 HISTORY

This land around the Coos Bay estuary is known to have been inhabited by the Coos Indians, composed of the Hanis and Miluk-speaking groups. Primarily hunters and gatherers, the Indians lived well off the abundant resources of the sea and land. By the 1850s, white trappers and military personnel, had made frequent appearances along the coast and in 1853, the first permanent settlement of whites was established in Empire as part of the Coos Bay Commercial Company enterprises. Soon thereafter, small settlements were founded at old Marshfield, at North Bend, and at various sites along the tributaries of Coos Bay. Like the Indians before them these pioneers were attracted to the area by the plentiful resources and the commercial shipping possibilities of the bay.

2.3 POPULATION

The population of the City of Coos Bay is estimated to be 16,670 persons as of 2008¹. This figure represents about 63% of the urban area population (comprised of the cities of Coos Bay and North Bend) 26% of Coos County's population, and 0.44% of Oregon's estimated total population. The City of Coos Bay has traditionally been the largest city in Coos County since 1874 when Coos Bay was incorporated as the Town of Marshfield, although North Bend has closely paralleled this population growth.

Coos Bay and North Bend share a common regional and economic base and have historically depended on port activity for their economic existence. Minor climatic and topographical variations between the two towns account for the subtle variation in the historical development and population characteristics of the two places.

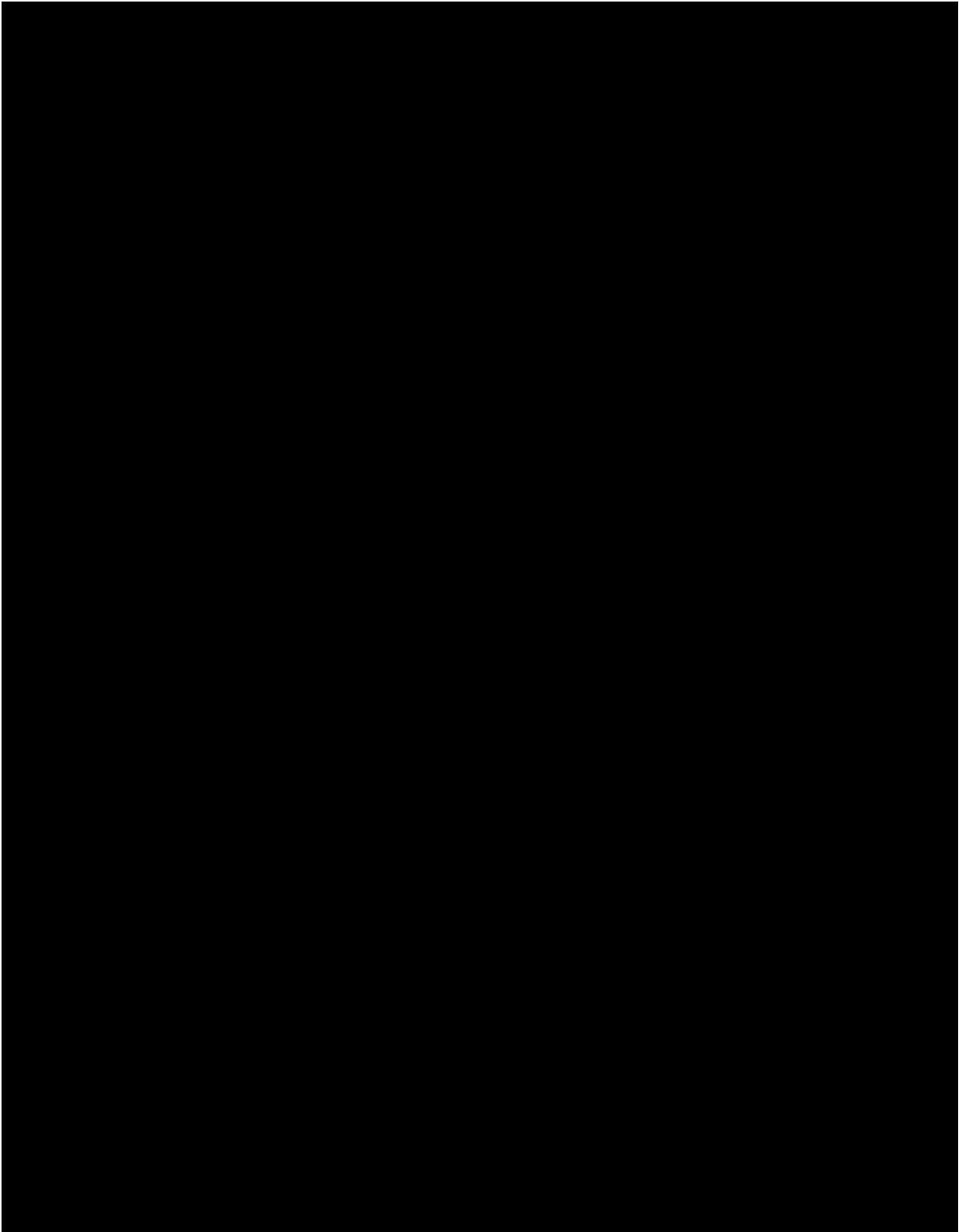
¹ Portland State University Population Research Center, 2008 Population Estimate

However, the bay area has exhibited a general trend of faster population growth than Coos County and the state since the early part of this century until the recent population decline of the 1980s.

An analysis of the makeup of the city's population reveals a few interesting points. According to the 2000 Census, the median age for Coos Bay is 40.1 years, compared to the state, which is 36.3 years. This suggests that Coos Bay has an older population, with 19.2% of its population 65 years and older, compared to the state's 12.8%. Further, there are less young people in Coos Bay, with 22.6% of residents under the age of 18, compared to the state's 24.7%. Given Coos Bay's positive growth rate, this suggests that Coos Bay is receiving additional population from retirees, while not retaining families with children.

MAP 2.1-1

City of Coos Bay, 1987



PHYSICAL ENVIRONMENT

CHAPTER 3

INTRODUCTION

This section summarizes plan inventory reports on the physical characteristics, environment and natural resources of the area. Detailed documentation of these statements are found in Inventory, Volume II, (section and page numbers cited).

3.1 CLIMATE

The climate of Coos Bay can be described as mid-latitude marine with mild summers and moist, cool winters. Although a weather station is no longer located in Coos Bay, proper weather data for the City of North Bend is applicable to the City of Coos Bay because of similarity in geographic and topographic conditions.

The area's temperature is best characterized by an absence of extremes. Because of the moderating influence of the Pacific Ocean, there is only a 15 degree difference between the mean temperature of January, the coldest month and July, the warmest.

Precipitation occurs most frequently during the months of November through March. It is during this five-month time period that approximately 75% of the average 62 inches per year of rainfall can be expected. Frequent snowfall is uncommon because of the tempering effect of the ocean; in those instances when snow does fall, the amount is generally light (1-2 inches) and melts quickly.

Wind direction and velocity are influenced by the marine climate. Prevailing winds during the months of October through April are from the southeast with the exception of January when winds are predominately from the south-southeast. This phenomenon is attributable to the occurrence of the north-flowing off-shore Davidson current which appears in September and is replaced in May by the south-flowing California Current. North-northwesterly winds continue until October.

3.2 GEOLOGY

The general area around the city is underlain with bedrock deposited during the late Eocene Epoch. Both the Coaledo and Bastendorff bedrock formations were deposited in a large embayment during this epoch prior to the emergence of the Coast Range from the Pacific Ocean some 15 million years ago. The Coaledo formation is found through the central and eastern portion of this area. Its upper portion is composed of sandstone while the middle member, which is about 2,000 feet thick, is composed of clayey and silty material. It is in the upper member that mineable coal deposits can be found which are estimated to be 2,300 feet thick.

Occurrence of the Bastendorff Formation is confined to the western portion of the general area. This bedrock unit consists of finely-grained, easily eroded shale and is reported to be approximately 2,900 feet thick. Above these bedrock layers lie massive sandstone beds ranging in thickness from 1,500 to 2,500 feet. These deposits contain abundant mollusk fossils, and can be readily seen in the lower bay area.

The most recent deposits following the Empire Formation are typified by marine terraces and alluvium resulting from advancing and recession of the sea. In the eastern portion of the area, the marine-recessional deposits consist of uncompacted, poorly bedded sand which range in thickness from 10 to 50 feet. The presence of the extensive dune system in the western portion of this area confirms this deposition. Alluvial or water-deposited soils are evidenced by the clay, silt, sand, and gravel deposits in the eastern portion of the area. Alluvium deposition occurred in estuaries as the sea level rose at the end of the Pleistocene. This deposition formed broad, flat valleys now found near tidewater areas. Shorelands fringing the upper bay and slough are formed from alluvial deposits and the bay itself is, most probably, filled with alluvium 400 – 500 feet in depth.

3.3 SOILS

Due to the geological deposits discussed above, the eastern and western portions of the city are characterized by slightly different soil types. In the west, generally the Empire area, the Bandon and Westport soils occur. The Bandon series is well drained, sandy loam over cemented loamy sand which was deposited by either water or by the wind. The area is nearly level to only moderately steep. This area also possesses some Westport soils which are deep and excessively drained and are formed of wind deposited materials on nearly level to steep, stabilized dunes. Bullards soils also occur in the central and eastern portions of the city. (Like the Westport type soils, these are composed of well drained sandy loam and are both wind and water deposited. The major problem associated with these soils is erosion, particularly after the protective vegetative covering is removed.

The soils in the eastern section of the city contain greater amounts of silt and clay, such as the Coos Bay and Dement soils. Generally, they were water deposited formed from weathered sedimentary rock, and are well drained. The soils are found in areas which are nearly level to steel slopes.

Several areas, particularly the downtown portion of the old city of Marshfield, have been reclaimed from the estuary and contain deep layers of fill material, a large percentage of which is sawdust and wood chips. The long term changes of this will make it somewhat unstable for constructs, and they require deeply embedded foundations to support any structures.

3.4 BEACHES AND DUNES

There are no beaches of major consequence located within the city limits of Coos Bay. One beach has been identified within the planning area in Barview, North of the South Slough Bridge.

The city is generally characterized by stabilized dunes, mountainous areas, and filled land. The younger stabilized dune areas of the north Empire area may require some care during development after the vegetative cover has been removed and the likelihood of wind erosion is enhanced.

3.5 WETLANDS AND TIDAL MARSHES

The topics associated with the estuary and shoreland goals will be extensively covered in the regional estuary management plan. Generally speaking, tidelands have been identified along the western shoreland area of the city and to a limited extent along the eastern side of the city. Wetlands, characterized by salt marsh vegetation, appear to be limited to western shoreland area of south Empire.

3.6 FLORA AND FAUNA

The general area provides a wide range of upland and marine habitats.

3.7 WATER RESOURCES

There are several major water areas inside the city limits, such as Empire Lakes, Pony Creek reservoirs, and Mingus Lake. The reservoirs are protected as the regional water source and have limited access. The other water areas mentioned are part of the City of Coos Bay's park system and provide boating, swimming, and fishing.

The area's groundwater reserves are generally poor as most of the wells are of medium to low productivity due to the soil characteristics. Groundwater quality varies according to subsurface soil properties and surface contamination sources. Contamination sources include iron oxide bearing red and yellow soils, some septic tank runoff and urban runoff.

3.8 AGRICULTURAL AND FOREST LANDS

Only class III and IV soils occur within the city limits and in the generally planning area classifying them as marginally suitable for commercial agricultural use. Except for a small area just north of the Coos River Highway and just west of the mouth of the Coos River, there are no commercial agriculture activities within the city due to both the soil and terrain limitations, and to the existing urbanization. South and east of the city, there are minimal "backyard" farming activities.

The only areas directly affected by the forest lands goal are the Pony Creek watershed, the southwestern corner of the Eastside area as well as a smaller area located adjacent to southern city limits between 9th and 14th streets. A timber harvest and reforestation program is conducted at the watershed by the Coos Bay-North Bend Water Board. Commercially harvestable forest areas do exist south of the city under ownership or lease by private companies. Other minor forest areas also occur in the urbanized but unincorporated area south of the city, but these are not of sufficient quantity or quality to be commercially valuable.

3.9 MINERAL RESOURCES

Coal mining was prevalent in the area between 1854 and World War II. The general area is part of the Coos Bay coal basin which has estimated reserves of between 3.7 and 51.36 million tons. The quality of the coal reserves is marginal, but could conceivably become marketable with advances in technology to extract the coal and with the increasingly higher costs of other fossil fuels.

ECOLOGY

Chapter 4

INTRODUCTION

This section summarizes plan inventory reports on the quality of air, water, and land resources, on natural hazards affecting the city, and on energy conservation. Detailed documentation of these statements are found in Inventory, Volume II (section and page numbers cited).

4.1 AIR QUALITY

Air quality is measured locally only for the amount of total suspended particulates. The results of this testing are favorable, despite the mill operations in the area, primarily because of the offshore wind conditions.

4.2 WATER QUALITY

“Point sources” of water quality degradation are those which are attributable to a specific pollution source (e.g., pipe, outfall). The sources of such potential pollution within the city are regulated by the Department of Environmental Quality (DEQ) and must comply with established state standards in order to continue operations.

“Non-point sources” of water quality degradation are more difficult to assess because of the actual cause of pollution cannot be pinpointed. Local non-point source problem areas include Isthmus Slough, the Marshfield/Eastern North Bend waterfront, and Pony Creek. The specific problems for these areas are:

1. Isthmus Slough. Low levels of dissolved oxygen and high sedimentation detrimental to aquatic life due to excessive debris, high water temperature, and algae growth.
2. Waterfront. High levels of fecal bacteria which may be related to the City's sanitary and storm water treatment problems.
3. Pony Creek. Excessive debris and algae growth.
4. Catching Slough. Sediment and temperature levels have limited water quality, although dissolved oxygen levels are adequate there.
5. Coos River. Except for some problems with high temperature during periods of low streamflow during summer months, water quality has generally been good.

4.3 LAND QUALITY

Land quality is impaired through the improper disposition of human wastes through solid waste disposal in landfills and through septic systems treatment of sanitary wastes.

The City of Coos Bay has accepted a general policy not to promote septic systems within city limits because of their unacceptable failure rates and resulting effects on land quality.

There are no solid waste disposal sites within the corporate limits of Coos Bay. Although solid waste management planning is chiefly Coos County's responsibility, the city is a major solid waste generator and does have a responsibility to coordinate its activities with the County.

It is desirable that future solid waste disposal sites be accessible to the city and be adequate for disposal of land clearing and building materials, while possessing environmentally safe characteristics.

Large scale clearing of vegetation in preparation for new development increases the potential for slides and erosion in areas with steep terrain. Selective clearing on construction sites should be considered not only to lessen the potential for erosion but also to enhance the visual appeal of a complete project.

4.4 NATURAL DISASTERS AND HAZARDS

In the local area natural hazards - flooding, earthquakes, erosion, high groundwater and ponding, windthrow, and abandoned coal mines - can result in loss of life and property. Although these involve natural processes or resources that can be hazardous to man, their affects can be compounded by man's activities.

Flooding

Flood prone land in the City of Coos Bay has been identified on the Flood Hazard Boundary Map prepared by the Department of Housing and Urban Development as those areas immediately adjacent to the estuary and Pony Creek reservoirs, Blossom Gulch, Empire Lakes, Chickses Creek, and First Creek. Those affected areas outside city limits are Tarheel Reservoir, Fourth Creek Reservoir, and Isthmus Slough.

The City participates in the Federal Flood Insurance Program sponsored by HUD, and also exercises sound building code practices to safeguard from unnecessary flood damage.

Earthquakes

Earthquakes do not pose a major hazard in the planning area, although earthquakes centered in California are capable of causing some local damage. According to the Department of Geology and Mineral Industries, *"no mapped faults along the Oregon coast are known to be active,...no epicenters have been recorded in western Douglas or Coos Counties for over 100 years."*

Erosion

Stream bank erosion and scouring by flooding are not particular problems within the planning area, except within the 100-year floodplain under flooding conditions. Slope erosion on the other hand, poses a potential problem in the southern and northern reaches of the city and in areas surrounding the urban core due to soil characteristics. Slope erosion in these areas is aggravated by soil disturbance and the removal of vegetation.

The city's building codes and development ordinances provide safeguards to prevent unnecessary erosion loss and to provide for drainage control.

High Groundwater and Ponding

High groundwater and ponding disturbs man's activities by flooding basements and by interfering with subsurface facilities. Examples of areas with soils prone to this problem are Coalbank and Isthmus Sloughs, Chickses Creek, and Blossom Gulch.

Windthrow

Windthrow hazard is the blow-down rate of large trees with shallow root systems. Much of the planning unit has a windthrow hazard of a moderate to slight degree except for select areas in Empire and around Joe Ney Slough where the hazard can be severe.

Abandoned Coal Mines

Abandoned coal mine shafts and tunnels which exist in the planning sites are hazardous to construction through surface subsidence and by underground fires. Exact locations of the shafts and tunnels have not been mapped.

4.5 ENERGY CONSERVATION

Nationally, more energy is used wastefully than is used efficiently. Therefore, conserving energy usage will go further to manage our energy resource reserves than relying totally upon new energy resource discoveries. Few, non-renewable energy sources (coal, gas, oil, uranium) exist in the Coos Bay area. Those that are present are not being recovered at this time due to economical or technological constraints. There are no hydro-electric, thermal, or nuclear energy-producing plants in the Coos Bay area.

Utilization of alternate energy sources - solar and wind, waste, biomass, tides - are non-existent or are utilized on a limited basis. Residential, commercial, and industrial sectors combined use the most energy consumed locally and statewide. The remaining amount of energy is consumed by transportation. The principal energy source utilized in the bay area is electricity, most of which is consumed by the growing residential sector. The costs of electricity are rising, while the state must rely on outside sources for 70% of electricity consumed. Due to energy crises, energy conservation can be considered a primary energy resource. Conservation measures can be achieved by individuals, local government, commerce, and industry. Future energy conservation measures can be achieved by local government, developers, and individuals through proper building techniques and land use planning.

CULTURAL ENVIRONMENT

CHAPTER 5

INTRODUCTION

The City's history and the status of housing, transportation, economy and other facets of urban life affected by man are summarized in this section. Detailed documentation of these statements is found in the Inventory, Volume II (section and page numbers cited).

5.1 HISTORY

Coos Bay's "Historical Resources" inventory component was developed to recognize the historical characteristics of the City in order to maintain the integrity of local historical/ archaeological sites and structures. The component recounts Coos Bay's history from the period of Native American settlement through the present. An attempt was made to map the special growth of the community during that period. Settlement, in general, approximates the "concentric ring" theory of urban development where city growth occurred outwardly in a symmetrical manner from a city center. Traditional city centers were Empire and Marshfield.

The Marshfield Sun Building is the only structure in Coos Bay that enjoys the prominence of being listed in the National Register of Historic Places. The Sun Building is located at North Front Street and Fir Avenue, and was the site of the longest continuation of a newspaper under one owner and editor in Oregon.

Historian, Dr. Stephen Dow Beckham, has inventoried other local sites and structures possessing "historical significant" characteristics. The majority of these are houses that were once the homes of prominent Coos Bay citizens. The Beckham sites were inventoried under contract with the Oregon Coastal Conservation and Development Commission (OCCDC). While the sites are admittedly of less significance than the Marshfield Sun Building, their importance is worthy of recognition. The "Historical Resources" component does not inventory or identify local archaeological sites in order to protect their integrity from harmful destruction by "pot hunters". This was done to honor a request by the State Historic Preservation Office. This area does, however, contain several Indian burial grounds, and other Indian sites.

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¹ 1 Portland State University Population Research Center, 2008 Population Estimate

5.2 ECONOMIC DEVELOPMENT

Population growth projections used for this document were determined using the state's accepted methodology. The methodology forces the use of data that represent an aberration in the community's economic history which affected the City's apparent population growth. Based on the experience and observation of local residents and officials, the actual growth is expected to be higher. The belief that population growth will actually exceed the calculated rate is supported by several factors. In Coos Bay, the area's geography and natural resources play an important role in the economy, from marine activity to wood product manufacturing and forest management to recreation and tourism. As expected, the economic outlook for Oregon, Coos County and the Coos Bay area is tied to the U.S. outlook and the global marketplace. However, assets in Coos Bay such as the Port of Coos Bay, tourism, capitalizing on the area's natural beauty and outdoor recreation activities and the continuous building in the healthcare sector present key opportunities for economic growth.

ECONOMIC TRENDS

National Overview

As of Fall 2008, the economic outlook for Oregon, Coos County and the Coos Bay area is inextricably tied to the U.S. outlook and the global marketplace. As a wave of negative signs gather force in the U.S., policy makers and investors are debating just how much the national economy could be affected in upcoming years. Underpinning much of the economic slowdown is the housing market, which is a year and a half into its response to the mortgage lending crisis and increased home foreclosures. Other recent worries, including rising energy costs, increases in unemployment, tepid job growth, a volatile stock market and declines in consumer spending, indicate a national economy headed for a recession.

The Bureau of Labor Statistics (BLS) tracks economic growth within the US and prepares 10-year growth forecasts based on a general view of the national economy, labor force growth rates, unemployment assumptions, exports and imports, consumer spending and other economic variables. Major trends reported by the BLS include:

- An anticipated annual employment increase of 1.0% through 2016, compared to 1.2% during the 1996 to 2006 time frame. Growth expected to be concentrated in service sectors, with the greatest growth in professional and business services, health care and social assistance. By 2016, service jobs are projected to account for more than three-quarters of all jobs.
- Increase in unemployment from 5.7% in July to 6.1% in August 2008—the highest unemployment rate since September 2003. Continued decline in non-farm payroll employment throughout 2008. The rise in unemployment despite job gains indicates that the labor force is growing faster than the number of jobs.
- Manufacturing sector expected to lose 1.5 million jobs by 2016, compared to a decrease of 3.0 million jobs from 1996 to 2006.
- Civilian labor force expected to grow by 12.8 million persons to reach 164.2 million by 2016. This increase is below that seen from 1996 to 2006, when the civilian labor force grew by 17.5 million.

- Aging “baby boom” population (persons born between 1946 and 1964) adding to the share of labor force over the age of 55 over the next 10 years. Increasingly diverse labor force as share of Hispanics, Asians and African Americans grow through 2016.

The Pacific Northwest & Coos County

Three economic regions make up the West Coast, including the Pacific Northwest (Seattle and Portland in the US and Vancouver, British Columbia), Northern California (San Francisco/Oakland) and Southern California (Los Angeles). Although the Pacific Northwest is the smallest in terms of population and economy, its economic growth rate during the 1990s, as measured by Gross Metropolitan Product (GMP), was nearly double that of other West Coast regions. In 2004, the combined GMP for the region was estimated at \$254.4 billion and made up 16% of GMP for the West Coast.

In Oregon, the Coos/Curry County Region, located along the southern coast, makes up 40% of the state’s coastline. Its largest population centers include the Coos Bay-North Bend area in Coos County and the Brookings-Harbor area in Curry County. During the housing boom of the early to mid 2000s, the region’s construction-related industries flourished, including wood product, cement/concrete, metals and construction machinery manufacturing and lumber and building materials trade.

Following the recent housing downturn, however, construction and wood product manufacturing employment declined. In Coos County, employment in these industries fell by 80 jobs from 2006 to 2007, with losses surpassing expectations. The professional and business services sector, however, saw greater job losses of 420 jobs, contributing to an overall decline in employment by 230 jobs during that period. Industries with job growth during the 2006 to 2007 timeframe included educational and health services (140 new jobs), leisure and hospitality, government positions and food manufacturing. While the coast has few large manufacturing firms, the 15 firms employing 99 or more persons are concentrated in four industries – food, wood products, paper and fabricated metal product manufacturing. Of these industries, food manufacturing employs the most people (1,240 in 2007) followed by wood products manufacturing with 1,097 jobs.

Coos Bay

In Coos Bay, the area’s geography and natural resources play an important role in the economy, from marine activity, to wood product manufacturing and forest management, to recreation and tourism. Local facilities include the Southwestern Oregon Community College, Port of Coos Bay and a state-of-the-art Bay Area medical center, attractive to retirees and the aging population of Oregon’s south coast.

As Coos Bay plans for future economic development, these assets present the area with key opportunities for economic growth, including:

- Greater activity at the Port of Coos Bay, with increased bulk container shipments;
- Increase tourism capitalizing on the area’s natural beauty and outdoor recreation activities; and
- Growth in the healthcare sector building on the Bay Area Hospital and other local medical care providers, as well as the aging population in the region.

POPULATION & EMPLOYMENT TRENDS

Population Trends

The City of Coos Bay has an estimated population of 16,670 persons and the study area has an estimated 30,447 persons. This study area, reaching from North Bend on the north to Charleston on the south and including the communities of the Empire District and Eastside, was selected because of the interdependence and similarities of economic activity. Comparisons to the City of Coos Bay, Coos County and the State of Oregon are made where appropriate. The City represents the project planning area, as it is coterminous with the Urban Growth Boundary. Between 2000 and 2008, the City grew considerably faster than both the study area and the County over the last eight years, with average annual growth rates of 1.06%, 0.15% and 0.03%, respectively. These rates are all below the growth rate throughout the state (1.44% per year over the same period).

Employment Trends

Demand for new office and industrial space is generated by increases in employment, whether by existing local businesses expanding and adding workers or by business relocations or start-ups.

The Oregon Employment Department provides employment estimates and forecasts for several regions across the state. In the Coos/Curry County Region, the Employment Department estimates a total of 30,620 non-farm employees in 2006 (see Table 3). Sectors with the most employment in 2006 included Government (7,650 jobs or 25.0%), Trade, Transportation and Utilities (5,820 jobs or 19.0%), Leisure and Hospitality (3,680 jobs or 12.0%) and Professional and Business Services (3,290 jobs or 10.7%).

Employment is expected to grow at an average annual rate of 1.0%, reaching 33,620 by 2016.

TARGET INDUSTRIES

Regional Business Clusters

The Oregon Economic and Community Development Department conducted a Regional Trade Cluster Analysis for Coos, Curry and Douglas Counties in 2007 to identify major business clusters in the region. Clusters were classified as “high growth,” “established” or “emerging.” High growth clusters are defined as those with employment over 500, with positive average wage growth from 2001 to 2006 and with an employment growth rate that exceeded the region’s overall employment growth rate from 2001 to 2006. Established clusters were those with employment over 500 and positive employment growth or positive wage growth. Emerging clusters had positive employment growth *and* positive wage growth.

High growth clusters included Transportation Equipment & Parts and Business Services. Logistics & Distribution was the top ranked established cluster and Agricultural Products was the top emerging cluster.

Coos Bay Targets

Identifying Coos Bay's target industries over the next 20 years should reflect a realistic combination of community goals and aspirations, the current local and county employment base and Coos Bay's assets and challenges in the context of the regional business clusters described above. A synopsis of industrial and commercial targets follows, based on research and local and agency interviews.

- Water-dependent industries and enterprises
- Industries that don't require access to Interstate 5
- Businesses relating to outdoor recreation
- Wood products and commercial fishing industries
- Solar and metal fabrication
- Technology industries dependent on location near fiber optic lines
- Tourism

Coos Bay Retail Potential

Potential demand for additional retail and restaurant space in the Coos Bay study area is generated based on two sources. The first, "existing demand," is demand for retail goods by current study area households that is now being met outside of the study area. The second, "future demand," is demand for retail space based on projected household growth within the study area over the next ten years. In each case, household expenditure trends (from the Bureau of Labor Statistics' Consumer Expenditure Surveys) by type of merchandise are applied to study area population figures to obtain potential sales volume by study area residents. Estimates of sales per square foot of store space (derived from the Urban Land Institute's *Dollar and Cents of Shopping Centers*) are then used to convert sales potential to supportable space estimates.

The only merchandise category with existing demand for additional space is home improvement, specifically building supplies and garden equipment and supplies, which showed potential demand for an additional 12,824 square feet of store space. In other merchandise categories, supply in the Coos Bay study area is greater than demand by study area residents, meaning that the area is drawing shoppers who live outside its boundaries.

Household growth in the study area through 2018 is estimated to generate demand for 81,289 square feet of *new* retail space throughout the study area. Most of the future demand – 36,100 square feet – is for shoppers' goods (i.e., apparel, home furnishings, home improvement goods or other specialty retail items). There is potential demand for an additional 20,056 square feet of store space for convenience goods, such as groceries and pharmaceuticals. Demand for restaurants/entertainment is the next highest, with the potential for an additional 18,869 square feet of space through 2018.

Together, existing and future demand show potential support for an additional 94,113 square feet of new retail space in the Coos Bay study area over the next ten years. This demand estimate accounts for most but not all commercial potential. Some sales are inevitably linked to persons living outside of the study area as well.

These other markets include tourists/visitors to the area, households living nearby that come to the study area to shop and employees working in Coos Bay businesses who visit area stores and restaurants on lunch breaks or before or after work. Visitor spending tends to be highest for restaurant and bars, entertainment and convenience goods and, in 2007, was estimated at \$193 million for Coos County, up from \$137.4 million in 2000.

ISSUES AND OPPORTUNITIES

Key Industry Changes

Like much of the Pacific Northwest, the Coos Bay region has seen continued decline of the wood-products industry. Interviewees estimate that the community has lost 80% of its water-dependent industry as well. Advisory Committee members feel it is time to embrace this change and re-align Coos Bay's employment strategies along 21st century growth industries.

Port Expansion

Due to its proximity to the Pacific Ocean, the Coos Bay (Port) harbor is well-positioned to serve as a regional marine trade center to accommodate the projected doubling of Trans-Pacific cargo between the years 2015 and 2020.

The Port District, Oregon International Port of Coos Bay (Port), has plans to develop marine industrial property on the North Spit of lower Coos Bay and expand marine terminal capacity in the harbor to handle bulk commodities, intermodal containers and possibly automobiles, and could potentially become the third largest container port in the Pacific Northwest.

This expansion is dependent on several key factors: depth and width modification of the federally-authorized Coos Bay deep-draft channel to accommodate large cargo vessels and increased shipping traffic, rehabilitation of the Coos Bay rail line and private-sector investment in terminal facilities.

Commercial and Industrial Land Supply

There is concern among interviewees that Coos Bay lacks adequate industrial lands to accommodate economic growth. Many feel that the existing industrial land is encumbered by water-dependent use restrictions as stipulated in the City's Waterfront-Industrial (W-I); is difficult to build on due to topography and other environmental constraints; or is not of a size and contiguity suitable for industrial development. There is also limited commercial land available that is suitable for large format retail.

Transportation

Interviewees believe the Coos Bay area is challenged by a lack of adequate transportation infrastructure to support future economic development. The Central Oregon & Pacific (CORP) Railroad Coos Bay Line, a critical rail link between Coquille and Eugene was embargoed by CORP in September 2007. The rail line is in need of significant repair, including repairs to the rail bridge across Coos Bay. The rail is crucial for existing industries, the Port's expansion plans, and the development of industrial sites throughout the region. In December, 2008, the Port agreed to purchase and rehabilitate the CORP Coos Bay line.

The region has a new air terminal located in North Bend. The area is served twice-daily by SkyWest shuttles from San Francisco International (SFO) and twice-daily service to Portland International Airport (PDX).

Coos Bay's distance from a major interstate (Interstate 5) and the limited capacity of Highways 32 and 48 are considered constraints to attracting freight-dependant industries to the area.

Tourism Development

Interviewees say tourism is a key opportunity for Coos Bay. The region's access to outdoor recreational opportunities is significant and considered by some to be underexploited. Some feel the role of tourism in Coos Bay seems to conflict with the industrial/natural resources based psychology, history of the region and living wage jobs. However, this psychology may be transforming due to the success of Bandon Dunes, a world-class golf resort located south of Coos Bay in Bandon. Tourism is considered hindered by the aforementioned uncertainty regarding air service, a perceived lack of contemporary, recently updated hotel rooms and sufficient recreational/entertainment opportunities.

Beautification/Revitalization

Interviewees say the waterfront beautification/revitalization of Front Street is considered central to attracting tourism to the community. The departure of water-dependent industries along Coos Bay's waterfront creates significant redevelopment opportunity.

Housing Affordability and Supply

Interviewees say housing is increasingly expensive in Coos Bay relative to the community's median household income. This represents a significant cost of living hurdle for younger, lower-income households.

According to interviewees, Coos Bay lacks an adequate supply of workforce housing. This may be due to several factors: there is increased market demand for single-family unit, upper-income housing on larger lots; the buildable residential land supply is not suitable in places due to topographical issues that make development infeasible; and median home prices have inflated over the past several years following the housing boom. Recently, more affordable homes are being built on smaller lots.

5.3 HOUSING

Land Supply

Buildable land within the City's UGB includes land that is completely vacant, as well as land that is partially vacant and theoretically has the potential for additional development based on parcel size, zoning, the location of existing development and environmental constraints. The buildable land supply was evaluated by reviewing the following information:

- Tax assessor data
- GIS data
- Aerial photographs
- Site visits to identify potential constraints to development or redevelopment
- Consultation with City staff and members of the Coos Bay Project Advisory Committee

There are approximately 810 acres of buildable land on 850 lots within Coos Bay's UGB zoned for residential use (see Table 1). This does not include commercially zoned land where housing may be allowed under certain conditions. There are another 119 acres of commercially zoned land on 197 lots that could accommodate some additional residential development. Land considered potentially unbuildable due to environmental constraints was removed from the inventory summarized in Table 1. The area or portion of each parcel subject to the environmental constraint(s) was deducted from the total land area on a parcel by parcel basis, rather than removing entire parcels of land. Land with environmental constraints includes riparian areas, area within the city's tsunami zone (including estuary lands), and significant wetlands.

Another typical development constraint is land with steep slopes. The portion of each parcel with a slope of 25% or greater was determined and identified on the residential buildable lands inventory map. However, this acreage was not removed from the gross inventory due the fact the City does not have a building code that explicitly prohibits development on steep slopes; thus, this land is technically developable for purposes of the residential buildable lands inventory.

While these areas have been included in the inventory, it should be noted that the capacity and resulting density of development on land with slopes over 25% is typically lower, given cut and fill and other construction requirements in such areas. To note, land on steep slopes constitutes a significant portion of the BLI—over 330 acres, or 40%.

After subtracting for constraints, some parcels are very small. However, these very small lots tend to account for a relatively small proportion of the buildable area. For example, of the 39 lots zoned R-1 in the inventory, 12 of them (over 25 percent) are less than 0.11 acres in size. However, they make up a smaller fraction of the total buildable land area in that zone (0.61 acres or less than 10 percent). Similarly over 240 parcels in the inventory zoned R-2 are less than 0.11 acres but account for only 12 acres of land (5 percent of the R-2 total). Some of these very small parcels may still be considered buildable if the city's zoning code allows for constructing new homes on any lots of record, even if they are below the minimum lot size otherwise allowed for land division or

development. As a result these parcels have been included in the buildable lands inventory.

Housing Occupancy and Structure Type

In 2007, based on population estimates obtained from ESRI, there were an estimated 6,668 households in the Coos Bay UGB. There were an estimated 7,314 housing units in Coos Bay in 2008, which include both occupied households and additional vacant units. By subtracting the number of occupied households from the total number of housing units, we know there are approximately 646 vacant units, indicating a vacancy rate of approximately 8.8%. Homes classified as vacant fall into two general categories—those that are vacant because they are in the process of being sold or rented and are temporarily unoccupied for relatively short periods of time; and those that are occupied only seasonally (second homes or vacation homes) and considered to be vacant during a majority of the year.

Only a modest percentage of vacant housing units in Coos Bay fall into the second category (seasonally occupied homes). Approximately 12% of vacant units and about one percent of all units are seasonally occupied. These percentages are much lower than many north coast communities (e.g., the City of Manzanita has a 73% vacancy rate with the vast majority of vacant units used for recreational or seasonal purposes).

Housing Costs, Household Incomes and Housing Affordability

Median home values in 2008 were approximately \$189,000 and \$166,000 respectively; with 69% of homes in the \$100,000 – \$300,000 price range and only 11% over \$300,000. Housing costs in Coos Bay are lower than for the state as a whole.

Median household income of under \$40,000 in Coos Bay, about \$10,000 less than for the state as a whole. It also shows a higher percentage of residents in the lowest two income categories in Coos Bay compared to the state, a similar percentage in low to moderate income categories (e.g., earning \$25,000 to \$75,000 per year), and a lower percentage in the higher income categories than in the state as a whole.

Housing affordability is typically assessed in one of two ways—either by estimating the percentage of households which spend more than 30% of their monthly income on housing (the standard measure of affordability) or by comparing incomes to the supply of housing at prices that people in those income levels could afford. The most recently available data related to the first measure comes from the 2000 US Census. That data indicated that just over 20% of all homeowner households spent more than 30% of their incomes on housing, while about 46% of renter households did the same. Almost a third of all households in Coos Bay spend more their 30% of their income on housing. These percentages likely have climbed since the year 2000, given increases in housing costs, particularly for owner-occupied housing during this period across the state of Oregon and in Coos Bay.

Future Needed Housing Types

The following trends are expected to affect the need for different types of housing:

- Increasing cost of land and housing in communities throughout Oregon. Right now housing costs are lower in Coos Bay than for the state as a whole and the state and nation are currently in the midst of a housing price slump. However, over the long term (next 20 years), we expect to continue to see an increase in housing and land costs, similar to historic long term trends.
- Relatively modest increases in wages, consistent with trends during the last ten years.
- Continued need for relatively low cost housing for households and families with lower incomes, including workers in the retail/tourism sector.
- Continued need for manufactured housing in parks as a potential supply of low-cost, workforce housing.
- An increase in the need and market for multi-family and single family attached housing as a potential supply of low and moderate cost housing.
- Continued demand for housing on somewhat smaller lots (5,000 square feet and smaller), consistent with recent trends and zoning regulations for most residential zones in Coos Bay.

The following two tables identify current and projected percentages and numbers of homes by housing type in Coos Bay. These tables represent projected housing needs which the housing market may or may not accommodate on its own. The projections (see Table 6) show the following needs and trends related to future housing types:

- **Modest shifts in tenure mix.** The trends described above are expected to result in modest changes in the relative percentage of owner and renter occupied housing. However, without knowing more about projected future incomes or housing costs, it is not appropriate to project significant changes in the tenure mix. A modest increase in the share of renter occupied housing and a similar decrease in the share of owner occupied housing will support the changes in housing need by structure type described in the following paragraphs.
- **Continued demand single-family detached homes, but with these units making up a smaller proportion of the total supply.** 2000 Census data and 2008 ESRI data shows that single-family detached homes account for 61.5% of all dwellings in Coos Bay. This does not include manufactured homes on individual lots which the Census includes in the supply of "mobile homes." Other data indicates that approximately half of these "mobile homes" are located on individual lots. As a result, closer to 68% of all dwellings would be classified as single-family detached homes per state guidelines. We have projected a reduction from over 66% to approximately 61.5% during the planning period. The modest reduction is based in part on current and recent trends in Coos Bay, including relatively low land values, falling housing prices and values, a relatively ample supply of land and relatively limited cost savings associated with other types of owner-occupied units (e.g., single-family detached units), given relatively low land values.

- **Need for a more balanced mix of housing** to address the needs of households in all income ranges, including those with lower incomes. While single-family detached dwellings will continue to make up a significant percentage of future housing needs, other housing types are expected to increase, given affordability considerations and the fact that the aging population in Coos Bay and throughout the state can be expected to need smaller housing units and different housing types. We project an increase in single-family attached units (2.2% to 5% of the total or an increase of over 100% in terms of the relative share of these units). We also project an increase in the relative share of duplexes (5.9% to 7.5% of the total), tri-plexes and four-plexes (3.8% to 5.0% of the total) and multi-family dwellings with 5 or more units (14% to 16% of the total).
- **Year-round residents need more alternatives to single-family detached units** (e.g., duplexes and multi-family units) than the market is currently providing because these units have the potential to be more affordable to households with lower incomes. As noted above, we assume an increase in all of these types of housing in our projections (increasing from about 26% of the total in 2008 to about 35% of new units constructed during the planning period).
- **Continued need for manufactured homes in parks or on individual lots.** While the table appears to indicate a decrease in the percentage of manufactured homes, this is not actually the case. Rather the different percentages reflect how these units are accounted for in historical (2000) data versus future projections (2029). As indicated in the footnote to Table 3, 2000 Census data includes all manufactured homes (in parks and on individual lots). State guidelines direct us to only include manufactured homes in parks in our future manufactured home projections. Manufactured homes on individual lots are included in the definition of single-family detached homes. As noted above, approximately half of the manufactured homes in the 2000 Census data (about 5%) are assumed to be manufactured homes in parks. We are assuming that this proportion of total housing will not shift appreciatively during the planning period.

We also assume that densities of development will increase somewhat but not substantially, given relatively moderate land costs in Coos Bay. Assumed densities are similar to the City's minimum lot size requirements which are in turn consistent with recent development trends. By assuming densities consistent with minimum lot sizes (rather than average lot sizes), we are assuming a trend towards relatively denser development.

The analysis identifies a projected increase in the number of housing units of 254 units with just over 60% of the new units in single-family detached units (including manufacture homes) on individual lots.

Future Land Needs

The amount of land needed for future housing depends on the number of housing units expected and the average density (or lot size) at which they are developed. State regulations require that the City estimate the amount of land needed in each zoning designation where housing is allowed. In Coos Bay, housing can be constructed in several residential (R-1, R-2, R-3, R-4P, R-5 and R-W) and commercial (C1 and C2) zones. Only housing built on upper floors over commercial uses is allowed in the commercial zones. Other types of new housing are prohibited in these zones. Based on the types of housing allowed in each zone and the relative supply of buildable land in each zone, the following future distribution among zones is expected:

- Most new single-family detached housing is expected to be located in the R-2 zone, with a modest amount (25% of the total) in the R-1 zone and a smaller amount in the R-4P and R-W zones. This is consistent with the fact that all of these zones allow for single-family detached homes at similar densities and that existing vacant land is concentrated in the R-2 zone, with smaller supplies in the other residential zones where single-family detached homes are allowed and historically have been constructed.
- Single-family attached housing will be located primarily in the R-3, with modest amounts in the R-4P and R-W zones. This is consistent with the fact that all three of these zones allow for single-family attached housing, the R-3 zone includes relatively more available, vacant land for housing and that city staff indicate that it is likely the most suitable for this type of housing, given its location relative to commercial and other services.
- Duplexes will be located primarily in the R-2 zone, with smaller percentages in the R-3, R-4P and R-W zones. This is consistent with the fact that all three of these zones allow for duplexes, the R-2 zone includes relatively more available, vacant land for housing and that duplexes are generally more compatible with other types of development typically found in the R-2 zone, compared to the other zones.
- Multi-family housing (i.e., apartments or other structures with five or more units as identified in the following tables) will be located primarily in the R-3 zone, with smaller amounts in the R-4P and R-W zones and with some units located in the city's commercial zones as upper story housing over ground floor commercial or retail uses). This is consistent with the fact that all three of these zones allow for multi-family housing, the R-3 zone includes relatively more available, vacant land for housing and that city staff indicate that it is likely the most suitable for this type of housing, given its location relative to commercial and other services.
- Manufactured homes in parks will be located exclusively in the R-5 zone, given that they are only allowed outright in this zone.

Following is a summary of housing needs in Coos Bay adapted from the adopted 2020 Housing Needs Analysis, included herein as Appendix "D".

2020 Buildable Lands Inventory / Housing Needs Analysis

The Buildable Lands Inventory / Housing Needs Analysis (BLI/HNA) estimates Coos Bay's current and future housing needs, including whether the City has enough appropriately zoned land to accommodate housing demand over the next 20 years. Vacant parcels and parcels with the potential for infill or redevelopment for future multi-family (middle housing)

and other units have been analyzed resulting in an informed projection of current and future housing needs and demand for developable land. There is sufficient buildable capacity and residential land use opportunity with existing zoning categories to accommodate Coos Bay's projected housing needs, including consideration of affordability, for the next twenty years.

Oregon Statewide Planning Goals 10 and 14 requirements are fulfilled with the BLI/HNA. The adopted study cements the City's understanding of its housing needs and supply of developable land over the Goals' 20-year planning horizon. With the analysis finding that an appropriate number of housing units can be developed to meet future housing needs on existing city land under current zoning designations, there is no need for increased density on existing residential land and/or expansion of the Urban Growth Boundary (UGB).

BLI/HNA Composition

The BLI analyzes the amount, location, and suitability of land to determine the total acreage potentially available for development. The HNA analyzes current housing dynamics in the context of historic and projected demographic and housing trends (including renter and owner split). The HNA analysis utilizes a Housing Needs Model to account for affordability categories consistent with Oregon's Statewide Planning Goal 10.

Both analyses rely on assumptions informed by industry standards, market conditions, and projected trends. Additionally, several national and local demographic trends and factors influence assumptions about current and future housing demand.

Buildable Land Supply

Table 5.3-1 shows the total resulting buildable acres available for residential development by zone. There are 480 total buildable residential acres in Coos Bay.

<u>Table 5.3-1:</u> <u>Buildable Land Supply</u>						
<u>Zone</u>	<u>Total Acres</u>	<u>Gross Vacant Acres</u>	<u>Gross Buildable Vacant Acres</u>	<u>Public Facilities Land Deducted</u>	<u>Redevelopment/ Infill Acres Added</u>	<u>Total Buildable Acres</u>
<u>Coquille Plan - Village</u>	<u>39.0</u>	<u>39.0</u>	<u>39.0</u>	<u>9.8</u>	<u>0.0</u>	<u>29.3</u>
<u>Low Density Residential - 6</u>	<u>1217.1</u>	<u>476.4</u>	<u>182.8</u>	<u>18.7</u>	<u>18.9</u>	<u>183.0</u>
<u>Low Density Residential - 8.5</u>	<u>103.8</u>	<u>10.0</u>	<u>7.6</u>	<u>0.2</u>	<u>1.2</u>	<u>8.6</u>
<u>LDR-6 Overlay Zone</u>	<u>56.2</u>	<u>39.8</u>	<u>23.7</u>	<u>4.6</u>	<u>1.1</u>	<u>20.2</u>
<u>Medium Density Residential</u>	<u>846.6</u>	<u>450.5</u>	<u>257.0</u>	<u>58.4</u>	<u>6.0</u>	<u>205.6</u>
<u>*Commercial</u>	<u>320.8</u>	<u>57.8</u>	<u>9.9</u>	<u>0.0</u>	<u>17.4</u>	<u>27.3</u>
<u>*Mixed Use</u>	<u>110.6</u>	<u>9.8</u>	<u>1.4</u>	<u>0.0</u>	<u>1.8</u>	<u>3.2</u>
<u>*Waterfront Heritage</u>	<u>26.8</u>	<u>14.4</u>	<u>1.2</u>	<u>0.0</u>	<u>1.8</u>	<u>3.0</u>
<u>Total</u>	<u>2720.8</u>	<u>1097.7</u>	<u>522.5</u>	<u>91.6</u>	<u>48.2</u>	<u>480.0</u>
Source: LCOG Analysis with Coos Bay and Coos County GIS data						

Housing Conditions

Table 5.3-2 compares current baseline housing conditions in Coos Bay with the resulting estimates for housing conditions in 2040. Coos Bay's population is estimated to increase by 1,244 persons in that 20-year time frame. Housing units in Coos Bay will increase proportionately from 7,737 in 2020 to 8,341 in 2040.

Estimates for figures in this section were derived utilizing the best available data, including 2020 population forecast from the Portland State University Population Research Center (PRC), the U.S. Census, and permit data from the City of Coos Bay.

<u>Table 5.3-2: Current and Estimated Future Housing Condition</u>		
	<u>Current Housing (2020)</u>	<u>Estimated Future Housing (2040)</u>
<u>Total Population</u>	<u>17,057</u>	<u>18,301</u>
<u>Estimated Group Housing Population</u>	<u>159</u>	<u>171</u>
<u>Estimated Non-Group Population</u>	<u>16,898</u>	<u>18,130</u>
<u>Average Household Size</u>	<u>2.36</u>	<u>2.36</u>
<u>Estimated Non-Group Households</u>	<u>7,160</u>	<u>7,682</u>
<u>Total Housing Units</u>	<u>7,737</u>	<u>8,341</u>
<u>Occupied Housing Units</u>	<u>7,160</u>	<u>7,682</u>
<u>Vacant Housing Units</u>	<u>577</u>	<u>659</u>
<u>Vacancy Rate</u>	<u>7.5%</u>	<u>7.9%</u>
<u>Sources: ACS 2018 5-Year Estimates (Tables B11016, B26001), PSU Coordinated Population Forecast for Coos County, Lane Council of Governments, Bielland Housing Needs Model.</u>		

Housing Demand and Supply

The analysis reveals that for current renters, the greatest demand is for units at the lower to middle end of the affordable rent level range. Rental demand is greater than supply at the lowest income level, indicating that the residents most likely to spend greater than 30% of their income on housing do not have adequate affordable options. With the exception of the lowest income category (under \$15,000), the analysis suggests that lower- to middle-income categories should have income-appropriate rental opportunities.

Current ownership demand is higher in the middle to upper end of the affordable price range. Although existing owned units at the lowest income range appear to far exceed modeled demand, the City recognizes that true ownership opportunities are likely misrepresented by these figures, and anecdotal evidence suggests that there is some genuine unmet demand for ownership in the lowest income range. Demand also outpaces supply for units affordable to higher income ranges. In general, the analysis demonstrates that there are insufficient ownership housing opportunities for residents at all income levels.

Based on the model inputs, future demand for ownership housing will remain higher at the levels affordable at mid- to higher-income ranges; demand for ownership housing will exist

in the lowest income range. Future demand for rental housing will remain more evenly spread among the lower- to middle-income income ranges; rental demand will be lowest in the highest income range.

Comparison of Future Housing Demand to Current Housing Inventory

The analysis determined that 604 new rental and ownership housing units are needed by 2040 to meet future demand. Of the new units needed, roughly 81% are projected to be ownership units, while 19% are projected to be rental units. There is a need for 489 new ownership units and 115 new rental units. The mix of needed unit types reflects both past trends and anticipated future trends.

The analysis concludes that:

- Approximately 28% of the new units are projected to be single-family (detached and attached) homes.
- 61.2% are projected to be manufactured homes in parks. The reason that this proportion is so high is because of a manufactured home development that was approved by the City of Coos Bay in the Spring of 2020.
- Duplex through four-plex units are projected to represent 11% of the total need. Duplex units would include a detached single-family home with an accessory dwelling unit on the same lot, or with a separate unit in the home (for instance, a rental basement unit). These categories also include any other allowable middle housing types, such as cottage housing.
- For the purposes of this study, new needed units do not include multi-family housing in structures of 5+ attached units. These units will likely develop over the planning period, but the City is anticipating a focus on middle housing alternatives.
- Of ownership units, 32% are projected to be single-family homes, and 54% manufactured homes in parks. Some of the single-family units may be attached forms (townhomes – another form of middle housing).
- About 38% of new rental units are projected to be found in two- to four-unit structures. Twenty percent of projected rental properties are manufactured homes in parks.

The housing analysis is reconciled with the current buildable lands analysis to establish the capacity the City of Coos Bay has for new units by zone and ultimately general housing types (Low, Medium, and High Density residential). The result is a total of 79.2 acres needed to address the identified housing needs for the planning period (2020 – 2040).

The analysis demonstrates that there is sufficient capacity to accommodate all projected new unit types. There is a projected need for 79.2 acres of new residential development (32 acres of lower density, 44.9 acres of medium density and 2.3 of higher density). Coos Bay's residential buildable land capacity is 480 acres, leaving a surplus of approximately 401 acres.

Conclusion

The 2020 BLI/HNA adoption is reflective of 1) the State of Oregon's emphasis on improving middle housing options and 2) the City Council's recognition of and

determination to resolve the lack of housing supply in Coos Bay. The information identified in the 2020 BLI/HNA lays the foundation for Coos Bay housing solutions. Future housing supply opportunities will be guided by housing policy and strategies with the updates of the City of Coos Bay's Comprehensive Plan and Development Code.

5.4 PUBLIC FACILITIES AND SERVICES

The adequacy of public facilities and services is necessary to maintaining existing urban and rural areas, which must be able to support future development. This report assesses the existing public facility systems that future needs.

Coos Bay-North Bend Water Board

The Coos Bay-North Bend Water Board provides services to over 11,000 customers from two water sources - upper and lower Pony Creek reservoirs and the Coos Bay sand dunes. These sources can meet present demand for water consumption either for domestic or fire protection uses, barring any extended drought periods.

The Water Board is devoted to water source development in response to the demand of the community. It has conducted studies on all water sources available in this area. Short-term needs can be satisfied by interim projects involving the expansion of the Pony Creek storage capacities through the raising of the upper reservoir dam, creating a new reservoir in Joe Ney Slough, or pumping water out of Joe Ney Creek. Further exploitation of the sand dunes is presently under consideration.

A more complete, permanent water source could be developed on the West Fork of the Millicoma River. This source alone could provide more than enough water for this area's future needs. However, development of this source presents some economic difficulty and is predicated on the intensified needs of additional industrial demand.

All existing residential, commercial, and industrial development is provided with required fire flow capacity, except for a few areas in Englewood located on unimproved streets.

Southwestern Oregon Community College

The 125-acre campus of Southwestern Oregon Community College is located east of Empire Lakes in Coos Bay and provides educational and community services to Coos, Curry, and western Douglas Counties.

Findings of Southwestern Oregon Community College's Master Plan reveal that the current size and configuration of the existing complex is inadequate to meet the program requisites. The college has devised a 5-year plan for new construction and facility remodeling aimed toward adequately housing 1977-78 existing programs and services by 1983. At this time, the college has yet to update its Master Plan.

The space needed to accomplish these plan goals is more than adequately covered by the total acreage of undeveloped lands within the City dedicated to the college.

Southwestern Oregon Community College plan addresses current needs and offers no specific schemes that would house new programs and services not currently offered by the college. Further expansion would be contemplated in the future depending upon program needs and financial capability at that time.

School District #9

School District #9 provides educational services within central Coos County on the elementary, junior high, and high school levels.

The school district is concerned with adequate and safe access to existing school facilities and the improvement of unpaved street within the city.

At this time, School District #9 has ample facilities to meet existing and near future needs.

Bay Area Health District

The advantages of creating this medical park have been to centralize medical and related facilities, increase efficiency and convenience to users, and create aesthetic quality in a park-like atmosphere.

The Bay Area Hospital is located in a 140-acre area that has traditionally been planned for hospital, medical, and related facilities. This planned medical area is used by the hospital, two medical clinics, physicians' offices, a pharmacy, a dental office, a physical therapy office, and a psychiatric office.

The Bay Area Hospital District Board is now in the process of preparing a plan to improve the level of health and access to health services. Those inventoried needs that have a bearing on the city's land use plan are a lack of alternatives to institutional care (for instance, group care homes, home health agencies, homemaker services, foster home services, and day care services), a need for information and referral center, and better geographic distribution of general health care through small health centers, primarily in rural areas.

Oregon International Port of Coos Bay

The Oregon International Port of Coos Bay was established as a special district to promote water-related economic development. The District's scope of concern includes the entire Coos River drainage basin, as far north as Lakeside, as far south as Bandon, and the major freshwater streams and tributaries to the east.

The Port retains ownership of some lands surrounding the estuary. One tract occurs within the city limits, which is the eastern side of North Bayshore drive from approximately Ivy Avenue to Teakwood. Part of this land is leased to the U.S. Coast Guard for boat moorage and to a private firm for in-water loading of logs on ocean-going vessels. Another tract is the 200-acre Eastside Industrial Park. Outside the city limits, the Oregon International Port of Coos Bay owns several dredge spoils islands, portions of the North Spit and its tidelands, the Charleston Marina Complex, and the Charleston Shipyard.

The Port of Coos Bay has identified three specific long-range needs for the regional economy: Channel deepening to allow the presence of larger vessels in the bay, additional off-street parking to meet the needs of the U.S. Coast Guard and the Dolphin Terminals Log Export dock, and development of the Eastside Industrial Park.

General Municipal, Police and Fire Protection and Library Services

1. General Municipal Services. The level of these services provided by the City of Coos Bay include offices of finance, public works and community development as determined by the city residents to support the city's population of approximately 14,290.
2. Public Safety Services. This service has been hampered by budgetary constraints, however, a recently passed charter amendment requiring 1.85 sworn police officers and 1.2 firefighters for every 1,000 people in the area should offset previous public safety staff cutbacks due to budgetary constraints.

Fire protection service is provided from three sections, one in the downtown core, the other two in the Empire and Eastside districts. The present level of service is adequate to satisfy the city's needs.

Areas in Englewood where fire flows are below accepted levels (at least 1,000 gallons per minute) are being improved. Some unimproved streets in these same areas should be brought up to city standards to facilitate fire equipment accessibility.

The downtown fire station presently lacks a single ladder truck, although the remaining apparatus and pumping capabilities are adequate for current needs.

Further waterfront development may require acquisition of a water boat.

It may be desirable to develop separate facilities, one in the north city and one in the south city to rectify the traffic problems occurring at the downtown station.

Eventual service to areas outside the city limits in the possible Urban Growth Boundary would be of concern if these areas were not brought up to adequate standards for fire flow and vehicular accessibility.

3. Public Library. The library provides a reference and information service to area residents and also houses additional space for public meetings and private gatherings.

Budgetary cutbacks have slowed or curtailed many of the services previously provided by the library, while a continued increase of its use has been experienced.

Growth of the library collections has made expansion of the library into the cultural center necessary. However, minor remodeling will have to occur before the expansion can take place.

Coos Bay Sewerage System

A regional sewerage system has been established by the City of Coos Bay providing service to city residents and to Bunker Hill, Eastside, Barview, and Charleston on a contractual basis. Sewage treatment takes place at two plants, Coos Bay #1 and Coos Bay #2.

The sewerage system was designed to adequately handle waste from these areas over a 20-year period. However, the system has specific deficiencies that preclude effective sewage treatment.

The Department of Environmental Quality now requires that the drainage system for storm water be separate from that transporting sanitary sewage waste. Completion separation of the two waste waters has not been accomplished in this system due to economic constraints. Also, segments of the system are old and deteriorating, thus, permitting the intrusion of ground and tidal waters. These two problems of infiltration and intrusion become particularly severe during the winter storm seasons when long periods of intense rain occur. At these times, inflow of waste water into the Coos Bay #1 plant exceeds its treatment capacity and untreated waste flows directly into the bay.

The system is adequately designed to handle sewage waste at the present time, if the storm and sanitary sewage waste can be separated and if improvement of the collection system is accomplished.

The sewerage system, contingent upon these improvements, has the capacity to meet expected growth needs over the next 20 years. If substantial, unexpected growth occurs in the areas outside the city limits, revision of contract services may be necessary.

5.5 TRANSPORTATION

Coos Bay Transportation System Plan Technical Appendix, "A". Existing Conditions," which is incorporated herein by reference, summarizes existing traffic and transportation operations for all the major transport modes including: motor vehicle, transit, pedestrian, bicycle, truck and air, rail and pipeline. [ORD 343 1/6/04]

5.6 RECREATION

Coos Bay's "Recreation" component inventories the supply of and estimated demand for local recreational facilities. It also identifies local facility deficiencies and attempts to assure the provision of desirable public open space.

The "Outdoor Recreation Needs Bulletin" of the "Statewide Comprehensive Outdoor Recreation Plan" (SCORP), which was developed by the Oregon Parks Division, established standards that can be used to gauge the adequacy of local recreation facilities. Standards are an expression of the theoretical relationship between recreation supply and demand. They do not substantiate absolute deficiencies.

Based solely on theoretical standards, Coos Bay registers a theoretical surplus of community park acreage, but registers a deficiency in neighborhood park acreage. The city has far exceeded local needs for walking/hiking/biking trails. A surplus of tennis and all-purpose courts also exists at present. A theoretically balanced supply of ball fields currently exists. However, an identified need for lighted softball and soccer fields has recently been documented by local recreation enthusiasts. Community Development Block Grant Funding (CDBG) will soon satisfy this need. A somewhat serious deficiency of boat launch lanes currently exists, as six more lanes are needed. Coos Bay may need an additional swimming pool by 1990.

Local public attitudes regarding public recreation were sampled by the Coos Bay C.C.I. in July 1978. Local opinion generally favors increased public access to the waterfront as well as the creation of several small waterfront parks; however, public opinion concerning the latter is mixed. The public feels that local parks are conveniently located, and that a city-wide bike path has merits in Coos Bay. The community supports the concepts of a covered swimming and a year round recreation center for all age groups.

The major public recreation opportunities in Coos Bay include Mingus Park, including the swimming pool, Empire Lakes Park, three small neighborhood parks, and the bay itself. School District No. 9's recreational opportunities complement the city's parks and facilities.

While the city may be deficient in an adequate supply of neighborhood parks, a number of city-owned properties do exist which could be developed as parks if public sentiment so desires.

State and federal recreation funding sources include the Bureau of Outdoor Recreation (B.O.R.), the Department of Housing and Urban Development (H.U.D. - C.D.B.G.) and the State Marine Board.

5.7 URBAN GROWTH MANAGEMENT

Determination of an urban growth boundary is based upon several findings concerning future population growth and upon the amount of adequate and available vacant lands within the City. The goal of establishing this urban growth boundary is to make an efficient and orderly transition from rural to urban land use, that is, to contain urban sprawl and minimize the costs of erratic development.

The population for Coos Bay by the year 2000 is expected to approximate 17,375 individuals.

Based on the expected growth of North Bend, that city will not reach its maximum population capacity before the year 2000. Hence, Coos Bay will not experience a greater influx of persons unable to settle in North Bend until that time.

Based on these population projections, the City of Coos Bay will have to house 1,363 more persons or set aside enough land for approximately 116 more housing units to at least maintain current housing trends.

There are sufficient commercially-zoned lands, but insufficient amounts of industrially-zoned lands within the city limits.

The city may need to dedicate some undeveloped land for open space uses to satisfy a need for parks; however, it is envisioned that there are sufficient lands needed for this purpose within the existing city limits.

The availability of water and sewer services to undeveloped areas in Coos Bay poses no restraining problems to development. Technologically, service can be provided to all areas.

Restraints may occur when the cost of providing service in some areas may be more expensive than others due to topography or other constraints.

The final decision to delineate an urban growth boundary outside the city limits will occur later during the planning process when land use policies are chosen. However, it appears that sufficient land exists within the City of Coos Bay to accommodate any future growth.

A formal agreement between city and county must address whose zoning, subdivision, and property development standards will apply to these urbanizable lands identified by an urban growth boundary outside the city limits.

LAND USE

CHAPTER 6

INTRODUCTION

Broad statements regarding the use of land within the city for open space, homes, businesses, and industry are summarized in this section. Detailed documentation of these statements are found in the Inventory, Volume II (section and page numbers cited).

The following sections contain information from the 1977 citywide land use inventory. This 1977 inventory is still reliable due to the lack of development over the last decade.

6.1 OPEN SPACE AND PUBLIC LANDS

There is a total of approximately 4,743 acres of land (78% of all land) within the city limits that is undeveloped or open based upon a 1977 city-wide land use inventory. (This figure does not include the many acres of estuary that belong to the city). Of this amount open space is found in the form of rights of way, the Water Board property (including reservoirs), and city parks totaling 3,017 acres (50% of all land). Water Board policy does not permit public access to the watershed, therefore, approximately 990 acres (16% of all land) are set aside or accessible to the public.

Public lands comprise properties owned by the city, such as rights of way, parks, miscellaneous pieces of property totaling 994 acres. Other public districts, such as the Coos Bay-North Bend Water Board, the Port of Coos Bay, School District #9, Southwestern Oregon Community College, and Bay Area Hospital District retain publicly owned lands. Much of these land holdings are utilized to carry out the functions of the special district. However, as in the case of the Water Board and the schools, much of the land constitutes open space or recreation areas surrounding district buildings. Presently, much of Bay Area Hospital District's lands are undeveloped; but most of the Port property along the north "Marshfield" waterfront is leased for water-dependent activities.

6.2 RESIDENTIAL LANDS

~~As of 2009, there are approximately 810 acres of buildable land on 850 lots within Coos Bay's UGB zoned for residential use (see Table 1). This does not include commercially zoned land where housing may be allowed under certain conditions. There are another 119 acres of commercially zoned land on 197 lots that could accommodate some additional residential development. Land considered potentially unbuildable due to environmental constraints was removed from the inventory summarized in Table 1. The area or portion of each parcel subject to the environmental constraint(s) was deducted from the total land area on a parcel by parcel basis, rather than removing entire parcels of land. Land with environmental constraints includes riparian areas, area within the city's tsunami zone (including estuary lands), and significant wetlands.~~

~~Another typical development constraint is land with steep slopes. The portion of each parcel with a slope of 25% or greater was determined and identified on the residential-buildable lands inventory map. However, this acreage was not removed from the gross inventory due the fact the City does not have a building code that explicitly prohibits development on steep slopes; thus, this land is technically developable for purposes of the residential buildable lands inventory.~~

~~While these areas have been included in the inventory, it should be noted that the capacity and resulting density of development on land with slopes over 25% is typically lower, given cut-and-fill and other construction requirements in such areas. To note, land on steep slopes constitutes a significant portion of the BLI—over 330 acres, or 40%.~~

~~After subtracting for constraints, some parcels are very small. However, these very small lots tend to account for a relatively small proportion of the buildable area identified in Table 1. For example, of the 39 lots zoned R-1 in the inventory, 12 of them (over 25 percent) are less than 0.11 acres in size. However, they make up a smaller fraction of the total buildable land area in that zone (0.61 acres or less than 10 percent). Similarly over 240 parcels in the inventory zoned R-2 are less than 0.11 acres but account for only 12 acres of land (5 percent of the R-2 total). Some of these very small parcels may still be considered buildable if the city's zoning code allows for constructing new homes on any lots of record, even if they are below the minimum lot size otherwise allowed for land division or development. As a result these parcels have been included in the buildable lands inventory. Residential land supply is discussed in the adopted 2020 Housing Needs Assessment attached in Appendix "D". Buildable lands available for residential development in Coos Bay are also summarized in Section 5.3 Housing.~~

6.3 COMMERCIAL AND INDUSTRIAL LANDS

Coos Bay has approximately 180.21 gross acres of buildable industrial and commercial land within Coos Bay's UGB, comprising 323 parcels. The majority of this land is devoted to C2 – General Commercial (115 acres) and IC – Industrial/Commercial (36.76 acres).

Given Coos Bay's unique geographic and topographical characteristics, special consideration should be given to the suitability of land devoted to commercial and industrial uses. Specifically, this pertains to environmentally constrained land due to the presence of wetlands, steep slope, 100-year floodplain, and tsunami inundation. Approximately 7.06 acres of available industrial and commercial land are constrained by wetlands and 18.43 acres are constrained by steep slope above a 25% grade.

By removing environmental constraints, there are approximately 154.73 acres of existing buildable industrial and commercial acres inside Coos Bay's Urban Growth Boundary, with 12.77 acres of industrial lands and 141.96 acres of commercial land.

Additionally, Coos Bay should seek to create parcels of suitable size to accommodate commercial and industrial development. As of 2009, there are three large sites (32.01 acres, all commercial), 19 standard sites (50.86 acres) and 300 small sites (71.86 acres). Given the high number of small sites, to fully utilize this land for industrial and commercial purposes will require assembly of smaller, contiguous parcels into larger sites.

6.4 UNDEVELOPED LAND

As of 2009, there are approximately 1116 acres of undeveloped land within the City of Coos Bay's Urban Growth Boundary (UGB). This consists of approximately 946 acres of vacant residential and 170 acres of vacant commercial and industrial land. These numbers do not consider factors that determine the suitability of the land as "buildable". These factors include environmental constraints, such as flooding, wetlands, tsunami inundation, and steep slopes. Considering these factors, there are approximately 820 acres of net vacant buildable residential land* and 81 acres of net vacant buildable industrial and commercial land.

*Includes area with slopes above 25%

IDENTIFICATION OF PROBLEMS, PLANNING ISSUES, GOALS, AND PLAN IMPLEMENTATION STRATEGIES

CHAPTER 7

INTRODUCTION

This section identifies general community problems and specific planning issues related to nine basis topics that range from “natural resources and hazards” to “housing” and “urban growth management”. Community concerns about these key issues were identified by the C.C.I.’s public attitude survey administered in July 1978,* and also from public input gathered at eight well publicized town hall meetings sponsored by the C.C.I. in March and April 1979. Since that time, these nine topics have been updated as part of Periodic Review [and other Post Acknowledgment Plan Amendments](#) in order to reflect existing conditions [and adjust to changing state laws](#).

These problem statements are followed by the City’s adopted strategies to solve these specific needs. The strategies are policy; moreover, they are written to cite the reasons and justification of the policies and how they will be put into effect.

This section reflects the culmination of many hours of study by the CCI, the Planning Commission, City Council and interested local, state, and federal agencies. The first drafts of the problems, issues, goals, and strategies were developed by staff and subsequently scrutinized by these groups. During the first stages of this process, the CCI made a great many modifications to staff’s proposals, most of which staff wholeheartedly recommended the Planning Commission accept during their later deliberations on the first draft. The second draft was reviewed and amended after many joint meetings of the City Council, Planning Commission, and CCI and resulted in the Council adopting this document.

* (City of Coos Bay, 1981:II)

7.1 NATURAL RESOURCES AND HAZARDS

Problems

Community growth and development has the potential for infringing upon and impacting the area's natural resources. In addition, natural hazards, which are known to occur in the Bay area, may threaten existing development and pose a constraint to future growth.

Issues

1. Water quality near the downtown core area registers a high level of human waste bacteria, indicating that the regional sewerage system does not adequately fulfill its intended purpose. What can the City do to rectify this situation and prevent further degradation of the estuarine water?
2. An undetermined number of septic systems exist within the city which can degrade land quality if the septic system fails. What can the city do to change this situation?
3. Future construction within the city may not recognize certain hazards or development-limiting characteristics of the land, such as highly erodible, and impermeable soils, extreme slope, propensity to flooding, windthrow vegetation, and abandoned coal mines all of which can create problems for residents and users of these developments. What can the city do to require wise property development practices in its land use decisions?

Goal

The City of Coos Bay shall exercise sound land use practices to conserve and protect the quality of all its natural resources and safeguard the life and property of its citizens from natural hazards and disasters.

Strategies

- NRH.1 Coos Bay shall use the information resulting from the area's soil survey to assess property development concerns regarding the hazards or erosion, drainage, slope, and windthrow. For development in areas with identified constraints, the developer shall be required to substantiate to the city that property development will not be endangered by the constraints. [Development shall be prohibited on slopes greater than 20%, regardless of soil content.](#) For example, the developer should incorporate preventative measures into the project's site design, such as engineered foundations, landscape measures intended to maintain bank stability, retaining walls, and so forth. The city recognizes that these development requirements will insure the safety of its residents and reduce the potential impacts to its land resources.
- NRH.2 Coos Bay shall continue to separate storm and sanitary sewer lines and generally upgrade its sewer collection system as funding sources permit, recognizing that these problems press the sewerage system beyond its capacity and contribute to the substandard quality of water in the bay.

- NRH.3 Coos Bay shall extend its city sewer services to those developed areas within the city limits that are utilizing septic sewer systems according to its master sanitary and storm sewerage plans and as funding sources permit. In addition, the areas of Bunker Hill, Charleston, and Barview, which are functioning under the existing regional sewerage plan, have the right to continue providing sewer services within their respective districts as permitted under their service contracts with the city. The city recognizes that the extension of such services is necessary to preserve the quality of its land and the health of its residents.
- NRH.4 Coos Bay shall continue to endorse existing applicable state and federal environmental quality statutes, rules, and standards with respect to the quality of air, land and water resources and noise levels recognizing that this acknowledgement will assure the continued stability and integrity of these resources.
- NRH.5 Coos Bay shall continue to participate in the National Flood Insurance Program of the U.S. Department of Housing and Urban Development, recognizing that participation in this program substantially insures the health and well being of its residents and allows city residents to benefit from subsidized flood insurance rates.
- NRH.6 Coos Bay shall require that construction in flood prone areas shall meet certain flood proofing standards such as structure orientation to flood flow, flotation prevention measures, and a minimum elevation of the lowest story. The city recognizes that this development, if permitted, should offer the minimum obstruction to the flow of flood water and should be designed to afford the most protection to human life and property.
- NRH.7 Coos Bay shall encourage the continuance or development of stocking programs for wildlife and fish habitat, recognizing the need to preserve the natural resources of this area.
- NRH.8 Coos Bay shall encourage the preservation and protection of riparian vegetation as an important fish and wildlife habitat and as a viable means of flood control by enactment of appropriate property development ordinances providing protection by establishing buffer strips along waterways, along designated HUD floodways, with the exception of navigable waterways. This strategy recognizes that such land use practices are necessary (1) to preserve the area's natural resources, and (2) to eliminate unnecessary drainage and erosion problems often accompanying development.

[RES 83-11 5/13/83]

- NRH.9 Coos Bay shall cooperate with local, state, and federal agencies in conserving and protecting fish and wildlife habitat, open spaces, and aesthetic and scenic values encompassed by areas enclosed by the Coos Bay-North Bend Water Board, Empire Lakes, and Mingus Park. This strategy is not intended to prohibit development in these areas, but rather to ensure that if development occurs it takes into consideration the ability of the land to support such development, i.e., soils, topography, habitat, natural processes, etc. This strategy recognizes that these areas are particularly sensitive and valuable resources.
- NRH.10 Coos Bay has added to its Land Development Ordinance requirements that state noise standards be met for industrial uses and more intense commercial uses and will consider noise impacts during site design and special development permit review.
- NRH.11 Coos Bay shall regulate land use in dune areas in order to minimize erosion and protect coastal resources recognizing the detrimental effects that irresponsible development has on water quality, soil stabilization, and the protection of other property. This strategy shall be implemented by the Land Development Ordinance, enforcement of the building code, and ongoing inspections of property and development.
- NRH.12 Coos Bay recognizes that local and state building codes agencies require building standards that are intended to prevent collapse of structures when they are subjected to earthquake or tsunami forces. ~~(1997 Uniform Building Code, Chapter 18).~~ [ORD 284 10/19/1999]

7.2 ENERGY CONSERVATION

Problems

Energy resources are diminishing and the cost of energy is rising accordingly. Yet, community growth and development results in an increasing appetite for energy.

Issues

1. Coos Bay has traditionally not made energy conservation considerations an integral part of its land use decisions. What can the city do to conserve energy through its land use decision?
2. Coos Bay has not traditionally made energy conservation considerations an integral part of its transportation planning efforts. What can the city do to conserve energy by planning its transportation system?

Goal

The “energy crisis” looms largely as a state and national dilemma forcing local jurisdictions and individuals to cope primarily with the acute problem of curbing energy consumption, and to the utilization of renewable conservation practices and will manage and control its land use policies to maximize the conservation of all forms of energy based on sound economic principles.

Strategies

- EC.1 Coos Bay shall exercise residential site development practices consistent with Oregon planning law that incorporate sound energy conservation design principles, including, but not limited to, building orientation, landscaping, and street design, where appropriate, consideration of alternatives for cluster housing, for structural orientation and landscaping design to minimize adverse climatic impacts and maximize solar benefits, and for street design to minimize surface heat loss. Coos Bay shall implement these principles concerns by developing with Development Code performance standards in the zoning and/or subdivision ordinances in order to facilitate produce energy-efficient projects developments, (e.g., development of subdivisions which orient the longitudinal axis of homes in an east-west direction allowing maximum passive and active solar potential). The city recognizes that such alternative site and structure design practices will and afford greater energy conservation rewards than conventional practices.
- EC.2 Coos Bay shall promote the rights of residents to solar access and encourage an in-depth study of solar energy which will lead to establishing appropriate design standards and other provisions in the zoning and subdivision ordinances, recognizing that (1) the use of solar energy is becoming more desirable and necessary in the present energy situation, and (2) active solar systems may become an economic feasibility to an increasing number of households and, therefore, the ability to obtain this energy should not be obstructed by the design of the home or of adjacent homes. This strategy does not mean that the desire to encourage utilization of solar energy should

| ~~preclude other important and desirable site designs such as lowing densities.~~

- EC.3 Coos Bay shall encourage the development of wind-generated energy by establishing appropriate design standards and other provisions in the zoning and subdivision ordinances, recognizing that (1) the use of wind as an energy source is becoming more desirable and necessary in the present energy situation, and (2) there are unique requirements of a wind generation system that must be addressed.
- EC.4 Coos Bay shall promote development along major transportation corridors by zoning lands adjacent to such corridors to allow commercial, industrial, and multi-family-unit development ~~except where such areas are irreversibly committed to low density residential development~~. However, ingress/egress to such development shall be designed so that it does not restrict traffic flow on the arterial streets. The city recognizes that intense development, along major transportation corridors conserves energy by providing shorter, direct access to home and trade and service areas.
- ~~EC.5 Coos Bay shall encourage the development of undeveloped parcels of land within the city limits for residential purposes, recognizing that such development constitutes extensions of existing traffic corridors and service lines, and is a more energy efficient use than new construction in "unserved", undeveloped areas outside the city limits.~~
- EC.65 Coos Bay shall attempt to site residential apartment development in appropriate areas within or on the fringe of commercially zoned areas, recognizing that such uses conserve energy by the centralized location of achieving the goal of "infilling", and by maximizing the potential of land uses within developed areas of the city. ~~This strategy shall not supersede the strategy dealing with protection of the integrity of established residential neighborhoods.~~
- EC.76 Coos Bay shall encourage multi-family-unit dwellings as part of its housing strategy, recognizing that these types of dwellings are relatively more energy efficient than single-unit dwellings family units. The centralization of these dwellings require the extension of fewer service lines and fewer roadways, and the nature of their construction lends to the conservation of heating energy.
- EC.87 Coos Bay shall encourage the "infilling" development of undeveloped parcels of land, within the city limits for residential and commercial purposes, recognizing that such development, located in the vicinity of established traffic corridors and in areas already serviced by electrical, sewer, and water lines, are more energy efficient than new construction in "unserved" undeveloped areas.
- EC.98 Coos Bay shall designate areas within the city as suitable to allow recycling activities, recognizing that recycling can be an effective energy conservation measure. This strategy shall be implemented through provisions in the applicable zoning ordinance.

~~EC.10 Coos Bay shall continue to enforce the currently adopted version of the Uniform Building Code as it regulates the residential development, recognizing that energy conservation benefits accrue from these sound construction standards.~~

EC.119 Coos Bay shall continue to sponsor the Housing Rehabilitation Program funded by the Community Development Block Grant Program of the U.S. Department of Housing and Urban Development, recognizing this program can provide some weatherization assistance along with structural rehabilitation to eligible homeowners within the city.

7.3 HISTORIC PRESERVATION

[RES 83-11 5/13/83]

Problem

Coastal Indian tribes had thrived in the Bay area for many centuries, while initial white settlement here commenced during the mid-1800's. Remnants of this history are embodied not only in our cultural and economic heritage but also in tangible, historically-significant sites, structures, and objects. Many of these sites and structures have already been lost to fire and demolition, land alteration, and progressive development. Hence, much of the Bay area's historical identity had been wasted.

Issues

1. Already 21 sites and residential and commercial structures have been designated as historically significant properties by the State Office of Historic Preservation; one of these buildings has been placed on the National Register of Historic Places. What is the community sentiment regarding the designation of additional historic sites, if such sites exist? Also, what can the city and community do to preserve and protect all such sites?
2. An ongoing inventory of prehistoric Indian sites is recorded by the State Office of Historic Preservation. Although the locations of these sites, are not publicly disseminated to prevent amateur "pot-hunting", sites can be disturbed as property development continues. What can the city do to prevent the disturbance of important archeological and historical sites or assist in their preservation if a conflicting land use has been approved?

Goal

The City shall endeavor to continue to identify, preserve, and protect remnants of the area's cultural heritage embodied in sites, structures, and objects that are historically significant on a local, regional, state, or national level.

Strategies

- HP.1 Coos Bay shall assist the Committee for Citizen Involvement (CCI) in encouraging local historical, genealogical, Native American, and other interested groups to establish the desires of the community regarding historic sites by providing staff support and facilities, recognizing the need for cooperative community efforts in historic preservation.
- HP.2 Coos Bay shall assist community organizations in seeking state and federal grant funds to assist in the preservation of historically significant sites, recognizing the recreational, educational, and cultural benefits accrued by the restoration and preservation of these sites and structures.

HP.3 Coos Bay shall preserve and protect archaeological and historical sites known, and in particular the burials known to exist in the general proximity of the “old Pioneer Cemetery” located adjacent to Lakeshore Drive (See Inventory). To this end, all development proposed within the identified sensitive areas shall not proceed without an archaeological/historical site investigation which shall be prepared by a qualified archaeologist and/or historian at the developer’s expense. Confirmation of burials or other cultural resources within the property development shall not mean the development cannot be constructed. It shall mean that appropriate measures be undertaken to satisfy the intent of this strategy.

Appropriate measures are deemed to be those which do not compromise the integrity of the remains, such as (1) paving over the sites, (2) incorporating cluster type housing design to avoid the sensitive areas, or (3) contracting with a qualified archaeologist to remove and/or reinter the cultural remains or burial(s) at the developer’s expense.

If an archaeological site is encountered in the process of development which previously had been unknown to exist, these three appropriate measures shall still apply. This strategy is based on the recognition that preservation of such historically and archaeologically sensitive areas is not only the community’s social responsibility but is also a legal responsibility to Goal 5 and ORS 97.745. It also recognizes that historical and archaeological sites are non-renewable, cultural resources.

HP.4 Coos Bay shall preserve and protect the integrity of city-owned structures and sites of identified historical significance by requiring review by the Planning Commission prior to development or modification of the subject properties. This strategy recognizes that the city has a responsibility to preserve the cultural heritage of this area.

HP.5 Coos Bay has established a conflict resolution procedure in the Land Development Ordinance, which will be used to evaluate the value of a cultural resource which has been inventoried on the State Inventory of Historic Places as being potentially significant. This procedure will remain in effect until such time that the city has funding available to undertake a thorough inventory and to evaluate the cultural value to the community of all the identified potential resources. Upon completion of this work, the ordinance provisions may need to be amended. This strategy recognizes the facts that (1) the State Inventory of Historic Places is merely a catalog of sites potentially significant in history, architecture, archaeology, and culture at the national, state, and local level, and (2) the value of any site in Coos Bay must be based upon its context within the community and reflect the community’s attitude toward preserving remnants of its past.

7.4 RECREATION AND OPEN SPACE

Problem

The city lacks some recreational facilities that are desired by the community.

Issue

1. The community has identified the following facilities as necessary to complement existing recreational opportunities in the city:

- 90 foot baseball diamond
- year-round recreational center for all age groups
- covered swimming pool
- improvements and expansion of bikeway system
- improvements to Mingus and Empire Lakes Parks as well as other established parks
- additional small neighborhood parks
- covered tennis courts

What can the city do to satisfy these needs?

Problem

Coos Bay's waterfront lacks opportunities for recreational experiences. The development of recreational facilities along the waterfront would not only provide public recreational benefits but would also improve blighted and deteriorated areas.

Issues

1. The community had identified several general recreation facilities desirable along the waterfront as follows:

- improved public access to the waterfront
- establishment of small parks along the waterfront
- addition to boat moorage facilities and boat launch lanes
- downtown waterfront broadwalk
- multiple-use path (walking, jogging, etc.)

What can the city do to satisfy these needs?

Goal

The city shall endeavor to satisfy the recreational needs of its citizens and visitors.

Strategies

- R.1 Coos Bay shall encourage and help the Committee for Citizen Involvement to establish a recreational facilities committee whose responsibility shall be to (1) provide documentation that the public does in fact support the need for the identified facilities identified in the above stated issue, (2) prioritize the facilities based on public need and funding opportunities, and (3) help the city establish a capital improvements program (including consideration of all possible finance mechanisms) to achieve desired results. The city recognizes that considerable public support is necessary to increase public expenditure for recreational facilities.
- R.2 Coos Bay shall support identified efforts to create a special purpose park and recreation district recognizing the need for and cost efficiency of a special purpose district to provide park and recreational facilities and programs.
- R.3 Coos Bay shall entertain and consider the appropriateness of applying state and federal funds for the initial development of recognizing the benefits of using these funds but also recognizing that other community activities may also be in need of these funds.
- R.4 Coos Bay shall continue to recognize and encourage on recreational opportunities in proportion to population growth. The city recognizes that future generations have a right to an equal level of recreational opportunities enjoyed by present residents. This strategy shall be implemented by consideration of all possible finance and land acquisition methods.
- R.5 Coos Bay shall utilize small city-owned, deeded, or dedicated undeveloped areas as open space, recognizing that open space alone is recreationally valuable,
- R.6 Maintain a 100-foot buffer strip separating the residential area of Eastside and the abutting undeveloped portion of the fill area which allows industrial development.
[RES 95-32 11/21/95]

7.5 ECONOMIC DEVELOPMENT

Vision

The City of Coos Bay is developing a vibrant, dynamic economy capitalizing on its waterfront and proximity to a geographically unique area. The City is poised as the region's hub to support industrial growth.

The City's commercial and industrial economic development is a balance of increasing the amount and occupancy of useable industrial land and maintaining a focus on services, hospitality, the retirement community and related support services.

Economic Development Goals

- **Goal #1:** Encourage and support economic growth.
- **Goal #2:** Maintain and expand a diversified economy.
- **Goal #3:** Recruit businesses.
- **Goal #4:** Work to retain, expand and strengthen existing local businesses.
- **Goal #5:** Recruit sustainable industries and industries that provide "green-collar" jobs.
- **Goal #6:** Maximize use of Coos Bay's unique geographic and recreational assets and cultural heritage.

Community Economic Development Objectives

Based on review of Coos Bay's existing economic vision and goals, Comprehensive Plan policies, and interviews with City officials, DLCD staff and Advisory Committee members, the following are the City's community economic development objectives, in accordance with OAR 660.009.0020(1)(a):

- Create a more diversified economy.
- Become ready for economic opportunities aligned with 21st century trends.
- Promote housing necessary for economic development and enhanced quality of life.
- Encourage-Establish a range of housing types consistent with State law that, by nature of their size, design, location or other factors, accommodate at different price points. These may include, but are not limited to, duplexes, triplexes, fourplexes, cottage clusters, townhouses, etc. that are affordable (including, but not limited to first-time home owners, renters, workforce housing, workers at all income levels, and retirees residents wishing to age in place).
- Support the creation of necessary improvements to the Oregon International Port of Coos Bay to attract and stimulate economic opportunities.
- Increase the City's short-term availability of industrial and commercial sites.
- Update the City's Buildable Lands Inventory (BLI) to reflect truly buildable land.
- Serve as a regional hub for commercial and professional support services.

Policies

Recommended updated Comprehensive Plan goals and associated policies.

Goal 1: Encourage and support economic growth.	
	Policy
1.1	Enhance Coos Bay's role as a hub for support services for the south coast, commercial, financial, real estate, professional services (engineering, architecture), housing, etc.
1.2	Encourage and support assembly of small, contiguous industrial and commercial parcels into suitable sizes utilizing city-initiated efforts, such as the use of urban renewal, public private partnerships and real estate negotiation, site clearance assistance and brownfield remediation.
1.3	Collaborate both locally and regionally to provide an adequate supply of industrial land.
1.4	Focus industrial growth toward areas viable for industrial use; consider rezoning less viable industrial lands for redevelopment consistent with the City's overall vision and emerging market trends.
Action 1.4.1	Considering revising the City's Industrial-Commercial Zone (I-C) to ensure industrial use, including possible minimum use requirements for industrial, or more condition uses for commercial.
1.5	Support and cooperate with community and regional partners to encourage economic growth.

Goal 2: Maintain and expand a diversified economy.	
	Policy
2.1	Encourage expansion of recreational, cultural and eco-tourism industries by supporting, enhancing and expanding amenities and infrastructure from waterfront development to lodging options, including shopping, arts and entertainment.
2.2	Direct public investments toward creating an attractive downtown and waterfront setting that enhances Coos Bay and the Empire districts as areas where people want to live and do businesses.
2.3	Pursue the implementation of the Hollering Place Master Plan, adopted December 2, 2008, to Consistent with the Development Code, create a public activity area on the waterfront that serves residents and visitors; rebuild the dilapidated dock to promote more water-related activities; and, complement surrounding properties while connecting with the existing business district. A plan amendment from industrial to commercial or mixed-use will be required.
2.4	Investigate expansion of the City's urban growth boundary to address the shortfall of industrial lands.
2.5	Pursue new industrial opportunities while supporting existing industrial uses.

Goal 3: Recruit service-oriented businesses.	
	Policy
3.1	Continue to offer programs that encourage business development and retention
3.2	Continue to facilitate efforts to enhance Coos Bay as a medical center for the surrounding area.
3.3	Continue to enhance our core area as a place to do business.

Goal 4: Work to retain, expand and strengthen existing local businesses.	
	Policy
4.1	Continue to support the creation of outdoor public gathering spaces as a way to strengthen community interaction with local businesses.
4.2	Continue to offer programs that strengthen local businesses.
4.3	Facilitate business investment and development by offering programs to fit their needs.

Goal 5: Recruit sustainable industries and industries that provide “green-collar” jobs.	
	Policy
5.1	Continue to support the Community College and other regional partners on workforce training and marketing efforts.
5.2	Create a sustainability action plan that identifies clear strategies and collaborative partnerships to help recruit and locate green and sustainable industries in Coos Bay.

Goal 6: Maximize use of Coos Bay’s unique geographic and recreational assets and cultural heritage.	
	Policy
6.1	Maximize the potential uses and benefits the waterfront and deep-water port offers to the city and region as a whole.
6.2	Support the Port of Coos Bay in its development efforts for transportation linkage and to develop a deep-draft channel to accommodate large cargo vessels and increase shipping activities and water-dependent uses.

6.3	Promote the waterfront as key to a recreational center and opportunity to increase awareness of Coos Bay's rich maritime and logging history.
6.4	Promote the development of walking and bike trails throughout the City, ultimately linking with our neighbors, and continue to work towards the Coos Bay Waterfront Walkway to the North Bend Boardwalk for the mutual benefit of area residents, businesses and visitors.
6.5	Promote eco-tourism activities and the exploration and enjoyment of our natural surroundings.

7.6 HOUSING

Vision

The City of Coos Bay will provide opportunities for a wide range of housing types, available at varied price and rent ranges to accommodate the housing needs of its current and future citizens. Needed housing types are expected to include attached and detached single-family-unit and duplex dwellings, row houses, apartments of varying densities, cluster housing, mobile homes, and condominiums.

The City of Coos Bay will help ensure that housing is constructed and remains in safe, sanitary and decent condition.

Housing Goals

- **Goal #1:** Designate and maintain an adequate supply of land zoned for a range of housing types and price ranges.
- **Goal #2:** Support efforts of state, Tribal, regional and local public, private and non-profit entities to provide needed housing for low and moderate income households and others with special housing needs.
- **Goal #3:** Encourage the use of sustainable land use development practices and building materials including use of energy efficient materials and design principles.
- **Goal #4:** ~~Review land development ordinance to ensure promotion of~~Ensure that the Development Code enables the development ~~and of~~ housing options that are affordable-housing.
- **Goal #5:** Allow for, encourage and support the development of housing units in conjunction with commercial development (e.g., housing located above commercial uses).
- **Goal #6:** The City of Coos Bay shall comply with federal and state fair housing laws which affirm access to housing opportunities for all people in Coos Bay.
- **Goal #7:** The City of Coos Bay shall ~~enforce State provisions and codes that ensure comply with the provisions of the Uniform Building Code and other specialty codes adopted by the City Council recognizing that this is the key to providing~~safe, sanitary, and decent housing for its residents.

Policies

Goal 1: Coos Bay shall designate and maintain an adequate supply of land zoned for a range of housing types and price ranges.

	Policy
1.1	Coos Bay will continue to update its zoning provisions to allow for construction to provide a wide range of housing available at varied prices and rent ranges, and allow for flexible site and architectural design.

1.2	Coos Bay will regularly update the City's inventory of buildable land (at least every five years) and use it to both identify housing development opportunities and assess the ability to meet future housing needs. If growth is occurring at a faster rate than previously predicted, the city shall work with the County to update the county's coordinated population forecast and the City's housing needs analysis accordingly.
1.3	Coos Bay will explore and provide information about opportunities to consolidate buildable land where it will promote more efficient development.
1.4	Coos Bay will monitor public facility capacity to ensure that proposed new residential developments can be adequately served by water, sewer, transportation, drainage and other public facilities.

Goal 2: Support efforts of state, [Tribal](#), regional and local public, private and non-profit entities to provide needed housing for low and moderate income households and others with special housing needs.

	Policy
2.1	Coos Bay will <u>shall</u> consider waiving or deferring city fees, such as development fees or system development charges, <u>and allowing deviation from development standards as incentives</u> for affordable housing projects that meet defined criteria, <u>including State and/or Federal Affordable Housing requirements, and result in permanently affordable housing.</u>
2.2	Coos Bay will work with other public agencies and/or other organizations to provide or assist in obtaining technical assistance for transitional housing and housing projects targeted to households with low or moderate incomes developed by nonprofit organizations.
2.3	As appropriate, Coos Bay will advocate for national and state funding from the National Housing Trust Fund, Oregon Housing Trust Fund, and Lenders Tax Credit and other funding mechanisms that may be available.
2.4	Coos Bay will negotiate agreements to develop housing affordable to residents with low or moderate incomes on lands to be annexed.
2.5	Coos Bay will advocate for national and state funding from the National Housing Trust Fund, Oregon Housing Trust Fund, and Lenders Tax Credit.

Goal 3: Encourage the use of sustainable land use development practices and building materials including use of energy efficient materials and design principles.

	Policy
3.1	Coos Bay will continue to apply innovative regulations for planned unit development allowing flexibility in designing cluster housing, recognizing that such land development practices shall be incorporated into the Development Code to (1) result in lower costs per site than conventional subdivisions <u>allow for flexibility in design</u> (2) <u>result in lower costs</u> , (23) permit sound land economics, (34) enhance the environmental integrity of the land resources, (45) promote energy conservation, and <u>potentially</u> (56) provide additional open space and common areas.
3.2	<u>To stimulate infill development, Coos Bay's Development Code shall allow for and incentivize a variety of housing types in the City's residentially zoned areas. Coos Bay will continue to allow for and encourage small scale cluster housing concepts in residentially zoned areas to stimulate infill development.</u> This strategy (1) recognizes that infill development (4) is an acceptable way to wisely use undeveloped properties, (2) improves efficiency of land use, (3) helps conserve energy, and (4) takes advantage of established public facilities and services, <u>and (5) provides the framework for development of needed housing.</u>

3.3	Promote and encourage energy efficiency and sustainable building practices.

Goal 4: Ensure that the Review land development ordinance Development Code enables the development of to ensure promotion of development and affordable housing options that are affordable.

	Policy
4.1	<u>Coos Bay shall use the land use review permitting process to ensure the development of needed housing, to promote land uses that are harmonious with their surroundings, and to maintain a high quality of life for area residents. Coos Bay shall exercise its site plan review for major residential land developments, recognizing that site review is necessary to provide development that (1) fosters sound energy conservation practices, (2) is aesthetically pleasing, and (3) complements the natural characteristics of the site.</u>
4.2	<u>To ensure the development of housing options that are affordable consistent with State law, Coos Bay will (1) develop and utilize land use policies and regulations that remove barriers to needed housing, streamline processes, and facilitate the development of housing options and (2) offer incentive programs and-, including, but not limited to expansion of maximum density allowances by 20% for housing that is affordable and 3) engage in collaborative housing partnerships.</u>

Goal 5: Allow for, encourage and support the development of housing units in conjunction with commercial development (e.g., housing located above commercial uses).

Goal 6: The City of Coos Bay shall comply with federal and state fair housing laws which affirm access to housing opportunities for all people in Coos Bay.

Goal 7: The City of Coos Bay shall enforce State provisions and codes that ensure comply with the provisions of the Uniform Building Code and other specialty codes adopted by the City Council recognizing that this is the key to providing safe, sanitary, and decent housing for its residents.

	Policy
7.1	Dilapidated residential structures that flagrantly violate code provisions shall be demolished or rehabilitated to restore them to sound conditions.
7.2	The city shall continue to participate in the Housing Rehabilitation Program sponsored by the Housing and Urban Development through its Community Development Block Grant.

7.7 PUBLIC FACILITIES AND SERVICES

Problem

The cost for providing essential public facilities and services is inflating over time and is causing an undesirable tax burden to city residents.

Issues

1. The City faces the imminent need to upgrade the quality of certain public facilities and services including but not limited to public sanitary sewerage, storm water control. Fire and police protection, and other municipal services, which will cost an inordinate amount of money. Given the conflicting problem of having to provide services without sufficient dollars to accomplish the task, what can the city do most efficiently to ease this situation?
2. New residential development results in an increasing demand for new facilities and services while simultaneously straining the capacity of existing facilities and services. What can the city do to minimize the cost impacts for the provision of new facilities and services?
3. Some of the urban-type areas south of the existing city limits contract with the city for sewerage facilities and fire protection. Rates from these areas in return for these facilities and services may or may not be equitable. In addition, these areas may wish to continue to urbanize to an extent that exceeds the city's ability to serve their demand while providing an adequate level of facilities and services to meet Coos Bay's own needs. What can the city do about these problems?
4. A variety of key facilities and services are provided by different local governmental units, including the School District, Port District, Bay Area Health District, and the Coos Bay-North Bend Water Board. Ongoing coordination is necessary to maximize public return for invested effort, but maximum coordination has not always occurred in the past. What can the city do to increase coordination to a desirable level?

Goal

The City of Coos Bay shall encourage the timely, orderly, and efficient development of public facilities and services deemed adequate by the community. Therefore, to the maximum extent financially possible, the city's growth shall be guided and supported by types and levels of public facilities and services appropriate for the current and long-range needs of Coos Bay's present and future residents.

Strategies

- PFS.1 Coos Bay shall continue to exercise sound fiscal management of the community's financial resources in order to provide the community with the highest possible return of essential public facilities and services recognizing that the cost of essential facilities and services are subject to inflationary pressures while local taxpayers are limited to their ability to underwrite general community growth.
- PFS.2 Coos Bay shall address, where possible, the impacts that community growth will have on the city's ability to provide facilities and services when considering various discretionary land use decisions, recognizing that every land use has a public price tag as its consequence.
- PFS.3 Coos Bay shall establish a public works improvement program. Financing of such a program shall be determined by the most equitable methods and within Oregon law.
- PFS.4 Coos Bay shall continue to help to defray the cost of public facilities and services through its issuing of Bancroft bonds for improvements when it can be established by the proponent that the issuance of such bonds does not place the general public in a situation where it is speculating on the housing market, as in the case of a new subdivision. The city recognizes that it is in the position to help property owners with improvement of public facilities and services.
- PFS.5 Coos Bay shall review its facilities and services contracts with outlying areas at appropriate review times in order to determine that the contracts with the outlying areas are equitable and that they meet their fair share of the total cost of providing those facilities and services, recognizing that the city must first consider the provision of facilities and services to its residents.
- PFS.6 Coos Bay shall limit the extent of its facilities and services that it contractually makes available to future outlying areas to the extent that the city can first meet its own needs recognizing that the system and carrying capacity limitations are primary considerations.
- PFS.7 Coos Bay shall continue to investigate ways to finance the separation of its storm and sanitary sewer waste including the appropriateness of bonds, serial levies, systems development charges, property taxes, and any other means, recognizing that the city deems the correction of this problem is vital to the health and well being of residents and the environment.
- PFS.8 Coos Bay shall be receptive to consider alternative methods of sewage disposal when such methods are economically and environmentally feasible and have been approved by DEQ. Possible alternatives are small treatment plants servicing cluster residential or commercial development, or individual composting disposal systems. This strategy is not meant to apply in situations where the city determines that continuation of conventional systems committed to an area is necessary in order to preserve continuity. This strategy is based on the recognition that alternative systems can be beneficial to good facility and development of adjacent properties.

- PFS.9 Coos Bay shall continue to recognize and follows its 20-year comprehensive sewerage, sanitary sewer, and storm sewer plans, recognizing that these master plans will provide for the most cost-effective development.
- PFS.10 Coos Bay shall require coordination of water system planning and implementation as performed by the Coos Bay-North Bend Water Board as established by city charter, with the Coos Bay Comprehensive Plan and other relevant laws of the city. This strategy recognizes that (1) the provision of water services directly effect land use and planning, and (2) coordination of public services is in the best interests of city residents. It is also recognized that water service planning outside of urban growth boundaries is coordinated between the Water Board and Coos County and that planning within urban growth boundaries is subject to all city/county plan agreements. This strategy is implemented by Ordinance 2343 and Resolution 69-139. It shall also be implemented by the enactment of a cooperation agreement in accordance with Plan strategy and AC.2, ORS 190.003.030, and ORS 197.185.
- PFS.11 Coos Bay shall not provide sewerage services within an urban growth boundary but outside the boundaries of a special service district unless the service is part of a regional sewerage plan, or unless the area is annexed. This strategy recognizes that the indiscriminate provision of sanitary sewerage services can promote urban sprawl and can overly burden the city's treatment facilities.
[RES 83-11 5/13/83]

7.8 TRANSPORTATION

Coos Bay Transportation System Plan, Chapter 2, Goals and Policies, which are incorporated herein by reference, have been developed to guide the City's vision of transportation system needs.
[ORD 343 1/6/04]

7.9 URBAN GROWTH MANAGEMENT

Problem

Oregon law requires the establishment of urban growth boundaries (UGB's) "to identify and separate urbanizable land from rural lands. (LCDC Goal 14).

Unincorporated land areas adjacent to the City of Coos Bay are either currently developed, being developed, or planned to be developed with residential, commercial and industrial type urban uses. Yet, these areas lack the full range of public facilities and services that are generally deemed necessary to protect the health, safety and welfare of area residents.

Issues

1. Bunker Hill, Libby, Barview, Charleston, and other unincorporated areas generally adjacent to Coos Bay's city limits have land use trends that are committed to urban-type development, but their level of support facilities and services are not adequate to support their anticipated growth. Annexation to Coos Bay would provide one solution to developing upgraded support systems for outlying areas. Is this alternative appropriate for Coos Bay taxpayers and property owners of outlying areas?
2. Coos Bay has a surplus of buildable land capable of supporting the city's anticipated growth. Does the city need to extend its corporate boundary to provide services to outlying areas? Under what circumstances should the city extend its corporate boundary?
3. Coos County's land use and property development requirements that apply to the unincorporated areas adjacent to Coos Bay have not traditionally conformed with its regulations; for example, County ordinances allow mobile homes on individual lots in conventional neighborhoods and permit street and other public works improvements that would be substandard within Coos Bay. Yet, these areas may one day be annexed to the city. What can be done to prevent the Coos Bay taxpayers from "inheriting" areas with non-conforming land uses and substandard street, sewer, and water infrastructure?

Goal

The City of Coos Bay shall designate, maintain and amend when appropriate, an urban growth boundary (UGB) designed to restrain urban sprawl and minimize adverse "cost of growth" impacts on city taxpayers.

Strategies

- UGM.1 Coos Bay shall enter into a formal UGB Management Agreement with Coos County which shall accomplish at least the following stated objectives:
1. Establishes the physical location of the Coos Bay UGB,

2. Establishes the means by which the coordinated management of the unincorporated area(s) within the UGB shall be undertaken, and
3. Establishes specific procedural and substantive requirements (cited elsewhere in these policies) to be followed in considering the appropriateness of modifications to the UGB.

UGM.2 Coos Bay shall act to separate its urban lands from adjacent rural and semi-urban lands to the south by adopting the 1981 Coos Bay corporate limits as the city's urban growth boundary. However, the two unincorporated "islands" between Coos Bay and North Bend shall be considered urbanizable and shall be treated by a separate UGB policy. This policy is based on the recognition that:

1. The city contains ~~approximately 928 acres of~~ undeveloped land which is buildable and more than adequate to accommodate future residential growth;
2. The city contains adequate land suited for expanded commercial development. Although there is a recognized need for industrial or marine industrial development; this problem shall be resolved by other means;
3. Restraining city growth to Coos Bay's 1981 corporate areas to the south fosters the orderly and economic provision of public facilities and services within a vast, undeveloped urban area, while ensuring that the city can provide an adequate level of public facilities and services to present and future residents prior to accepting additional burden;
4. Designating the 1981 corporate limits as the UGB encourages urban "in-filling" and thereby promotes the maximum efficiency of land uses within Coos Bay;
5. Designating the 1981 corporate limits as the UGB fosters environmental conservation by preserving the land resource until shown appropriate for development, fosters energy conservation by minimizing sprawl and protects the integrity of the "sense of community" of adjacent semi-rural unincorporated areas; and
6. Designating the 1981 corporate limits as the UGB is based on the consideration of LCDC requirements for preserving agricultural lands, thereby assuring that such lands are not converted to more intensive land use activities until so justified.

UGM.3 Coos Bay shall reach a mutual agreement with North Bend and Coos County to designate an urban growth boundary around approximately six acres of unincorporated land bordering Coos Bay's city limits along Woodland Drive. It is appropriate to designate this land for commercial and multiple-family-unit residential uses. This policy is based on the recognition of the unique locational characteristics of this property, and that:

1. The City of Coos Bay has not demonstrated a need to expand its UGB to accommodate future residential growth; however, an increase in the commercial trade and service sector could greatly benefit residential lands.
2. Due to the lack of viable industrial lands, the city should strengthen its employment and economic structure by adding to lands designated for retail trade and services. Portions of this land to be designated for multiple-residential are already within the city limits of Coos Bay.
3. The City can adequately provide public facilities and services to this portion of the unincorporated property, whereas, these improvements can more easily be made by North Bend for the remainder.
4. This land is appropriately committed to future urban development because of its location.
5. Designation of this land within Coos Bay's UGB will promote the logical extension of uses already within the city limits, will promote more intensive development along a major arterial street.
6. The unique location of this property precludes its use for agricultural purposes.

UGM.4 Coos Bay shall consider all lands within its corporate limits as available over time for urban uses, except where natural hazard and other land characteristics preclude urban type development. This policy is based on the recognition that (1) lands contains within incorporated cities are appropriately targeted toward urban development, but that (2) such development should be consistent with sound development practices.

UGM.5 Coos Bay shall review the location of its urban growth boundary as necessary to determine whether or not sufficient urban and urbanizable lands exist to accommodate anticipated commercial, industrial and residential growth, recognizing that changing circumstances may necessitate boundary revisions.

UGM.6 Coos Bay shall follow the decision-making procedure detailed in LCDC Goal #2, including agency and special district coordination, when considering urban growth boundary modifications. Such modifications shall be supported by findings based on consideration of the following questions:

1. Why should the requested use(s) be provided for within Coos Bay's UGB?

2. What alternative locations within the city and/or UGB could be used for the proposed use(s)?
3. What are the economic, environmental, social energy consequences that would result from the UGB modification?
4. Would the UGB modification foster orderly urban development and compatible land uses, or would it encourage sprawl and incompatible activities?

UGM.7 Coos Bay shall refrain from establishing strategies to provide for the control of lands outside its corporate limits, unless (1) those lands are subsequently designated as being within Coos Bay's UGB, and/or (2) unincorporated adjacent lands are designated as urbanized but not within Coos Bay's UGB and those same areas anticipate requesting services from the City of Coos Bay. In the case of the latter, Coos Bay and Coos County shall negotiate a communication mechanism through which Coos Bay can comment on development proposals that affect its facility and service capabilities. This policy is based on the recognition that adjacent urban-type development could adversely impact the city.

UGM.8 Coos Bay shall not annex lands unless findings can be established to prove that such urban land use(s) (1) cannot be satisfied by lands already within the corporate limits, (2) fulfills a specific community need (3) can be achieved through the orderly, economic provision for public facilities and services, and (4) addresses applicable LCDC goals. This policy is based on the recognition that an annexation request is a land use decision that should be made in a consistent and judicious manner.

UGM.9 Coos Bay shall not annex property for the sole purpose of providing sewerage service, unless the annexation is mandated to remove danger to public health under ORS Chapter 222, or unless the annexation is in compliance with the city's comprehensive plan and:

1. The land to be annexed is contiguous to the city limits, and
2. The sewer line will serve only one dwelling which existed prior to acknowledgment of this Plan, and
3. The land to be annexed is not large enough for further development under provisions of the city ordinance, and
4. The property owner(s) have made written request for the annexation based upon demonstrated need and not speculation, and
5. A health hazard is documented by the Department of Environmental Quality, and
6. The property is already served by public water, and

7. The structure(s) to be served will not require the building of more than 150 feet of sewer line, nor will require the installation of a trunk line.

UGM.10 Lands outside the City already urban in nature may in the future be considered for incorporation into the Coos Bay Urban Growth Boundary pursuant to Oregon's Statewide Planning Goal #14. *[RES 83-11 5/13/83]*

7.10 ESTUARINE RESOURCES

Problem

The Coos Bay estuary is the focal point of the area's economy and provides a recreational attraction not only to residents but to tourists as well. Yet, the estuary also provides valuable habitat to many species of fish, wildlife, and waterfowl.

Issues

1. Decisions concerning the use of a particular jurisdiction portion of the estuary and shorelands have a bearing beyond that jurisdiction on the entire area's population. What can the city do to ensure responsible and prudent planning on the Coos Bay estuary?
2. Much of Coos Bay's waterfront area's are already committed to industrial, commercial, and residential uses, however, some undeveloped areas remain. What can the city do to plan for these lands in a way that will benefit the best interests of the city?
3. The plan recognizes the importance of providing adequate spoils disposal sites to accommodate future dredging projects. The City designates certain areas as spoil sites. These sites have been previously designated to receive spoils through earlier planning processes.
4. The waterfront area adjacent to the Coos Bay downtown mall has potential for greater moorage facilities, and also recreational and tourist potential. What can the city do to improve the condition of this area?

Goal

The City of Coos Bay shall strive to protect the unique economic, environmental, and social values of the estuary, its associated wetlands, and its adjacent shorelands for the long term benefit of its residents.

Strategies

- ER.1 Coos Bay shall actively participate in the inter-jurisdictional, Coos Bay estuary planning process. Further, the city shall (1) subsequently adopt the estuarine plan that results from this inter-jurisdictional process, and (2) amend, as necessary, the estuarine and shoreland portions of the previously adopted Coos Bay Comprehensive Plan and implementing measures in order to be consistent with the overall Coos Bay Estuary Plan. This strategy recognizes that, based on March 21, 1979 memorandum from the Director of the Department of Land Conservation and Development, the city can elect to request "plan acknowledgment" (i.e., final LCDC approval) prior to completion of a coordinated estuary plan provided the city agrees to the measures stipulated above. The city also recognizes the benefits from participating in the regional estuary planning effort; that is, inter-jurisdictional planning problems can best be resolved through a regional, coordinated effort.

ONGOING COMPREHENSIVE PLANNING STRATEGIES

CHAPTER 8

INTRODUCTION

Adoption of this comprehensive plan by Coos Bay's officials and its acknowledgment by the Land Conservation and Development Commission do not terminate the planning process. Planning will continue as special projects are organized and as the situations affecting the city change. This plan must provide for these contingencies.

This section of the plan constitutes plan strategies (1) for continued citizen participation to keep in touch with residents desires and to provide an arena for citizens input and evaluation of the city's actions, (2) for agency participation in order to keep planning consistent, and (3) for a mechanism to periodically evaluate, and, if necessary, amend this plan if it becomes outdated and does not meet the city's needs.

8.1 PUBLIC PARTICIPATION

Problem

The City Council and Planning Commission are charged with the responsibility of making a variety of land use and community development decisions for Coos Bay's citizens. The appropriateness of these decisions and the way the general public receives them often hinges upon the extent that the general public is involved in making the decisions. Apathy has reached widespread proportions among Coos Bay residents, who generally choose not to participate in their government's activities. To support this contention, an average of only four citizens, in addition to the dedicated members of the Committee for Citizen Involvement, attended the last series of thirteen citizen meetings to deliberate upon the policies of this comprehensive plan.

Issues

1. Coos Bay residents often fail to get involved in the formulation of community policy, yet sometimes object to the decisions of their elected and appointed officials "after the fact", even though these decisions were the result of a publicized process. What can be done to garner genuine citizen involvement "before the fact", so that Coos Bay's elected and appointed officials can benefit from direction by their constituency?
2. LCDC Goal No. 1 requires the city to develop and maintain a formal, ongoing citizen involvement program. How can Coos Bay best satisfy this requirement and benefit from its intent?

Goal

The City of Coos Bay shall maintain its citizen involvement program to ensure that the general public has an opportunity to be involved in all phases of the planning and community development process, and that the City's citizen involvement efforts remain consistent with Oregon planning law.

Strategies

- CI.1 Coos Bay shall continue to utilize, support, and publicize its Citizen Involvement Program and the efforts of the Committee for Citizen Involvement (CCI), which is charged with the responsibility of coordinating general public knowledge about and involvement in all phases of the ongoing planning and community development process. The city recognizes the advantages of broad-based community input to the quality and public acceptability of its planning and community development decisions.

8.2 AGENCY COORDINATION

Problem

State statute not only applies to city and county governments, it also states that state and local agencies have planning responsibilities, duties, and powers. It is extremely important that the planning for each agency, city, and county does not conflict.

Issue

1. LCDC Goals 1 and 2 require that the plans of city, county, state and federal agencies and special districts be consistent and coordinated. What can be done to ensure this coordination?
2. State and federal agencies and local special districts often own and manage property to effectively carry out their objectives and responsibilities. The management of these lands can affect the city's long term planning for all lands within the city limits and the immediate quasi-judicial actions taken under the city's zoning responsibilities. What can the city do to ensure that conflicts do not occur?

Goal

The City of Coos Bay shall continue to be receptive to an open communication between the city and the county, state, federal, and local agencies and special districts.

Strategies

- AC.1 Coos Bay shall give timely notification to the county, local, state and federal agencies, and special districts of periodic reviews and amendments to the city's plan or implementing measures, particularly when the city's actions may affect their responsibilities or lands under their jurisdiction. This strategy is based upon the recognition that planning should be a coordinated process.
- AC.2 Coos Bay may enter into cooperative agreements when requested to do so by other affected governmental units in order to insure maximum coordination between the entities involved, recognizing that cooperation is necessary to (1) effectively solve mutual problems, and (2) facilitate orderly, efficient, and cost-effective development.

- AC.3 Coos Bay shall continue to develop the planned medical park district concept, that was envisioned in 1974, by implementing a phasing program designed to provide for the orderly and appropriately-timed conversion of residential areas in the vicinity of the hospital to more intense medical and medical-related uses. A plan implementation program shall be developed in the new zoning ordinance to phase the continued conversion of residential lands to medical park lands based upon need and property development performance standards also addressed by the new zoning ordinance. This strategy is based on the recognition that established residential areas adjacent to the hospital should not, in most cases, be converted to more intense uses justified by public need and can be done in such a way to minimize impacts to adjacent properties. The new zoning ordinance shall designate performance standards which shall prescribe remedies to adverse impacts.
- AC.4 Coos Bay shall encourage periodic joint reviews by the City of Coos Bay and the Bay Area Health District of the public need to reserve District lands for future development and to coordinate the District's planning of its health facilities with the City's planning for adjacent medical park and residential uses, recognizing that cooperation in planning by the City and special districts is in the best interests of all residents.
- AC.5 Coos Bay shall require the Bay Area Health District upon written notice every two years, to provide a land use and facilities development plan for undeveloped BAHD campus showing how the District envisions the development of their lands to occur, recognizing that while there may be a public need in holding BAHD lands in reserve, and (1) reserving the lands does not mean planning for the lands, and (2) two years is a sufficient amount of time to prepare a land use development plan.

8.3 LAND USE AND COMMUNITY DEVELOPMENT PLANNING

Problem

Municipal land use and community development strategies are serious public decisions that can have far-reaching fiscal, social, and environmental impacts. The appropriateness, effectiveness, and public acceptability of the strategies depend largely upon the rationale for and justification of the strategies. Strategies are most easily justified when they are the culmination of a logical, defensible planning process. Yet, human nature sometimes makes short-term, superficial solutions more attractive than well-thought-out, justified community strategies.

Issues

1. Land use and community development issues are complex matters that interrelate to produce a variety of fiscal, social, and environmental consequences. What can Coos Bay do to anticipate the consequences of its land use and community development decisions?
2. Discretionary zoning and land development judgments that must be made by the Planning Commission and City Council are often extremely difficult decisions because of individual property rights and potential dollar investment and return associated with the decision. These decisions are often particularly difficult in a small community like Coos Bay where “everybody knows everybody”. What can Coos Bay do to ensure that its discretionary zoning and land development decisions are rational, justified and fair?

Goal

The City of Coos Bay shall continue to utilize the land use and community development planning process which culminated in the creation of this comprehensive plan. The process provides for a rational policy framework – supported by an adequate factual base – that functions as the basis for all decisions and actions related to the use of land.

Strategies

- LU.1 The City of Coos Bay shall create a procedure for public hearings which will be contained in the Land Development Ordinance and which shall comply with the requirements of Statewide Planning Goal 1, Citizen Participation, to provide the opportunities and procedures whereby the general public may be involved in the City’s on-going land-use planning process.
[ORD. 319 4/2/02] [RES 83-11 5/13/83]
- LU.2 The comprehensive Plan shall be the basis for all land use and community development regulations in Coos Bay. This is based on the recognition that zoning, subdivision and sign ordinance are simply implementation tools that carry out the expressed policies and intent of the plan; such regulations are not an end in and of themselves.

- LU.3 Coos Bay shall conduct a formal review of the Comprehensive Plan at the time of periodic review as scheduled by the state.
- LU.4 Coos Bay shall not make major revisions to this Comprehensive Plan more frequently than every two years, if at all possible. "Major revisions" are those that have widespread and immediate impact beyond the subject area under consideration. The city recognizes that wholesale approval of frequent major revisions could ruin the integrity of this Plan.
- LU.5 Coos Bay may make minor changes to this Comprehensive Plan on an infrequent basis as need and justification arises. "Minor changes" are those which do not have significant impact beyond the immediate area of the property under consideration. The city recognizes that wholesale approval of frequent minor changes could ruin the integrity of this Plan. [RES 83-11 5/13/83]
- LU.6 Coos Bay shall implement provisions of this plan and its implementing measures upon the City's adoption of the Coos Bay Comprehensive Plan and its implementing measures. This strategy is based on the recognitions that the plan and implementing measures are products of a lengthy planning process; they received due consideration, and they reflect local needs and desires.
- LU.7 Coos Bay shall anticipate that conflicts may arise between the various plan implementation strategies contained in the plan when applying the policies to specific situations. To resolve these conflicts, if and when such may occur, Coos Bay shall consider the long term environmental, economic, social, and energy consequences expected to result from applying one strategy in place of others, then to select and apply the strategy that results in maximum public benefit as supported by findings of fact. This strategy is based on the recognition that a viable conflict resolution process is essential to the success of any comprehensive plan.
- LU.8 Coos Bay shall allow the continued existence of any land use activity found to be non-conforming with the provisions of this plan and its implementing ordinances provided that (1) the land use activity was duly permitted under Coos Bay's 1974 Comprehensive Plan and Zoning Ordinance No. 2685, and/or (2) the land use activity was authorized under a discretionary permit by the city. All conditions placed upon such discretionary zoning approvals must be completed within the prescribed period of time established at the time of approval, or lacking a time period, required conditions shall be satisfied by June 30, 1982. Moreover, all such discretionary conditions shall still apply even though the newly adopted comprehensive plan and applicable zoning ordinance will be in effect. This strategy is based on the recognition that (1) "grandfather privileges" are essential to protect property owners' rights, and (2) reasonable time periods should be provided to allow completion of projects initiated under Zoning Ordinance No. 2685.

- LU.9 After the effective date of the new City of Coos Bay, all work required to bring those portions of the Coos Bay Estuary Management Plan pertaining to the former Cities of Coos Bay and Eastside into goal compliance and participation on the Local Officials Advisory Commission, shall be borne by the new city.
- LU.10 The City will consolidate procedures for applicants so they can apply at one time for all permits or zone changes needed for a development project.
[RES 83-11 5/13/83]

LAND USE PLAN AND IMPLEMENTATION PLAN

CHAPTER 9

INTRODUCTION

The land use component is often the most controversial of a community's proposed comprehensive plan. Accordingly, the land use element merits a high level of public support. During the period of time this plan was evolving, the Planning Commission prepared three alternative land use strategies. ~~These alternatives can be found in Appendix M to show the progressive changes in the land uses proposed.~~

To summarize, the first land use option was the existing 1974 city plan, so was dubbed the "Do-Nothing" alternative (A). Obviously, this plan with its residential holding reserve of one dwelling unit per five acres could not satisfy the housing needs in the future. Also, it has been shown that the current industrial land classification and ordinance had inadequately protected these lands for industrial uses, resulting in a shortage of suitable land within the city's limits. This alternative was rejected during public review.

The second alternative differed from the preceding option by setting aside an estuary study area and by committing the city to address the coastal goals through the regional estuary management plan. Another principal difference was that this alternative recognized that some neighborhoods were not likely to change as predicted in the 1974 plan. It was labeled the "Integrity of Neighborhoods" alternative (B). However, like alternative A, it disregarded the residential, commercial, and industrial land needs created with population growth by exhibiting few other land use changes, e.g., retention of the holding reserve concept. This plan was also not supported.

The last alternative was entitled the "Sensible Growth" option during the review. It received the approval of the CCI, the Planning Commission, and the City Council and is presented in detail here as the adopted land use plan to the year 2000.

9.1 COOS BAY LAND USE PLAN 2000

This land use plan incorporates the desirable aspects of the two other plan alternatives, but it also plans for the expected population growth by increasing the densities in the residential holding reserve and it addresses all of the statewide planning goals. Because this plan makes changes in the present 1974 land use designations, it is extremely important that the land use ordinance provide a liberal “grandfather” clause for non-conforming uses. The land use plan map can be found at the end of this chapter. (Map 9.1-1)

Assumptions

The Land Use Plan is formulated upon the following basic assumptions about Coos Bay’s future growth:

1. After a period of declining growth the City of Coos Bay will experience renewed community growth resulting from in-migration and new commercial employment opportunities.
2. That the City of Coos Bay will grow in regional significance and will remain the center of the largest urban area on the Oregon Coast.
3. That the physical, fiscal and social problems normally associated with urban living are often caused by uncontrolled and undirected population growth.
4. That future city growth will be guided in accordance with sound urban planning principles and practices, including environmental, economic and social consideration.
5. That approximately ~~116,604~~ additional housing units will be needed in Coos Bay by the year ~~2000-2040~~ to adequately accommodate the ~~47,375~~18,301 people that are expected to reside in the city at that time.
6. That compatibility among land uses and residential development is a priority.
~~the substantial transition of single family and duplex housing surrounding and adjacent to commercial areas will not be transformed to apartment densities—because these neighborhoods are typically stable,~~
7. That residential development must provide for increased dwelling unit densities at suitable locations, including areas not previously considered suitable for apartments, in order to enhance affordable housing opportunities for city residents.
8. That the City of Coos Bay will have to consider the redevelopment of commercial and industrial areas to bolster the city’s economic base.
9. That the waterfront areas are an asset to the city’s water-dependent commerce and industry and are also major scenic attractions.

Plan Objectives

General

The land development objectives of the plan are embodied in the goals and land use strategies of this document. Primary motives for developing the plan were:

1. To accommodate development brought on by economic and social change forces.
2. To provide the necessary constraints in order to maintain an equitable balance between population density and the physical environment.
3. To anticipate the impact of development on the natural environment and the resulting need for public services, utilities, and recreation areas.
4. To assure the land reserve for residential, commercial, and industrial development is suitable and desirable for those purposes and to protect the existing investments in existing residential, commercial, and industrial development.

The following narrative summarizes specific development objectives for various land use activities, it relates these objectives to the policies adopted by this plan and specifies how these objectives will be implemented. Actual land use designations are depicted on the Land Use Map. (Map 9.1-1)

Residential Areas

Objective 1 — ~~Except as otherwise directed by State law, R~~ Residential areas will be designated on the basis of dwelling unit densities, that is the number of units per net acre. A net acre accounts for an estimated amount of developed land normally used for public rights of way. For purposes of this plan, it is estimated that 25% is consumed by right of way resulting in 32,670 square feet for development.

~~Rationale — The strategies of this plan aim to lower housing costs, yet permit freedom of choice in housing type, and encourage energy conservation. This objective will achieve these goals. (EC. 5, 6, 7; H. 1, 2, 3, 6, 10.)~~

~~Implementation — The strategies of this plan will specify a range of low density and higher density residential designations, and a higher density residential/office mix category.~~

~~1. Medium/High Density Residential. (Maximum 12- 25 dwelling units per net acre) The amount of land designated for future higher-density residential development shall reflect current Housing Needs Analysis recommendations, be increased and will more than satisfy the additional 131 acres calculated to meet the city's need for this kind of development. (City of Coos Bay, 1981, 11) Higher density residential areas shall be located around the City's commercial areas to in the vicinity of the downtown, central business district and around the neighborhood commercial area in Empire. Thus, the location of this high density residential land to capitalize on commercial and employment centers and has convenient vehicular access to major arterial streets. The area in the~~

~~eastern (Marshfield) side of the city, which was part of the residential holding reserve,
shall be designated for higher density development in order to:~~

~~(1) offset the unusually high construction costs for these hilly areas, and (2) to open uplands now needed to accommodate growth. All of these areas are intended to protect the integrity of established neighborhoods, and to provide additional high density land. Moreover, ideal apartment developments are intended to include “park-like” open space features.~~

~~This objective will be accomplished through the Land Development Ordinance in the Multiple Residential District (R-3).~~

~~2. Residential/Professional Office Commercial/Mixed Use and Industrial Commercial. (Maximum 25 dwelling units per net acre) New high-density residential development is permitted in the Commercial/Mixed Use and Industrial Commercial. The residential/professional office mix is planned for the immediate fringe of the central commercial core area where certain transitions can realistically be expected over the next 20 years. New high density apartments are permitted in the residential/professional office mix areas up to and including 25 dwelling units per acre, and also when multiple story construction is deemed especially suited to exceed the 35-foot maximum height standard traditionally limiting apartment densities in Coos Bay. The City of Coos Bay shall consider incentives to encourage increased density and housing affordability in these areas, including, but not limited to, increasing maximum density for projects that meet affordability criteria.~~

~~This objective will be accomplished through the Land Development Ordinance in the Residential/Professional District (R-4P)~~

~~3. Low-Density Residential. (Maximum 9-12 dwelling units per net acre) Subdivision of larger parcels and infill on existing lots of record will generally accommodate housing needs outside of commercial centers. Low density residential areas will comprise the balance of Coos Bay’s residential pattern. It will be located in fringe areas generally away from commercial centers and will extend from existing low density development. This kind of development may involve the use of the closed street system concept where appropriate as a means of eliminating through traffic on residential streets, will strive to protect scenic amenities, and will recognize the existing single family neighborhoods.~~

~~This objective will be accomplished in the Land Development Ordinance by the establishment of a Single family Residential (R-1). Single family/Duplex Residential (R-2), Mobile Home Park (R-5). Single family/Duplex Residential and Certified Factory built Home (R-6), and Restricted Waterfront Residential (R-W) Districts. [RES 90-32 8/7/90]~~

Objective 2 - The location of residential areas and the determination of their maximum permitted densities shall be based on an analysis of land characteristics and on the fiscal potential for extending improved access and public facilities to the site.

~~Rationale This objective shall satisfy the city’s efforts to ensure safe, sanitary, and decent housing. Its aim is to determine that development will not negatively impact the natural landscape, historic resources, traffic improvements. This objective shall address specific preventative measures to protect the city residents against potential natural hazards resulting from development and shall declare the city’s intent to protect residents’ rights to alternative energy resources. (Strategies NRH. 1, 4, 5, 6; EC. 1, 4,~~

| ~~5: HP. 3: H. 8, 9, 10: PFS. 2, 4, 9)~~

~~Implementation—This objective will continue to be implemented by the city's adherence to state fire and housing codes, flood-proofing requirements, and the project review and inspecting activities by city staff. The Land Development Ordinance (LDO) will specify that land characteristics and the required public improvements be considered in land use decisions. Staff will also conduct a separate study to incorporate alternative energy options in the LDO.~~

Objective 3 - The City shall use land development regulations to address compatibility among land uses and residential development and assure continued availability of permanent residential uses. The city shall protect the integrity of established land use patterns.

~~Rationale—The residential designations of the 1974 plan were based on the premise that proper urban development occurs in a specified progression outward from the urban business core. This broad theory contends that certain definable zones emanate from the core in the matter of concentric rings. Although the historical development of Coos Bay (Marshfield) and Empire exhibits some characteristics of this land use pattern, it has deviated in several substantial respects. The 1974 plan negated these established land use patterns and imposed some theoretical land use designations that are realistically incompatible with current and foreseeable trends. As an example, the older residential area on the fringe of the central business district is now an area of physically sound, and stable single family and duplex homes. In 1974, however, this area was expected to undergo a major conversion to higher density apartment uses on the theoretical principle that this location forms the optimal transition between commerce and resident populations. This concept does not appear realistic for the neighborhood mentioned above as well as for other areas in Coos Bay, and will be eliminated in this plan.
(H. 2, 6)~~

~~Implementation—The 1981 land use plan will amend the land use designations in the following residential area:~~

- ~~1. The high density residential designations in the area surrounding Marshfield High School shall be changed to a low density category. The homes in this long-established residential area are predominately single family homes, and are generally older but sound dwellings. It is unrealistic to expect this area to satisfy a higher density housing need.~~

Objective 4 - This plan stresses the importance of maintaining the natural character of the community when planning for residential growth. Future residential developments, ~~whether single or multiple dwellings,~~ should place strong emphasis on the conservation of open space and recreational improvements in private developments in order to maintain the livability of the city.

~~Rationale—The intensity of urban living demands extra care in ensuring livability, recreational, natural features. (NRH. 8, 9; HP. 4; R. 5)~~

~~Implementation—This objective shall be implemented by strengthening the planned unit development section of the Land Development Ordinance (LDO), and thereby making it attractive to developers. A specific amount of land in PUDs shall be required for open space. The ordinance shall become flexible to permit cluster housing (e.g., zero lot line developments), and will require design review for developments in designated park,~~

~~school, watershed, and cemetery areas. The ordinance shall provide an opportunity for areas to be dedicated for open space under subdivision and partition applications.~~

Objective 5 - This plan shall maintain a sufficient amount of residential lands in order to assure an adequate amount of housing for future residents.

~~Rationale—Undeveloped lands along the inner fringe of the city shall be utilized for future residential development. The terrain of this land is rough and, at present, it remains undeveloped. Population projections indicate that this land will be needed for residential use within this 20-year planning period. (City of Coos Bay, 1981; II) (H. 2, H. 4)~~

~~Implementation—The Multiple Residential (R-3) allows for an increased density that may stimulate construction so that local developers can realize a satisfactory return on their investment to permit costly access and facility extensions to the growth areas. The increased density provisions are not intended to cause massive apartment construction in these undeveloped areas. Topography and physical constraints will limit this. Rather, the density is intended to stimulate well-planned cluster subdivisions and planned unit developments to maximize the buildable portions of the areas. This concept can be implemented by special zoning provisions, perhaps a “floating zone” to require careful site review to maintain maximum compatibility among the respective residential developments.~~

Commercial Areas

Objective 1 - The City shall continue to facilitate protect the integrity of established land use patterns to facilitate continued and compatible development in Commercial areas.

~~Rationale—Much of the industrially designated land of the 1974 Plan has been found to be commercially oriented. This plan shall recognize the commercial nature of these areas. (ED. 5, 11)~~

~~Implementation—Areas zoned for Industrial-Commercial (I-C) development shall preserve the commercial character of these lands.~~

Objective 2 - It is important that the commercial areas of the City-Central Business District (CBD) and its supportive commercial sub-districts remain efficient, prosperous, and easily accessible since commerce is a major source of revenue and is a necessity to the economic stability and future growth of the city. The City shall support, through policy and regulation, new development and Efforts toward redevelopment of older, underutilized commercial areas to support commercial and higher density residential needs, will be encouraged.

~~Rationale—Commercial trade and service activities are the foundation of the economic system of the city. Supporting these activities by zoning sufficient lands for them will keep them viable and will prevent a dollar drain to other communities. (ED. 5, 6, 7, 8, 10, 11, 12)~~

~~Implementation~~ This objective will be realized by the following commercial zones: ~~Central Commercial (C-1)~~ Mixed Use (MX), ~~General Commercial (C-2)~~ Commercial (C), Waterfront Heritage (W-H), Waterfront Industrial (W-I), and Industrial/Commercial (I-C) zoning designations of the Land Development Ordinance.

[ORD. 304 5/1/01]

1. ~~Mixed Use~~ Central Commercial. ~~The focus of this district is the central business district. The Mixed Use district encompasses Coos Bay's downtown and other areas of the city where mixed use developments provide a variety of mutually supporting retail, service, office and medium- or high-density residential uses. the mall area, north along Broadway to Market Street and south to portions of Golden Avenue.~~ Primary land use activities in this district include ~~will be~~ retail stores, service establishments, financial institutions, medium and high-density housing, business and professional offices, cultural attractions, and public facilities.
2. ~~General Commercial~~. The Commercial district is located along Ocean Blvd, Newmark and in Empire's established commercial area as well as other areas of the City where ~~These areas are intended to provide for all other retail trade, commercial service, and professional activities, and higher density residential development are permitted that constitute the essential base of the city's economy. Appropriate locations for commercial development include (1) established commercial areas, and (2) highway corridors not committed to less intensive land uses.~~
3. Industrial/Commercial. ~~These areas are intended to provide for a compatible A mixture of commercial and light industrial activities are permitted in Industrial/Commercial as reflected in the Comprehensive Plan map that are also essential to the city's economy. An industrial/commercial area is a new classification and is consistent with the policy of insuring existing land use integrity. Much of Coos Bay's traditional light industrial and restricted industrial use zones are actually commercial/industrial because city ordinance has historically allowed the compatible mix mentioned above. Appropriate locations for commercial/industrial development are generally those areas north and south of the downtown commercial core and near U.S. Highway 101, and to a lesser extent near Lockhart Avenue, Easterly from 7th Street.~~
4. Waterfront Heritage. The focus of this district is to provide diversity to the economy by providing a mixed use area to include: existing waterfront industrial uses, new water oriented, water-related and non water-related service businesses, and amenities and attractions which encourage public access to and enjoyment of the waterfront and also non-water-dependent industrial uses. This area is intended to reclaim the city's waterfront heritage and express pride in its past and present by redeveloping Front Street as a vital commercial area which evokes, but does not necessarily duplicate, the Front Street of early Marshfield.

[ORD. 304 5/1/01]

5. Waterfront Industrial. The purpose of this district is to reserve the

waterfront for uses which require water access for successful operation, to support the economic well-being and stability of the city's maritime economy, to preserve lands determined to be exceptionally suited for water-dependent and water-related uses, and to provide opportunities for multi-unit residential development.

6. Hollering Place. The focus of this district is to provide a mix of uses and activities that will complement and connect with the existing business district to the east and act as a catalyst to help spur additional development and investment in the Empire area. The area is intended to increase the pedestrian connection to the water and create the Story Trail as laid out in the Hollering Place Master Plan, adopted December 2, 2008, which presents the unique history of the Hollering Place.

[ORD. 430 6/15/10]

Objective 3 – Except where otherwise prohibited in the Comprehensive Plan, residential development, including higher density development, shall be allowed in commercial areas to complement commercial uses and provide needed housing. This can include, but is not necessarily limited to, stand-alone residential development and residential uses above or behind commercial uses. Residential activity should be allowed, but rigidly limited in commercial areas and will not restrict the primary commercial use.

Rationale - Commercial areas are a focal point of activity and provide essential services to city residents. However, in some cases, residents could benefit by being located in commercial areas (e.g., the elderly or transportation disadvantaged) as can the business receiving their trade. Moreover, commercial space above the first floor is often underutilized. (H. 3)

Implementation - The Land Development Ordinance (LDO) shall become more liberal in permitting apartments above the first floor of commercial activities by not limiting the number of bedrooms which are within each unit.

Objective 4 - **Retail stores meeting daily convenience needs of nearby residents will be permitted to a limited extent in new residential planned communities.**

Rationale - This objective will provide another opportunity for commercial development and will reduce the trips distance traveled by residents on a regular basis and may affect energy consumption. (EC. 4, 6, 8; ED. 10)

Implementation - This activity will be permitted on a restricted, discretionary basis in planned communities, such as mobile home parks and planned unit developments.

Industrial Areas

Objective 1 - **Industrial land is intended to provide an area where more intense uses are allowed to locate. Such land use activities are those which are not generally compatible with less intense commercial and other industrial uses. Land should be set aside that is suitable for this purpose, that is, lands of sufficient size with supporting facilities readily available (streets, transportation services, and so forth).**

Rationale - The city needs to protect lands suitable for industrial development and adequately regulate more intense industrial activities within permitted area, especially since it has been revealed that the existing industrial zones are predominated by commercial uses. (ED. 5, 11, 12)

Implementation - The city shall continue to protect areas along the waterfront for industrial uses at sites identified in compliance with the coastal goals that have sufficient acreage and possess locational characteristics making them suitable for water-dependent and water-related industrial activities. Such areas will be protected through an Urban-Water dependent (UW) Coos Bay Estuary Management Plan designation and the application of the Waterfront-Industrial zone. **[ORD. 304 5/1/01]**

The city shall conditionally permit manufacturing uses in the commercial districts in the Land Development Ordinance in order to promote but, yet, monitor development. The

city shall attempt to zone additional property exclusively for industrial use with severe restrictions on commercial activities. Also, the city shall encourage industrial redevelopment proposals from the private sector, if feasible. **[ORD. 304 5/1/01]**

Medical Park District

Objective 1 - The Medical Park District is intended to provide a park-like environment to accommodate the centralization of medical and medically-related facilities and services. ~~Any new residential uses shall be associated with the medical facilities.~~

Rationale - The centralization of medical and medically-related facilities will provide increased efficiency and convenience to the user. (AC. 3, 4, 5)

Implementation - The planned district which is zoned single-family unit/duplex (R-2) shall be implemented by the piecemeal up-zoning of residential properties within the planned area to zoning district, Medical Park District (MPD). Further development of the hospital campus should include, where feasible, plans to construct ingress and egress between the hospital and Woodland Drive.

Quasi-Public

Objective 1 - Large open space areas shall be designated to ensure the conservation of scenic and natural areas and natural resources, to provide recreational opportunities, and to protect the area's water supply.

Rationale - Open space must be set aside to guarantee livability in an urban environment. (NRH. 9; R. 5; AC. 1, 2)

Implementation - Specifically designated areas categorized as open space are publicly or quasi-publicly owned, and may include improved recreation facilities. The land use plan shall include open space designations for areas devoted to schools, city parks, the Water Board property (most importantly the watershed), and cemeteries (non-private). However, private open space, such as specially designated areas in planned unit development, or smaller parcels of publicly-owned open space will occur throughout the city but shall not be shown on the land use map. Any physical development in designated open space areas shall be subject to Site Plan and Architectural Review and the property development requirements of the dominant surrounding zoning district.

Buffer Area

Objective 1 - This classification is intended to separate potentially conflicting land uses in such a manner as to minimize conflicts between the particular uses. Buffer areas may be developed with trees or other vegetation, left in their natural state, or may be otherwise developed in ways appropriate to the particular adjoining uses. Such development could include low-density recreational use facilities, parks, or open space.

Rationale - Buffer areas are needed to protect residential uses from industrial uses and assure compatibility of industrial uses with adjacent uses.

Implementation - The Buffer Area classification is particularly appropriate between areas designated for industrial use and areas designated for residential use. However, the designation may be applied between any two land use areas where it is felt that a land use conflict could be avoided or reduced by a buffer area.

Reserved for Future Planning Area

Objective 1 - The purpose of this category is to hold in reserve between a buffer and a planned industrial area so that the adequacy of the buffer area and impacts on existing residential areas from planned industrial area can be evaluated, also so that only lower intensity industrial development will be proposed in the future for that area. In terms of the northern area, to reserve a future area which may be appropriate for mobile homes. This designation is to be considered as a “no-zone” area. Public hearings will be required for changing the designation. Overall planning considerations not the public need test will determine any change in designation.

Rationale - To assure compatibility between adjacent industrial and residential uses.

Implementation - This category is especially appropriate in the 300' strip separating the buffer area and the planned industrial area which bounds the existing developed area in Eastside on the west and north.

Planned Industrial – Spoils Disposal

Objective 1 - This classification is intended to provide for industrial uses that are coordinated with dredge spoiling activity.

Rationale - The city needs to set aside lands suitable for industrial-spoils disposal.

Implementation - This classification is appropriate in and adjacent to areas designated as Industrial with minimum adverse impact on adjacent or nearby residential, commercial or other areas.

Special Coastal Study Area

The Special Coastal Study Area results from the LCDC requirement that a special area be set aside “for inventory, study, and initial planning for development and use to meet the Coastal Shorelands Goal”. (LCDC, 1977) The City of Coos Bay study area includes lands that may be especially suited for water-dependent uses and excludes those lands falling within the recommended study area that definitely do not possess water-related use potential. The uses designated for Estuarine and Coastal Shoreland areas within the city will be addressed upon completion of the regional estuary plan. This plan will culminate the efforts of all local jurisdictions (Coos County, Coos Bay, North Bend) having an integral interest in the management and development of estuarine land uses.

Urban Growth Area

Objective 1 - The city has designated and justified an urban growth boundary around a portion of unincorporated land between Coos Bay and North Bend which is contiguous to North Bend’s urban growth area. The city shall establish land use designations and management procedures in coordination with Coos County and North Bend. (Map 9.2-2)

Rationale - This land lies totally between the cities of Coos Bay and North Bend. Due to this unique locational factor and the undeveloped state of the property, the land has been designated urbanizable. Sewer and water services are readily available to the property by the city. (UGM 3)

Implementation - This plan will specify land use designations for this urban growth area. Further, it is the city's intention to negotiate a three-party agreement among Coos Bay, Coos County, and North Bend for the land use management of this area.

1. Parcel A constitutes approximately 5.5 acres and is bordered on the east by the City of Coos Bay, on the north by the City of North Bend, to the west by the North Bend urban growth area, and to the south by the North Bend city limits and Parcel B of Coos Bay's urban growth area. This land is intended for commercial uses. Coos Bay has indicated in the comprehensive plan inventory that suitable industrial land is lacking, primarily due to the historical use of industrially zoned land for commercial purposes. This fact predisposes the city's reliance on commercial trade and service activities for an economic base. This property is contiguous to similarly zoned land in the city, will meet city needs for more commercial land, and will satisfy a request of the property owners.
2. Parcel B totals approximately 2.39 acres. It is surrounded to the east by the City of Coos Bay, to the north by Parcel A of Coos Bay's urban growth area, and to the west and south by the City of North Bend. The area is part of two legally described parcels of land which have been split in two by County jurisdiction on the west and city jurisdiction on the east.

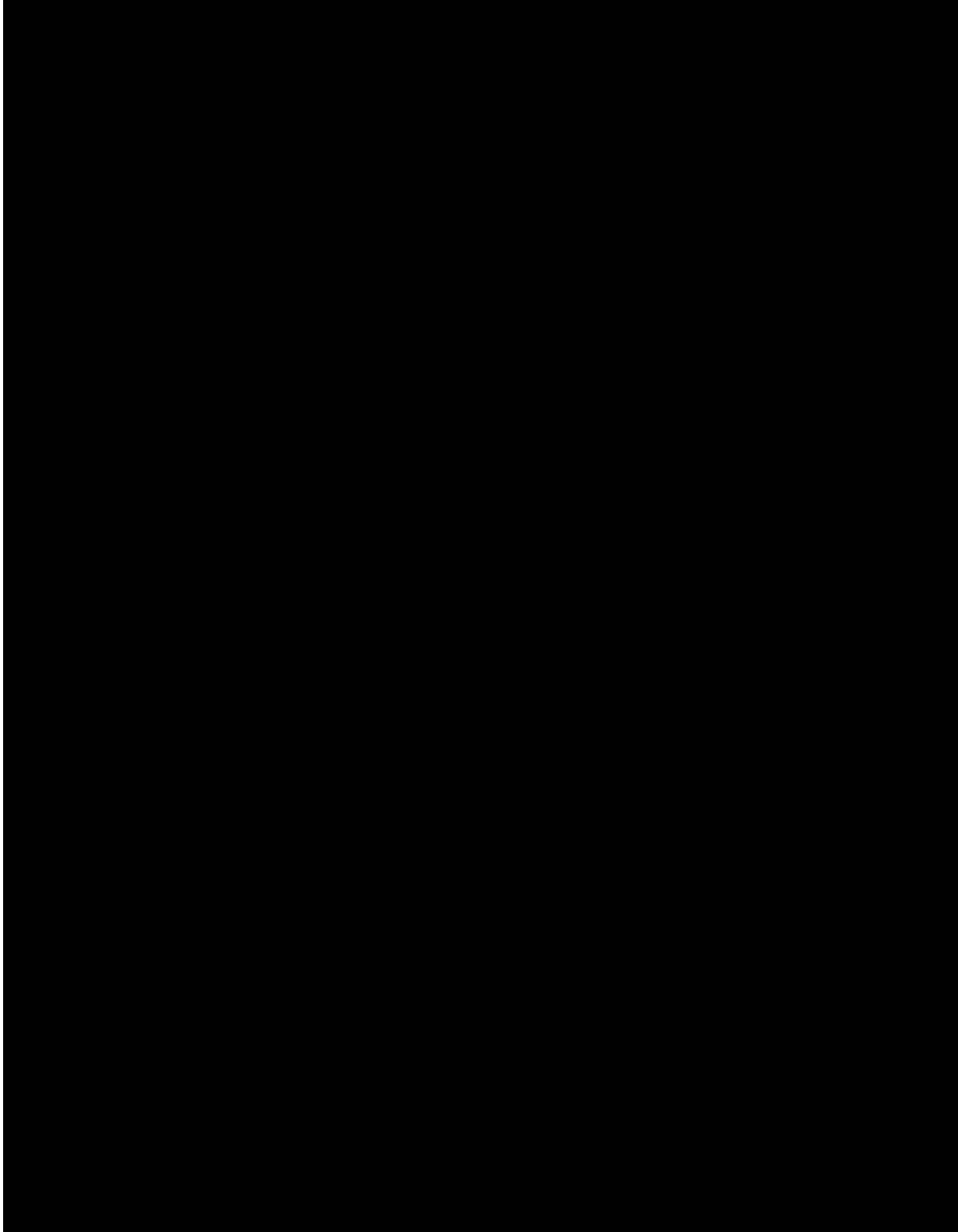
Therefore, it is appropriate to place the unincorporated portions within the city's UGB. It is proposed to designate this land for higher density residential uses. Coos Bay is attempting to increase its stock of land zoned for multiple-family-unit development in order to lower housing costs. This action would help satisfy that aim.

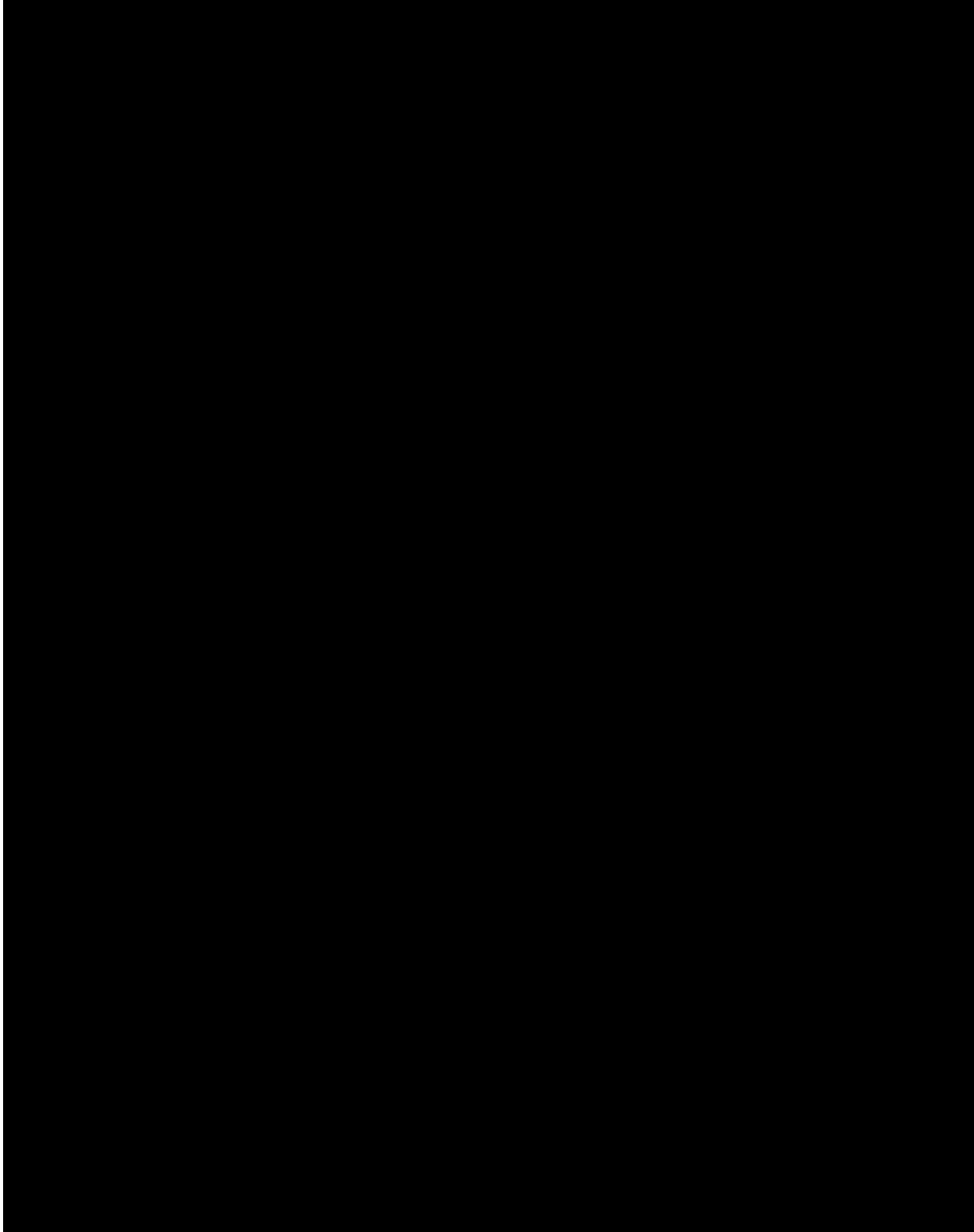
Objective 2 - It is recognized by the city that there are lands contiguous to the city limits which do not warrant inclusion in an urban growth boundary at this time. However, the lands do possess characteristics which may affect developed uses in the future. The city desires to have these areas included as areas of mutual interest between Coos County and the city.

Rationale - The area between the Libby and Charleston urban growth boundaries extending from the city limits to south of the Libby/Charleston County Road is contiguous to the city's southern limits, and contains part of the area's watershed and portions of the Charleston Sanitary District. Moreover, this area is traversed by the newly improved roadway which links two county urban growth areas and districts traffic through the Englewood neighborhood of the city.

The North Spit from the ODNRA boundary to its southern tip lies within the boundaries of Coos Bay School District #9. The District has voiced concern over the designation of a majority of the unincorporated “islands” between Coos Bay and North Bend as part of North Bend’s urban growth boundary. The District fears that future change in jurisdictional status will add impetus to have these lands reclassified to School District #13. Because compelling reasons of need and essential services were in North Bend’s favor, Coos Bay agreed to the division of these “islands”. A mutual interest classification will keep the city informed of major land use changes.

Implementation – The City will seek the approval of Coos County to include these lands within areas of mutual interest through the urban growth management agreement.

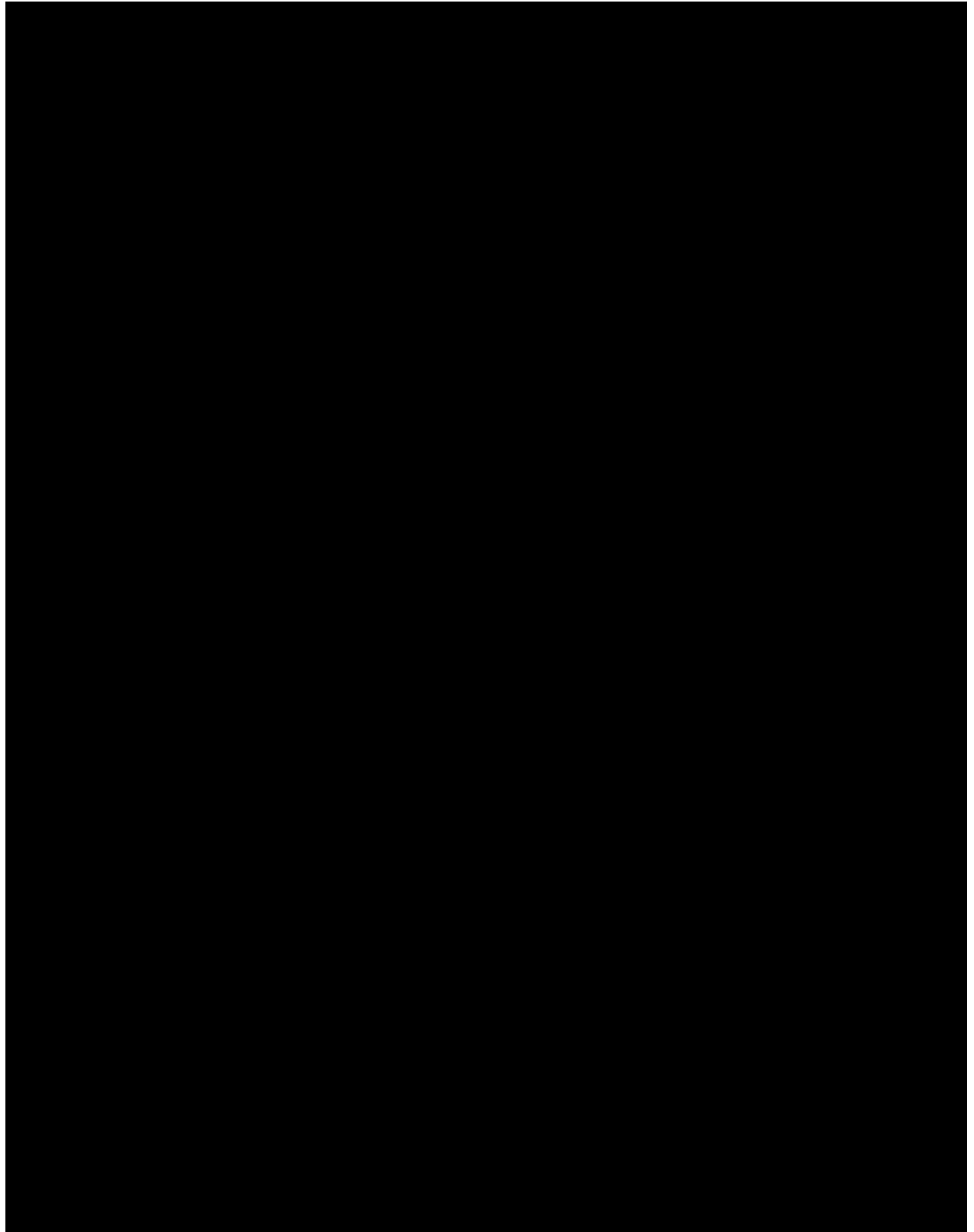


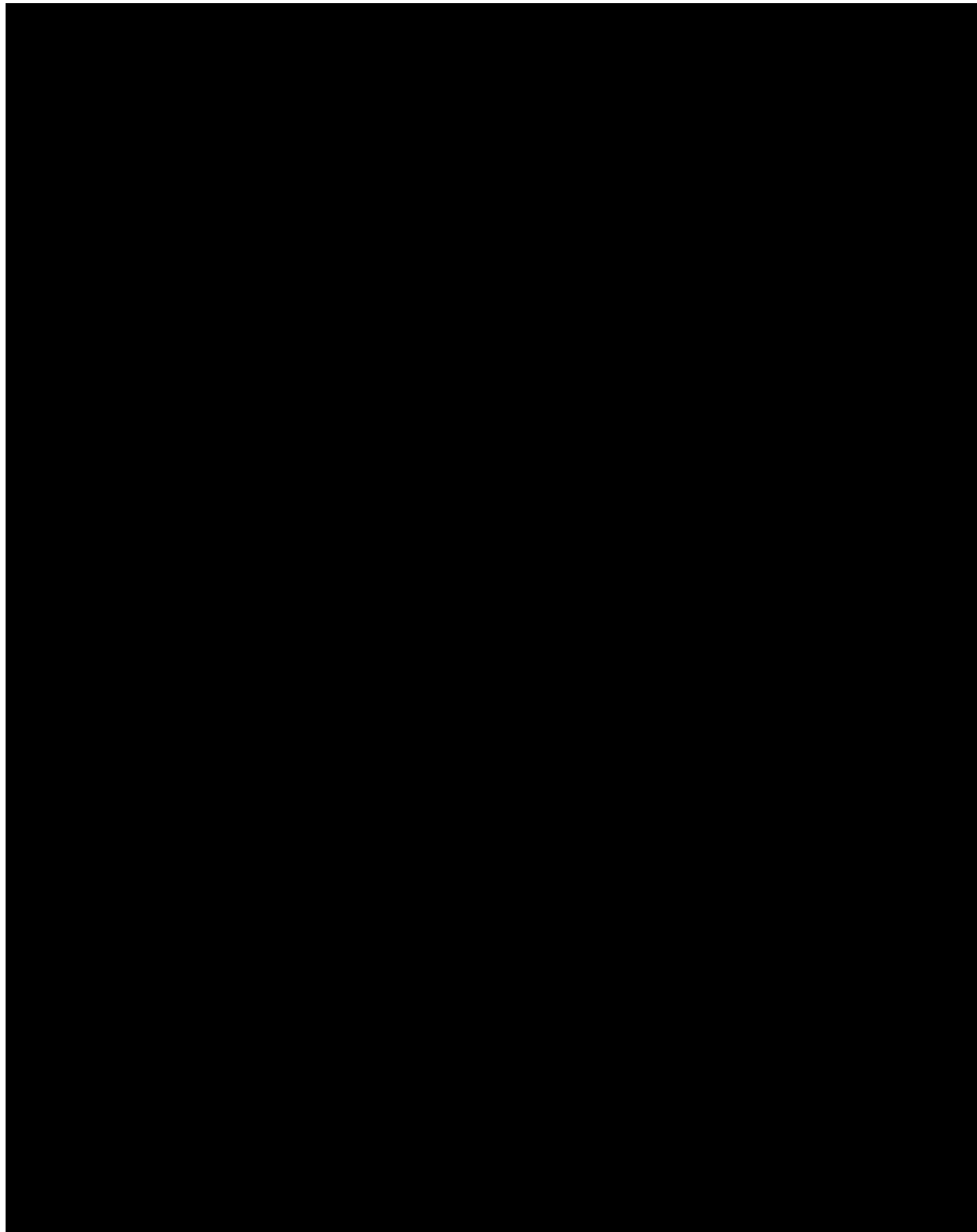


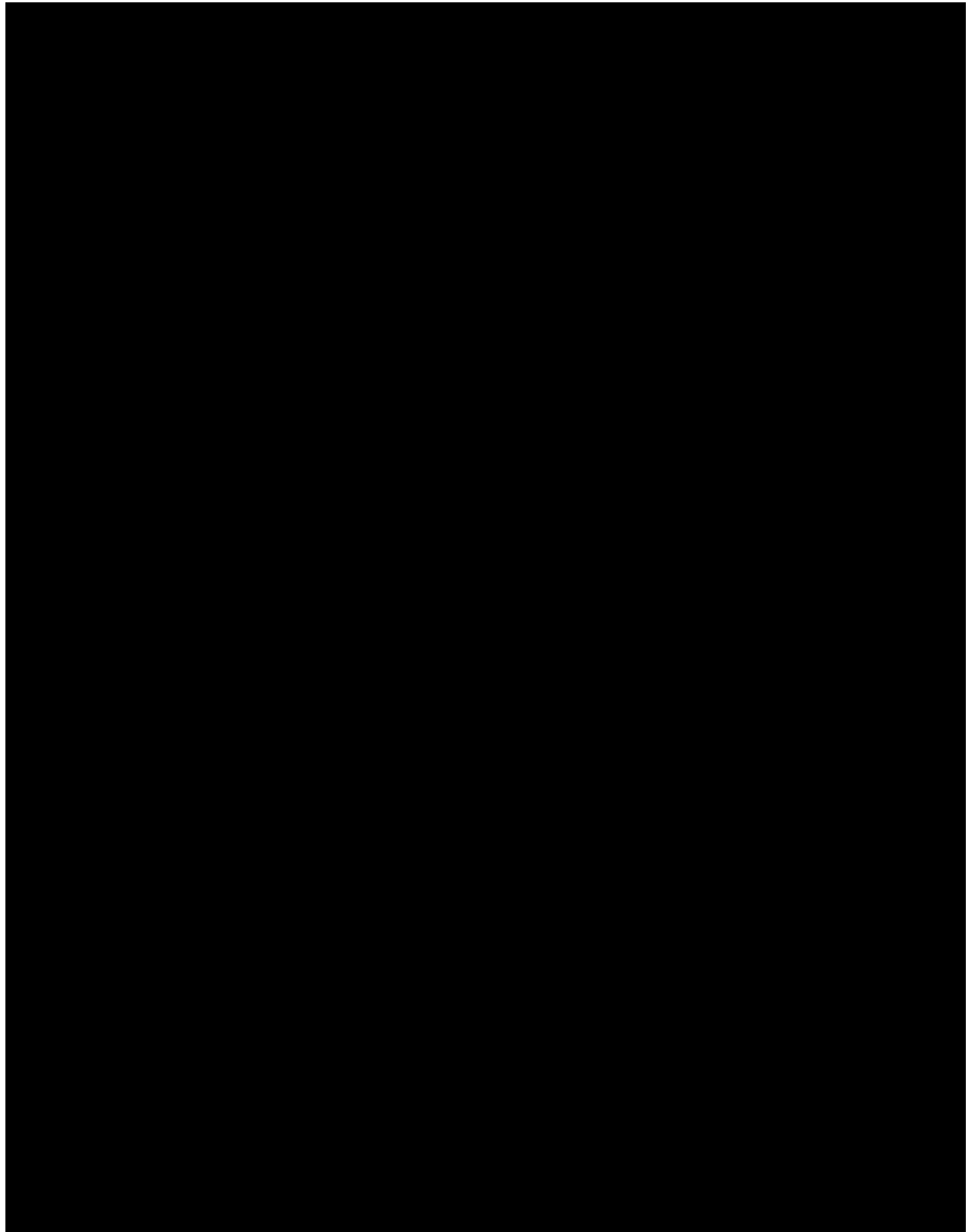
APPENDIX A

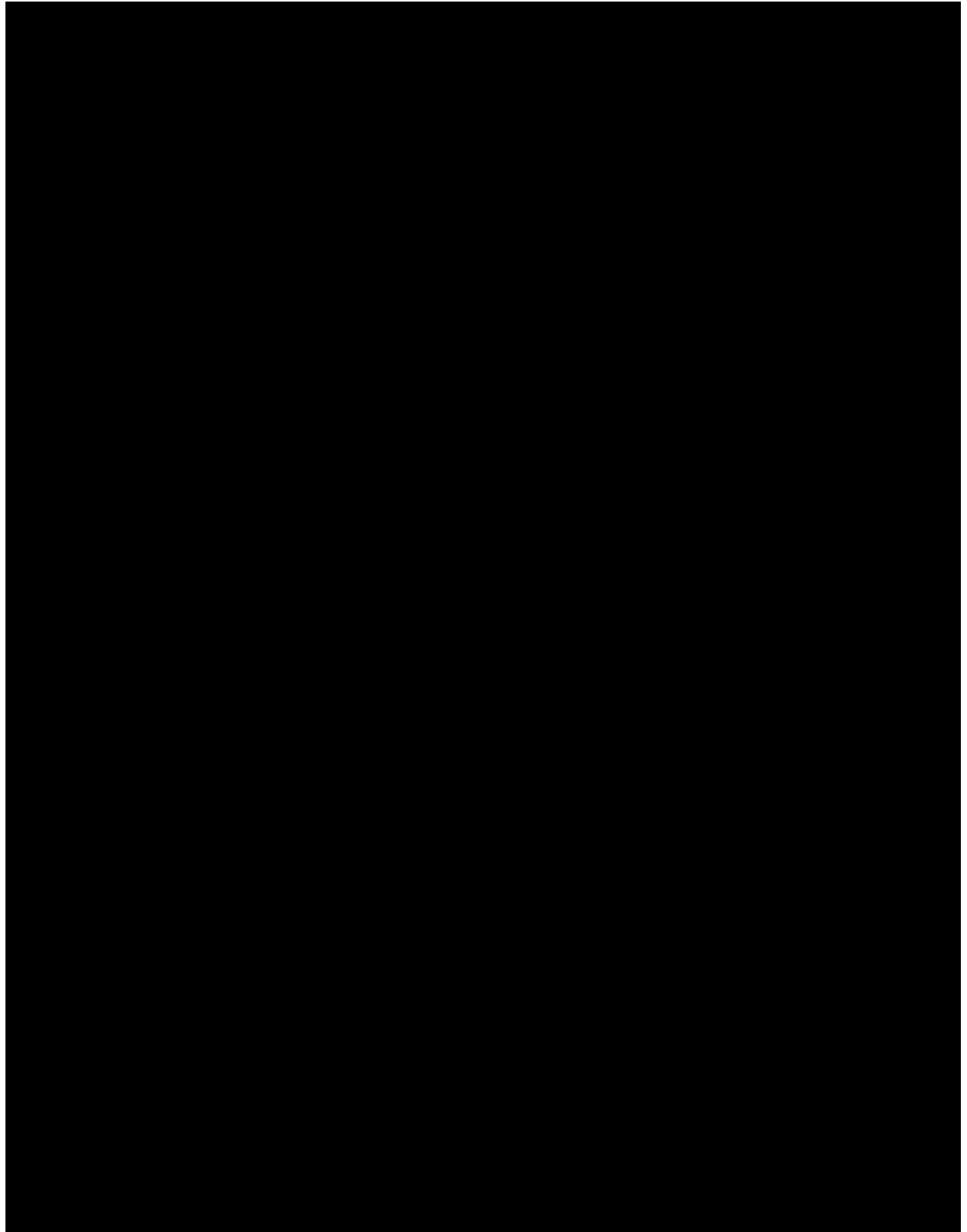
Citizen Involvement Program, City of Coos Bay











APPENDIX B

Agency Coordination, Mailing List

State and Other Agencies

Richard Kahanek
Oregon Department of Economic
Development
1595 Woodland Drive
Coos Bay, Oregon 97420

James Burke
Local Planning Division
Dept. of Economic Development
317 S.W. Alder Street
Portland, Oregon 97240

Coos County Coordinator
Manpower Economist
Employment Division 455
Elrod
Coos Bay, Oregon 97420

Disaster Preparedness Planner
Emergency Services Division
Executive Department
43 Capitol Building
Salem, Oregon 97310

Director
Oregon Department of Energy
528 Cottage Street N.E.
Salem, Oregon 97310

Inter-Governmental Coordinator
Dept. of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

Director
Oregon Dept. of Fish & Wildlife
P.O. Box 5430
Charleston, Oregon 97420

Department of Forestry
300 5th Street
Bay Park
Coos Bay, Oregon 97420

State Geologist
Department of Geology & Mineral
Industries
1069 State Office Building
Portland, Oregon 97201

Administrator
State Health Division
930 State Office Building
Portland, Oregon 97210

Administrator
Housing Division
Labor & Industries Building
Salem, Oregon 97310

Historic Preservation Coordinator
Parks & Recreation Branch
525 Trade Street S.E.
Salem, Oregon 97310

Glen Hale
South Coast & Field Representative
Department of Land Conservation
& Development
313 S.W. 2nd, Suite B
Newport, Oregon 97365

Director
State Marine Board
300 Market Street Plaza N.E.
Salem, Oregon 97310

Planning Coordinator
State Parks Division
P.O. Box 1265
Coos Bay, Oregon 97420

Director
State Soil & Water Conservation
Commission
20 Agriculture Building
Salem, Oregon 97310

Director
Division of State Lands
1445 State Street
Salem, Oregon 97310

Administrator
Oregon Traffic Safety Commission
895 Summer N.E.
Salem, Oregon 97310

Planning Representative
Highway Division - Region 3
Department of Transportation
P.O. Box 1128
Roseburg, Oregon 97470

Director
Oregon Water Resources Dept.
1178 Chemeketa Street N.E.
Salem, Oregon 97310

Claude W. Curran
Southern Oregon Regional
Services Institute
Southern Oregon State College
Ashland, Oregon 97520

Jim Jacks
Oregon Business Planning Council
1178 Chemeketa
Salem, Oregon 97310

Federal Agencies

Farmer's Home Administration
Department of Agriculture
22 E. Second Street
Coquille, Oregon 97423

U.S. Department of the Army
Corps of Engineers
Portland District Office
P.O. Box 2946
Portland, Oregon 97208

Bureau of Land Management
333 S. 4th Street
Coos Bay, Oregon 97420

Field Supervisor
Division of Ecological Services
U.S. Fish & Wildlife Services
727 N.E. 24th Avenue
Portland, Oregon 97232

U.S. Environmental Protection Agency
Region X
1200 Sixth Avenue
Seattle, Washington 98101

Director of Community Planning & Development
Department of Housing & Urban Development
Cascade Building
520 S.W. Sixth Avenue
Portland, Oregon 97204

Director National Marine Fisheries
P.O. Box 4332
Portland, Oregon 97208

APPENDIX C

Land Use Plan Alternatives

The land use component of every comprehensive plan is often the most controversial element of a community's proposed development scheme. Accordingly the land use element merits the greatest possible level of public scrutiny to assure that the community's ultimate land use strategy reflects the greatest possible amount of public support.

Accordingly, the Planning Commission has developed three alternative land use strategies that are being presented to the community at this point in order to stimulate public criticism and thinking.

The alternatives are self-explanatory. Alternative "C", termed the "Sensible Growth Alternative", represents the greatest deviation from Coos Bay's 1974 plan, but it appears to offer the greatest public advantage of the three alternatives.

The C.C.I. and the Planning Commission studied the alternatives during May, June, July, and August, 1979, and considered the appropriateness of the proposals. Both the Planning Commission and the CCI strongly support Alternative "C", the "Sensible Growth Alternative".

Land Use Alternatives

Alternative “A”: The “Do-Nothing” Alternative

Alternative “A” is termed the “Do-Nothing” alternative because it recognizes the land use patterns and community development strategies that are embodied in the City’s existing plan developed in 1974. (City of Coos Bay, 1974). The 1974 plan resulted from a considerable effort by the Planning Commission and City Council to update Coos Bay’s 1960 plan, (City of Coos Bay, 1960), “along with the integration of the many plans prepared in the interim regarding the physical development of the City”. (City of Coos Bay, 1974: ii).

The 1974 plan was intended to provide a “realistic approach to comprehensive planning and City development” (City of Coos Bay, 1974), yet it is extremely visionary and optimistic. Although the plan’s strategies have recently been criticized as being unrealistic in certain instances, the 1974 plan was designed to guide Coos Bay’s growth to 1990 or 1995.

Assumptions

The 1974 plan was built upon 13 basic assumptions. These were:

1. — That favorable economics, employment opportunities, increasing medical, cultural, educational and recreational opportunities will continue to attract [sic] steady migration into the Coos Bay Area.
2. — That the City of Coos Bay will continue to grow in regional significance and will remain the largest city on the Oregon Coast.
3. — That all Federal and State policies supporting and encouraging all facets of urban development will continue and the City of Coos Bay will participate.
4. — That the Neighborhood Development Program will continue to expand and encompass other areas such as the Empire Commercial District.
5. — That new housing construction will occur at an overall rate of approximately 80-100 dwelling units per year until 1980-5.
6. — That present trends will continue to indicate that apartment house and factory built home type of living may be the dominant [sic] mode of living in the future.
7. — That the many physical and social problems normally associated with the city life are primarily caused by uncontrolled and undirected population growth.
8. — That urban development will be guided and regulated in accordance with sound environmental protection principles and practices.

9. ~~That residential development in the City's fringe areas will be predominantly low density in nature and that high density apartment living will increasingly become the mode of residency in the City core area.~~
10. ~~That the Empire District will undergo the greatest amount of residential growth during this planning period.~~
11. ~~That City planning and programming will continue to play an increasingly important role in all aspects of physical community development.~~
12. ~~That periodic review (from three to five years) and revision of the General Plan will be recognized as a necessary and continuous process.~~
13. ~~That certain environmental resources are limited, and therefore, future urban development must be accommodated with the proper level of constraints and public services designed to insure the highest possible quality of life for the entire City. That Urban Growth is a variable to be influenced in the pursuit of a desirable quality of community life. (City of Coos Bay, 1974:6-7)~~

Plan Objectives

~~The development objectives of the 1974 plan are embodied in the goals and land use strategies of the 1974 document. Primary motives for developing the plan were:~~

1. ~~To anticipate the impact of economic and social forces which influence population levels;~~
2. ~~To provide the necessary constraints in order to maintain an equitable balance between population density and the physical environment; and~~
3. ~~To anticipate the impact of building intensities on soil capabilities, public water and sewerage systems, and the provisions of open space. (City of Coos Bay, 1974:4)~~

~~More specific development objectives focused on issues related to the various land use activity groups. A 1974 plan policy relative to all land use groups is "to allocate the uses of land in such a manner as will facilitate the provision of public services designed to ensure the highest possible quality of life for the entire community to strive for high standards of attractiveness, the wise use of lands, and a balanced ecology". (City of Coos Bay, 1974:4)~~

~~The following narrative presents a summary of specific development objectives for the various land use activities, as stated in Coos Bay's 1974 Plan. (City of Coos Bay, 1974:passim) (Map 8.1-1)~~

Residential Areas

~~Coos Bay's guiding philosophy in planning for the community's housing needs is "to designate residential areas and their densities in relation to existing and proposed public facilities". (4)~~

Highway Commercial

Highway commercial areas are those designated lands along Ocean Boulevard between the “Empire Y” (Newmark Avenue and Ocean Boulevard) and Pony Creek. The 1974 plan states that commercial developments that are appropriate for the highway commercial district include uses which generally require the assemblage of large lots and which benefit from being located on a major traffic arterial. The plan requires that

...the area designated as highway commercial should be contained and not be allowed to extend to other arterial streets. New building development should be carefully guided, thereby avoiding any potential problems and conflicts normally associated with highway commercial strips... particular attention should be paid to all points of egress and ingress from the arterial street, off-street parking and internal vehicular movement within the site. (43)

Restricted Waterfront Commercial

Restricted waterfront commercial areas are “intended for the use of those businesses which require or directly benefit by the marine setting. Except for this restriction the district does not differ from most other commercial districts”. The 1974 plan stresses the need to “enhance and protect the waterfront environment” by requiring site plan and architectural review to assure that new waterfront development is attractively landscaped, convenient to use and ... people-oriented in character”. (43)

Tourist Commercial

Tourist commercial areas are located in the Empire section of Coos Bay and are intended “to encourage the promotion of the existing Empire Commercial Area as a tourist neighborhood commercial district intended to fulfill the needs of the traveler and the daily shopping needs of the Empire residents”. (43)

Industrial Areas

Coos Bay’s guiding philosophy in planning for the City’s industrial development needs is “to designate sufficient land for industrial uses in such manner as to optimize accessibility to all modes of transportation”. (4) The basic objective of the 1974 plan is to reserve “sufficient, well-located land served by public utilities and roads and protected by zoning and building relations to allow sufficient sites for industrial location and expansion. Also inherent within the policy is industrial development guided by sound environmental protection principles and practices”. (95)

The 1974 plan confines industrial lands “to the eastern portion of the City where adequate lands, sufficient in quantity, are already zoned for that use”. (45) Restricted waterfront industrial lands are designated along portions of the Bay, and are intended to provide an area for “those industrial uses which require the use of the waterfront as part of their routine operation”. (45)

The plan notes that industrial lands along the Empire waterfront are restricted to water-related development “since the potential for future industrial development of that particular area appears to be negligible within the foreseeable future”. (45)

The Medical-Park District

The 1974 plan establishes a planned Medical Park District in the vicinity of Bay Area Hospital “in order to fulfill an existing regional need for more and better medical facilities to serve the need of the City’s citizens as well as the inhabitants of the South Coast region. As such, the Medical Park District will encourage the centralization of needed and desired medical and medical related facilities, and provide increased efficiency and convenience to the users of the facility”. (45)

An informed City policy used to implement the district was initially to allow up-zoning from low density housing to Medical Park District on a piecemeal basis. This policy was subsequently reversed by the Planning Commission in January 1979 when it was informally determined that piecemeal up-zoning should not be allowed without first receiving a written response from the Board of Directors of the Bay Area Health District as to why the proposed medical use would not be more appropriately located on the undeveloped hospital campus in the center of the Medical Park District. (City of Coos Bay, 1979)

The Educational-Cultural and Recreational District

The 1974 plan sanctions the concept of public open space in the Empire area by designating an Educational-Cultural and Recreational District extending northwesterly from the campus of Southwestern Oregon Community College to the Bay, through the Empire Lakes and generally along Chickses Creek. The intent of the planned area was to “afford multi-jurisdictional development cooperation and coordination” in order to produce “multi-recreational opportunities”. (City of Coos Bay, 1974:46) The concept of the district disintegrated in 1978 when property owned by School District No. 9 along Lake Shore Drive was re-planned to allow low density residential development.

The 1974 plan does not address development controls governing the Pony Creek watershed and other public lands in Coos Bay.

Alternative “B”: The “Integrity of Neighborhoods” Alternative

Alternative “B” is termed the “Integrity of Neighborhoods” alternative because it sanctions several existing land use patterns that were identified in the 1974 plan for conversion to some other optimal, idealistic use. Alternative “B” is designed to protect the integrity of neighborhoods and areas that are characterized by irreversible land use patterns. Alternative “B” is otherwise similar to Alternative “A” except for the designation of a “Special Coastal Study Area”.

Alternative “B” is intended to reflect the overall visionary and optimistic objectives of the City’s 1974 plan, but also to respond to criticisms that the 1974 plan is unrealistic. Accordingly, Alternative “B” does not propose sweeping land use changes for various neighborhoods and areas.

Assumptions

Alternative “B” is formulated upon the following basic assumption about Coos Bay’s future growth:

1. That the City of Coos Bay will continue to experience community growth resulting from in-migration and new commercial employment opportunities.
2. That the City of Coos Bay will continue to grow in regional significance and will remain the largest city on the Oregon Coast.
3. That approximately 2,500 additional housing units will be needed in Coos Bay by the year 2000 to adequately accommodate the 23,000 people that are expected to reside in the city at that time.
4. That the physical, fiscal and social problems normally associated with urban living are often caused by uncontrolled and undirected population growth.
5. That the substantial transition of single-family and duplex housing surrounding and adjacent to commercial areas will not be transformed to apartment densities because these neighborhoods are typically stable real estate.
6. That future city growth will be guided in accordance with sound urban planning principles and practices, including environmental, economic and social considerations.

Plan Objectives

The primary development objective of Alternative “B” is the same as for Alternative “A”, that is, “to allocate the uses of land in such a manner as will facilitate the provision of public services designed to ensure that highest possible quality of life for the entire community ... to strive for high standards of attractiveness, the wise use of lands, and a balanced ecology”. (City of Coos Bay, 1974:4)

More specific land use objectives are presented in the following passages. (Map 8.1-2)

Residential Areas

The location of residential areas and the determination of their maximum permitted densities shall be based on the carrying capacity of the land and on the fiscal potential for extending improved access and public facilities to the sites.

Residential densities designated in Alternative "B" include "high density areas" and "low density areas". High Density areas, allowing 0-30 dwelling units per acre, planned around the central business districts and in a designation permitting professional offices as well. Low Density areas permit 0-11 dwelling units per acre in the remaining residential land, and comprise the bulk of land allotted for residential purposes.

Similar to the 1974 plan, Alternative "B" recognizes the "infilling" of residential areas which have not yet reached the maximum permitted density. Therefore, the residential holding reserve concept which limits residential development to one dwelling unit per five acres in outlying undeveloped areas is retained in this alternative. This extremely low density restriction is based on the rationale that community growth will be best achieved by first utilizing the "close-in" infrastructure before expanding in a costly, haphazard manner.

Alternative "B", however, differs from the 1974 plan which is based on the premise that proper urban development occurs in a specified progression outward from the urban business core. This broad theory set forth by E.W. Burgess in 1923, contends that certain definable zones emanate from the core in the matter of concentric rings. Although the historical development of Coos Bay (Marshfield) and Empire exhibits some characteristics of this land use pattern, it has deviated in several substantial respects. Alternative "A" in the 1974 plan negates these established land use patterns and imposes some theoretical land use designations that are realistically incompatible with current and foreseeable trends. As an example, the older residential area on the fringe of the central business district is now an area of physically sound, and stable single-family and duplex real estate. In 1974, however, this area was expected to undergo a major conversion to higher density apartment uses on the theoretical principle that such locations form the optimal transition between commerce and more respectable residential settlement. This concept does not appear realistic for the neighborhood mentioned above as well as for other areas in Coos Bay, and has been eliminated in Alternative "B". Also eliminated is the designation of greenway along water drainages in the city.

Coos Bay's 1974 plan stresses the important of maintaining the natural character of the community when planning for residential growth. "Future residential developments, whether single or multiple dwellings, should place strong emphasis on the conservation of open space in order to maintain the spatial character of the city. (City of Coos Bay, 1974:38) Planned Unit Developments (P.U.D.'s) and cluster housing are intended to implement this objective.

High-Density Residential

Locational guidelines for siting residential development are spatially embodied in the Alternative “B” plan map. High density residential areas shall be located in the vicinity of the downtown, central business district and around the neighborhood commercial area in Empire. The location of this high density residential land capitalizes on commercial and employment centers and has convenient vehicular access to major arterial streets. In addition, high density apartment designations are located elsewhere in the City at locations that are generally compatible with adjacent land uses. These additional apartment sites are intended to reinforce the integrity of established neighborhoods and to provide additional high density land. Ideal apartment developments will include “Park-like” open space amenities.

Residential/Professional Office

The residential/professional office mix is planned for two areas in Coos Bay: (1) the immediate fringe of the central commercial core area, where certain transitions can realistically be expected over the next 20 years, and (2) the site of the Western Bank head offices on Ocean Boulevard, west of Butler Road, where a park-like office environment can exist. New high density apartments are permitted in the residential/professional office mix areas at 0-30 dwelling units per acre, or more, provided that construction is deemed especially suitable to exceed the 35-foot maximum height standard traditionally limiting apartment densities in Coos Bay.

Low-Density Residential

Low-density residential areas comprise the balance of Coos Bay’s residential pattern. As envisioned in 1974, these developments “should strive to utilize closed street system concepts as a means of ensuring the elimination of through traffic on residential streets”. (City of Coos Bay, 1974:40). As previously mentioned, Alternative “B” maintains the extreme, low-density residential holding reserve established in the 1974 plan.

Commercial Areas

Commercial areas are similar to the 1974 plan strategy concerning commercial areas, in that “it is important that the Central Business District (CBD) and its supportive commercial sub-districts remain efficient, prosperous, and easily accessible since commerce is a major source of revenue and is a necessity to the economic stability and future growth of the city”. (City of Coos Bay, 1974:42)

Alternative “B” provides four general planning designations for commercial development: (1) General Commercial Areas, (2) Commercial Industrial Areas, (3) Commercial/Residential, and (4) Commercial/Residential/Tourist. A detailed explanation of these use designations follows.

General Commercial

General commercial areas are intended to provide for retail trade, commercial service and professional activities that constitute the essential base of the City's economy. Appropriate locations for commercial development include (1) established commercial areas, (2) highway corridors not committed to less intensive land uses, and (3) to a very limited extent in new residential planned unit developments when the convenience shopping needs of nearby residents can be established.

Commercial/Industrial

Commercial/industrial areas are intended to provide for a compatible mix of commercial and light industrial activities that are also essential to the City's economy. A commercial/industrial area is a new classification proposed by Alternative "B", and is consistent with the "Integrity of Areas" theme. Much of Coos Bay's traditional light industrial and restricted industrial use zones (i.e. I-1 and I-2, Ordinance Number 2160 and 2685) are actually commercial/industrial areas because they have historically allowed the compatible mix mentioned above. Appropriate locations for commercial/industrial development are generally those areas north and south of the downtown commercial core and near U.S. Highway 101, and to a lesser extent near Lockhart Avenue, easterly from 7th Street.

Commercial/Residential and Commercial/Residential/Tourist

Commercial/residential and commercial/residential/tourist land use activities are intended to provide a compatible mix of residential and necessary, less intense commercial activities in large distinctive neighborhoods that are generally removed from the central business district and where such location warrants a limited amount of convenience shopping or had the potential to attract tourist type businesses. Appropriate locations for commercial/residential activities occur in Englewood along Southwest Boulevard and for commercial/residential/tourist activities in Empire along the Cape Arago Highway.

Industrial Areas

Industrial areas are intended to provide an area where more intense industrial and, to a lesser extent, commercial uses are allowed. Land use activities permitted in these areas are those which are not generally compatible with less intense commercial and industrial uses.

NOTE: Coos Bay shall attempt to establish and justify these areas along the estuary, as part of the area wide estuary planning process to be conducted in 1979/80.

Medical Park District

The Medical park district is intended to provide a park-like environment to accommodate the centralization of medical and medically-related facilities and services. Apartments would be appropriate as “conditional uses” on the fringe of the medical park district. Implementation of the planned district is to be accomplished by the piecemeal up-zoning of residential properties within the planned area to “MP-D” (Medical Park District). Such rezones shall be allowed subject to the substantiation, among other required legal findings, that the requested medical or related use is not suited or more appropriately located on the undeveloped portion of the hospital campus administered by the Bay Area Health District. It is intended that this planned district be implemented in an orderly fashion where rezones are contiguous to existing medical park development. Further development of the hospital campus should include, where feasible, plans to construct ingress and egress between the hospital and Woodland Drive.

Open Space Areas

Open space areas are intended to ensure the conservation of scenic and natural areas and natural resources, to provide recreational opportunities, and to protect the area’s water supply. Designated open space areas are primarily publicly or quasi-publicly owned. Open space designations include all school properties, city parks, the watershed, and cemeteries (non-private). Private open space consists of specially designated areas in planned unit developments and subdivision. Any physical development in designated open space areas should be subject to site and architectural review by the City Planning Commission.

Special Coastal Study Area

The Special coastal study area results from the LCDC requirement that a special area be set aside “for inventory, study, and initial planning for development and use to meet the Coastal Shorelands Goal”. (LCDC, Goal 17) The City of Coos Bay study area includes lands that may be especially suited for water dependent uses and excludes those lands falling within the recommended study area that definitely do not possess water-related use potential. The uses designated for Estuarine and Coastal Shoreland areas within the City will be addressed upon completion of the regional estuary plan 1979/80. This plan will culminate the efforts of all jurisdictions (Coos County, Coos Bay, North Bend, Eastside) having an integral interest in the management and development of estuarine land uses.

Grandfather Clause

A liberal grandfather clause is extremely important in implementing ordinances in order to assist the fulfillment of Alternative “B”, which proposes major changes in Coos Bay’s land use designations. Alternative “B” is not intended to disallow re-construction of non-conforming uses destroyed by a natural act.

Alternative “C”: The Sensible Growth Alternative

Alternative “C” is termed the “Sensible Growth” alternative because it attempts to channel the inevitable growth of Coos Bay in a productive fashion so as to meet the housing, commerce and industrial needs of present and future city residents while minimizing causes of social, fiscal, and environmental objections to community development that are often voiced by “no growth” advocates. Alternative “C” is substantially similar to Alternative “B”, except that planned residential densities in the earlier residential holding reserve areas are intensified to promote the necessary infilling of these areas. Alternative “C” reflects the “integrity of neighborhoods” concepts identified in Alternative “B”.

Assumptions

Alternative “C” is formulated upon the same basic six assumptions about Coos Bay’s future growth as stated in Alternative “B”, with the addition of the following assumption that residential development must offer increased dwelling unit densities at suitable locations, including areas not previously considered suitable for apartments, in order to enhance affordable housing opportunities for city residents.

Plan Objectives

Alternative “C” is based upon the same overall development objective as Alternatives “A” and “B”, that is “to allocate the uses of the land in such a manner as will facilitate the provision of public services designed to ensure the highest possible quality of life for the entire community to strive for high standards of attractiveness, the wise use of lands, and a balanced ecology”. (City of Coos Bay, 1974:4)

Alternative “C”, like the other two alternatives, is intended to reflect the visionary and optimistic objectives that have long been established for Coos Bay. In addition, specific land use objectives of Alternative “C” are presented in the following passages: (Map 8.1-3)

Residential Areas

The provisions for development of Coos Bay’s residential areas are the same as presented in Alternative “B”.

The only differences are (1) that the residential holding reserve concept is eliminated in favor of higher density development to offset unusually high construction costs for the hilly areas once contained in the “reserve”, and to open uplands now needed to accommodate growth, and (2) that additional high density areas are designated in various locations throughout the city. The intent is to increase affordable housing opportunities for area residents.

Planned residential areas proposed by Alternative “C” include: (1) high density residential areas, (2) residential/professional office mix areas, and (3) low density residential areas, exclusive of the “holding reserve concept”. These use districts are explained in detail under Alternative “B”.

Alternative “C” recognizes that high density residential development must be permitted in certain parts of the formerly designated holding reserve if affordable housing construction is to proceed in these areas. This increased density is based on the premise that (1) much of the former reserve areas have inadequate access, infrastructure, etc., and that (2) increasing the density may stimulate construction so that local developers can realize a satisfactory return on their investment to permit costly access and facility extensions to the growth areas. The increased density provisions are not intended to cause massive apartment construction in these undeveloped areas. Topography and physical constraints will limit this. Rather, the increased density is intended to stimulate well-planned cluster subdivisions and planned unit developments to maximize the buildable portions of the areas. This concept can be implemented by special zoning provisions, perhaps a “floating zone”, to require careful site review to maintain maximum compatibility among the respective residential developments.

Commercial Areas

Commercial areas are similar to the 1974 plan strategy concerning commercial areas, in that “it is important that the Central Business District (CBD) and its supportive commercial sub-districts remain efficient, prosperous, and easily accessible since commerce is a major source of revenue and is a necessity to the economic stability and future growth of the City.” (City of Coos Bay, 1974:42)

Alternative “B” provides four general planning designations for commercial development: (1) General Commercial Areas, and (2) Commercial Industrial Areas.

General Commercial

General commercial areas are intended to provide for retail trade, commercial service and professional activities that constitute the essential base of the City’s economy. Appropriate locations for commercial development include (1) established commercial areas, (2) highway corridors not committed to less intensive land uses, and (3) to a very limited extent in new residential planned unit developments when the convenience shopping needs of nearby residents can be established.

Commercial/Industrial

Commercial/industrial areas are intended to provide for a compatible mix of commercial and light industrial activities that are also essential to the City’s economy. A commercial/industrial area is a new classification proposed by Alternative “B”, and is consistent with the “Integrity of Areas” theme. Much of Coos Bay’s traditional light industrial and restricted industrial use zones (i.e., I-1 and I-2, Ordinance Number 2160 and 2685) are actually commercial/industrial areas because they have historically allowed the compatible mix mentioned above. Appropriate locations for commercial/industrial development are generally those areas north and south of the downtown commercial core and near U.S. Highway 101, and to a lesser extent near Lockhart Avenue, easterly from 7th Street.

Industrial Areas

~~Alternative “C” recognizes the industrial development concepts presented in Alternative “B”.~~

Medical Park District

~~The medical park district is intended to provide a park-like environment to accommodate the centralization of medical and medically related facilities and services. Apartments would be appropriate as “conditional uses” on the fringe of the medical park district. Implementation of the planned district is to be accomplished by the piecemeal up-zoning of residential properties within the planned area to “MP-D” (Medical Park District). Further development of the hospital campus should include, where feasible, plans to construct ingress and egress between the hospital and Woodland Drive.~~

Open Space

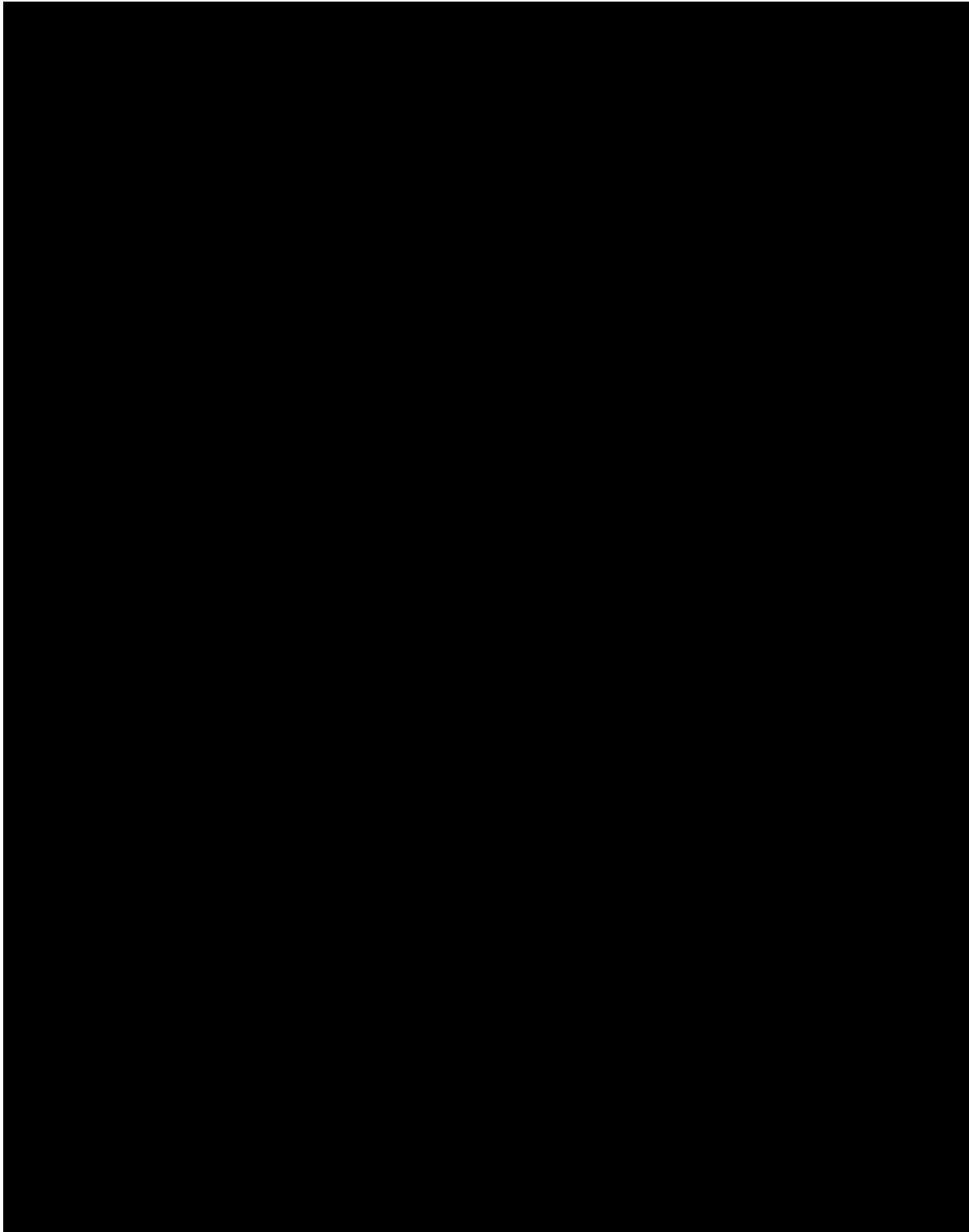
~~Alternative “C” recognizes the open space concepts presented in Alternative “B”.~~

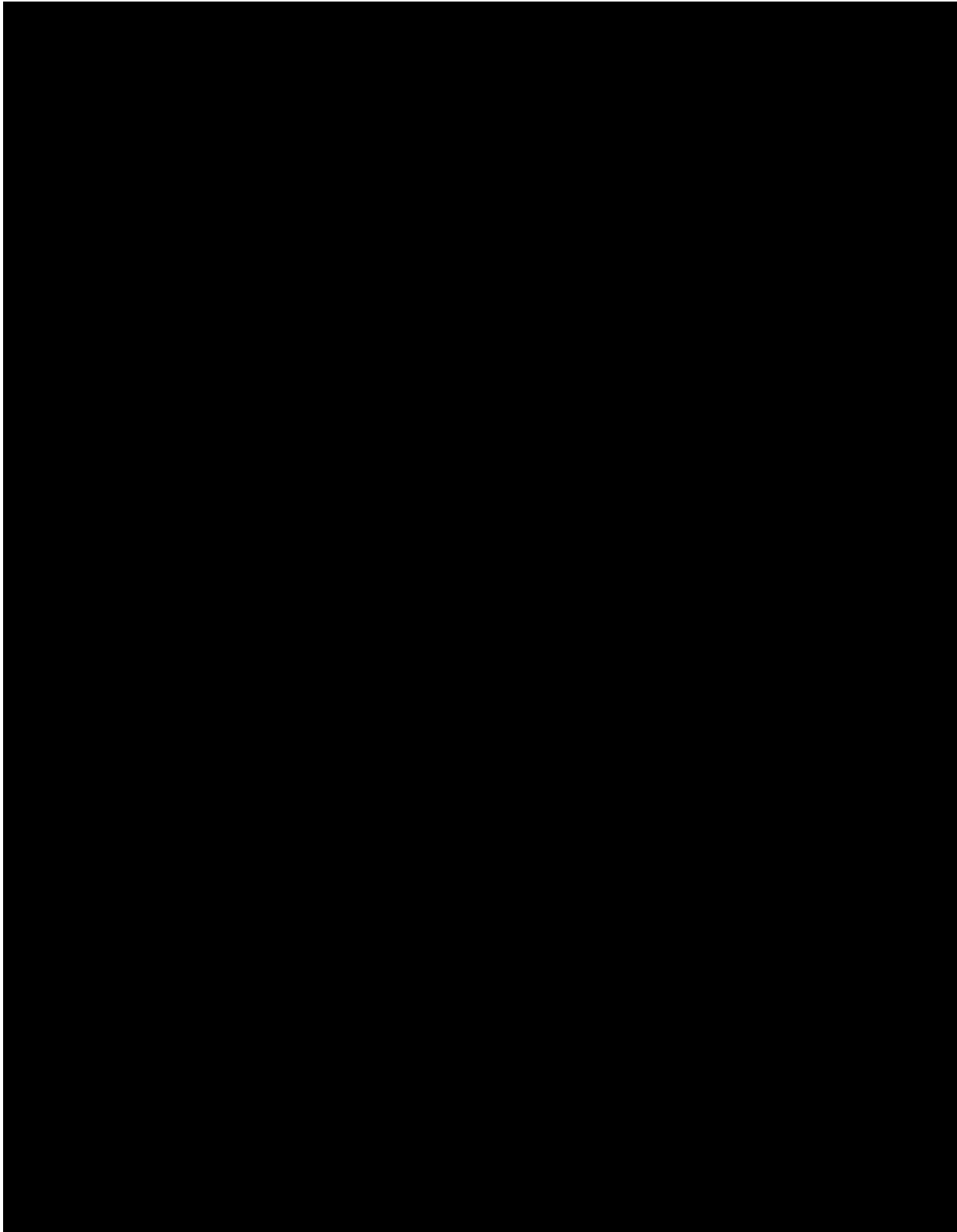
Special Coastal Study Area

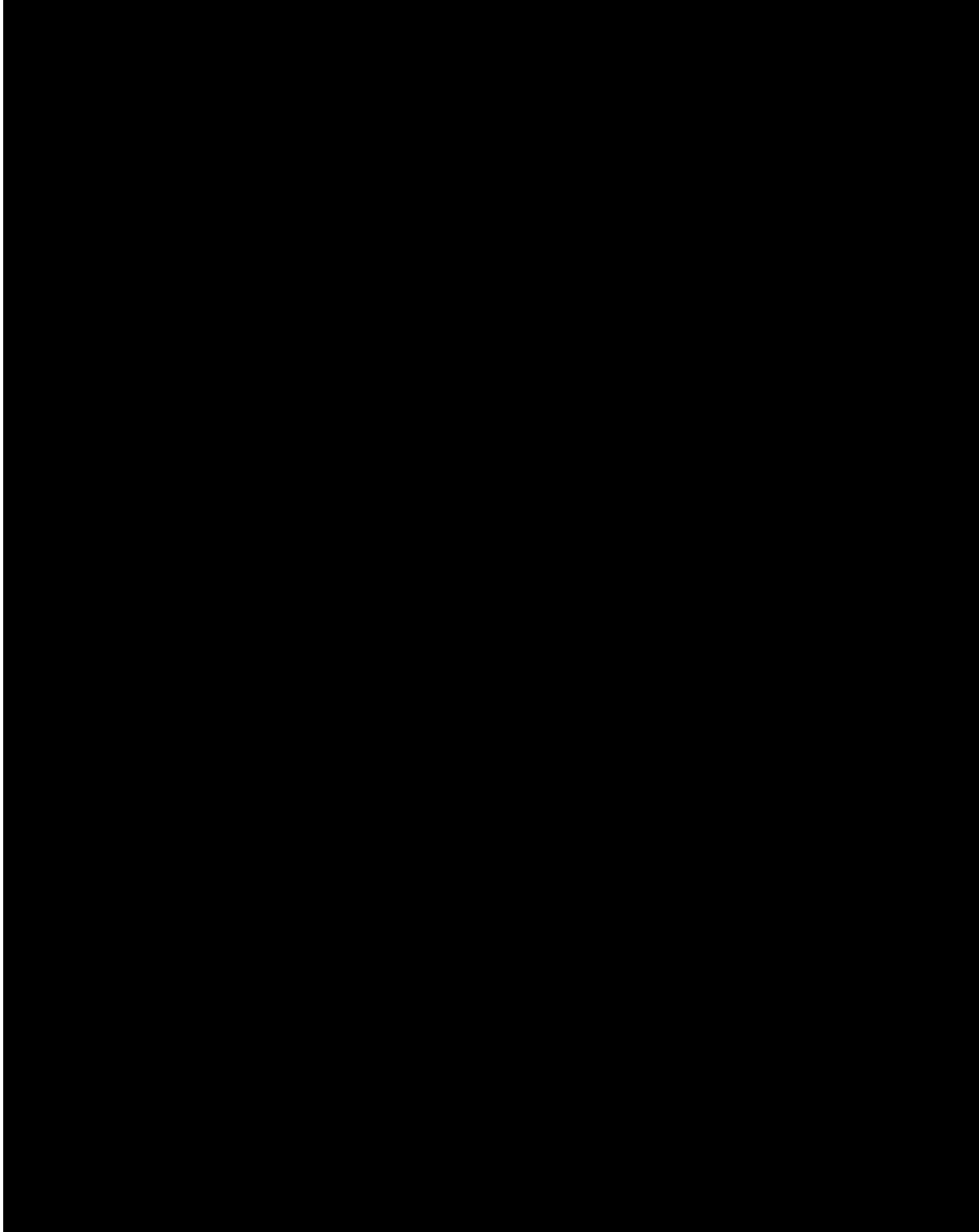
~~Alternative “C” also recognizes the special coastal study area identified in Alternative “B”.~~

Grandfather Clause

~~Alternative “C” includes the same “grandfather clause” concerns recognized in Alternative “B”.~~







~~ENACTED AMENDMENTS~~
~~Volume 1~~
~~Plan Policy Document~~

[illegible]