

NOTICE OF PUBLIC HEARING

The Coos Bay City Council will hold a virtual public hearing on Tuesday, May 19, 2020 at 7 pm. The Council will consider the City Planning Commission's March 10, 2020 recommendations to amend Coos Bay Municipal Code Title 17 Chapters 17.312 regarding Accessory Dwelling units and 17.335 Supplemental Development Standards regarding fences and hedges. This virtual meeting, open to all, will use the Microsoft Teams platform and can be attended by following the link available on the City's website at www.coosbay.org.

On May 12, 2020, this ordinance was made available at the City of Coos Bay Community Development web page at www.coosbay.org/departments/community-development-department under Notable Projects,
Title 17.312.amendment.citycouncil.public hearing.05.19.2020.

A Council staff report for the May 19, 2020 public hearing will be posted at www.coosbay.org on May 15, 2020. Prior to the public hearing, comments for Council consideration and inquiries may be addressed to Carolyn Johnson, Community Development Administrator by calling 541-269-8924; emailing to cjohnson@coosbay.org; or by USPS letter or in person delivery to the Community Development Department, City Hall, 500 Central Ave, Coos Bay. Written public comments can also be sent by fax at 541-267-5912, or left in the drop box at City Hall front doors at 500 Central Avenue until May 19, 2020 at 10:00 am, and will be shared during the virtual meeting.

The City Council's final decision may be appealed to the Land Use Board of Appeals pursuant to ORS 197.830.

May 9, 2020

ORDINANCE NO. 524

AN ORDINANCE AMENDING COOS BAY MUNICIPAL CODE (CBMC) TITLE 17 CHAPTERS 17.312 ACCESSORY DWELLING UNITS, AS ESTABLISHED BY ORDINANCE 518 AND 17.335 SUPPLEMENTAL DEVELOPMENT STANDARDS, AS ESTABLISHED BY ORDINANCE 503.

Section 1. The proposed Title 17 amendments to CBMC Chapters 17.312 Accessory Dwelling and 17.335 Supplementary Development Standards were filed with the Oregon Department of Land, Conservation and Development on February 12, 2020 consistent with OAR 660-018-0020, more than 35 days before the first evidentiary hearing by the Coos Bay Planning Commission on March 10, 2020.

Section 2. On February 25, 2020, at Coos Bay Fire Department Station #1 located at 450 Elrod in Coos Bay during the hour of 5:30 p.m., the City Council held a work session where staff reviewed with them the subject amendments.

Section 3. On March 10, 2020, the Planning Commission held a public hearing on the amendments and unanimously recommended Council adoption of amendments to:

- CBMC Chapter 17.312 Accessory Dwelling Units: add language to provide consistency with State standards for accessory dwelling units and to allow tiny homes subject to Oregon Residential Specialty Code (ORSC), the Oregon Fire Code, or the U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety standards; and
- CBMC Chapter 17.335 Supplementary Development Standards: revise the City Type III review requirement for fences to a Type II review and in the urban renewal areas, to prohibit chain link fencing.

Section 4. On May 12, 2020, this ordinance was made available at the City Community Development web page at www.coosbay.org/departments/community-development-department under Notable Projects, Title 17.312.amendment.citycouncil.public hearing.05.19.2020.

Section 5. On May 12, 2020, consistent with the City Charter, a public hearing notice of this ordinance, the May 19, 2020 public hearing time and place and availability by Teams Live Stream for a virtual meeting was posted in conspicuous places where it could be seen at the Coos Bay City Hall at 500 Central Ave and the Coos Bay Library at 525 Anderson in Coos Bay.

Section 6. On May 19, 2020, City Council held a virtual public hearing on the amendments at 7 PM at which time the public was provided the opportunity to comment on the amendments via Teams Live Stream. All persons were provided with an opportunity to provide comments.

Section 7. After careful consideration of all evidence and testimony presented, the City Council finds the adoption of the amendments, as shown in Exhibit A attached, will serve the public interest pursuant to the analysis provided below:

- a. Oregon Land Use Goal 10 (Goal 10) notes "Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."

b. The 2009 Buildable Lands Inventory facilitated City of Coos Bay compliance with Goal 10. Goal 10 compliance will continue with the modifications related to housing noted in the CBMC 17.312 amendment found in Exhibit A. The June 17, 2009 Buildable Lands Inventory projected a need for 242 new Coos Bay housing units by 2029. Inventory Table 7 identified specific unit type needs. To date, 206 new units have been developed as identified in the table below:

Specified housing need by 2029 noted in 2009 BLI Table 7		Units developed since 07.01.2009 (City records don't delineate attached/detached units)
1 unit detached*	149	116
1 unit attached	12	
Duplexes	18	16
Triplexes/Fourplexes	12	0
5 or more units	39	9
Manufactured homes	12	57
ADU's 2019 & later	0	8
Total	242	206

c. The City of Coos Bay, as noted in the 2018 Coos County Housing Action Plan, continues to experience a housing shortage.

d. The CBMC section 17.312 amendment is a part of Coos Bay's efforts to meet the housing needs of Coos Bay residents consistent with Goal 10.

e. The adoption of the amendment to CBMC section 17.312 identifying new criteria to develop Accessory dwelling units will 1) meet the spirit of Comprehensive Goal #1 and Policy 1.1 which state, respectively that : *Coos Bay shall designate and maintain an adequate supply of land zoned for a range of housing types and price ranges and 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;* 2) serve the public interest by expanding the potential for housing development.

Section 7. This Ordinance shall take effect 30 days after enactment by the Council and signature by the Mayor.

Section 8. The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 19th day of May, 2020 by the following vote:

Yes:

No:

Absent:

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

ATTEST:

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

EXHIBIT A

Chapter 17.312 ACCESSORY DWELLING

17.312.030 Use and restrictions.

An accessory dwelling unit, where allowed, is subject to review and approval through a Type II procedure, pursuant to CBDC 17.130.090, and shall conform to the following restrictions:

- (1) One accessory dwelling is allowed per legal lot of record containing a detached single-family 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 17.312.040(1)(g);
- (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 17.312.040(1)(g);

17.312.040 Development and design standards.

- (1) Development Standards.
 - (a) A detached accessory dwelling unit shall not exceed 1,000 square feet of floor area, or 75 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 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 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 are not subject to the density requirements of the zone.
 - (e) Accessory dwellings shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
 - (f) 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, CBMC Title 17 setback requirements and does not eliminate an existing functional garage.

- (g) 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.

Chapter 17.335 SUPPLEMENTARY DEVELOPMENT STANDARDS

17.335.020 Height of fences and hedges.

- (2) Commercial Fences or walls located in the following areas shall only be allowed subject to approval of a Type II review (Chapter 17.365 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 17.335.020(2a-e).

**ORDINANCE 524 EXHIBIT A
LEGISLATIVE VERSION**

Chapter 17.312 ACCESSORY DWELLING

17.312.030 Use and restrictions.

An accessory dwelling unit, where allowed, is subject to review and approval through a Type II procedure, pursuant to CBDC 17.130.090, and shall conform to the following restrictions:

- (1) One accessory dwelling is allowed per legal lot of record containing a detached single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), ~~or 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 17.312.040(1)(g);
- (2) The accessory dwelling unit may not be used as vacation rental. ~~or temporary housing;~~
- (3) Construction of an accessory dwelling unit must meet the minimum standards of the current state residential specialty code or the requirements of 17.312.040(1)(g);

17.312.040 Development and design standards.

- (1) Development Standards.
 - (a) A detached accessory dwelling unit shall not exceed 1,000 square feet of floor area, or 75 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 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 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 are not subject to the density requirements of the zone.
 - (e) Accessory dwellings shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
 - (f) 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, CBMC Title 17 setback requirements and does not eliminate an existing functional garage.

(g) 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.

Chapter 17.335 SUPPLEMENTARY DEVELOPMENT STANDARDS

Section:

17.335.020 Height of fences and hedges.

17.335.020 Height of fences and hedges.

- (2) **Commercial** Fences or walls located in the following areas shall only be allowed subject to approval of a Type II ~~III site plan~~ review (Chapter [17.365](#) CBDC):
- (a) ~~—The bayside of~~ Bayshore Drive between Elrod Avenue and Highland Avenue.
 - (b) ~~The bayside of~~ Bayshore Drive north of Fir Avenue.
 - (c) ~~The bayside of~~ South Empire Boulevard south of Newmark Avenue.
 - (d) ~~The bayside of~~ 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 17.335.020(2a-e).