



Housing Advisory Committee Meeting #2

COOS BAY HOUSING ADVANCEMENT PROJECT
Friday, February 12, 1-3 PM

ZOOM link: <https://zoom.us/j/94882995331>

Meeting ID: 948 8299 5331

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AGENDA

Time	Subject	Lead
1:00	Welcome	Carolyn Johnson, City of Coos Bay
1:05	Comprehensive Plan Update Recommendations	Jacob Callister, LCOG
1:30	Housing Pre-Production Strategy	Todd Chase, FCS GROUP
2:15	Development Code Recommendations	Jacob
2:50	Next Steps	Jacob
3:00	Adjourn	Carolyn

Meeting Materials

- HAC Item Summary
- Attachment A: Housing Pre-Production Strategy
- Attachment B: HAP High Level Themes
- Attachment C: Comprehensive Plan Amendment Recommendations Matrix
- Attachment D: Annotated Development Code



3J CONSULTING

To: Housing Advisory Committee

Date: February 5, 2021

From: Carolyn Johnson, Community Development Administrator
on behalf of the Housing Advancement Project Team (Team)

RE: Friday, February 12, 2021 second Housing Advisory Committee (HAC)
Meeting: Housing Advancement Project & Housing Pre-Production Strategy

BACKGROUND/CONTEXT. In 2020, the Oregon Department of Land Conservation (DLCD) awarded funding to the City for consulting services for evaluation and modification of Coos Bay Comprehensive Plan (CBCP) policies and Development Code (CBDC) directives. The modifications will assure City compliance with new Oregon law mandated by Oregon House Bills 2001 & 2003 and address the 2020 Needs Analysis (HNA) findings.

In November of 2020 the HAC reviewed the scope and initial themes for CBCP and CBDC revisions. With that meeting outcome, the Team prepared the attached concepts for HAC consideration. Please familiarize yourselves with this information and be ready to discuss at our Feb. 12 meeting. The attached information will facilitate creation of more refined work products at the March 9, 2021 joint Planning Commission /Council public meeting for Planning Commission consideration/advisement and City Council decisions to modify the CBCP and CBDC for expanded Coos Bay housing opportunities.

KEY DOCUMENTS. Your feedback on these documents will inform the Team's continued work. We look forward to our collective review of the following documents at our Friday, February 12 meeting.

- **Attachment A: Draft Housing Pre-Production Strategy.** This 3J prepared draft identifies, analyzes and memorializes legislative, regulatory and program housing development incentive tool options to facilitate housing development opportunities for households of all income levels.
- **Attachment B: Coos Bay Comprehensive Plan and Development Code High-Level Themes.** This LCOG Team prepared list of high-level themes and a description of recommendations for each accompanies the CBCP matrix (attachment C) and annotated CBDC (attachment D).
- **Attachment C: Coos Bay Comprehensive Plan Draft Recommendations Matrix.** Prepared by the LCOG Team, Comprehensive Plan revision recommendations consistent with House Bill 2001 are identified in a matrix format with current policy text or themes and recommendations.
- **Attachment D: Annotated Coos Bay Development Code.** The LCOG Team prepared annotated Development Code recommendations/green boxes for CBDC updates in the context of the applicable sections of the existing code.

To: Steve Faust; 3J Consulting **Date:** 2/4/2021
From: Todd Chase, Tim Wood; FCS GROUP
RE Draft Coos Bay Housing Pre Production Strategy

PURPOSE OF THE HOUSING PRE-PRODUCTION STRATEGY

The objective of the Coos Bay Housing Pre-Production Strategy (HPPS) is to incentivize the development of needed housing. This effort will include the preparation of baseline assumptions required by House Bill 2003 (2019) to create a future Housing Needs Capacity Analysis (HCA) to measure future housing demand against developable land available for residential development to ensure that cities have sufficient land to meet demand as well as a using Production Strategy (HPS).

The HPPS process and outcomes are intended to identify, analyze, and recommend housing development incentives as well as legislative, regulatory, and policy options for the expansion of housing opportunities for households of all income levels. The HPPS will also build upon and complement housing expansion efforts previously undertaken by the City of Coos Bay (City).

HPPS WORK PLAN

The HPPS Work Plan tasks include the following:

- **Housing Background Report** which summarized: findings from housing plans that have been completed; actions to foster housing production already completed by the city; housing policies the city could consider going forward; and draft criteria to be used when evaluating potential local housing policies.
- **Stakeholder Interviews** as detailed later in this report and **Appendix A**. Interviews were conducted with housing developers, affordable housing advocates and others.
- **City code evaluation and preliminary recommendations** as discussed later in this report. During the HPPS process, the city and consultant team reviewed city codes and are recommending consideration of potential code strategies for Coos Bay to producing target housing types.
- **Housing Advisory Committee (HAC) engagement** with two HAC meetings to review, advise, participate and refine consultant recommendations and products.
- **Public Involvement** with one public meeting to inform and further refine consultant recommendations.
- **Summary Report**. HPPS work effort compilation into a final report with recommendations for Comprehensive Plan and Development Code amendments developed as part of the City's Housing Advancement Project.

HOUSING STAKEHOLDER OUTREACH

As part of the HPPS process, the consultant team conducted one-on-one interviews with six stakeholders in the Coos Bay housing market including non-profit and for-profit developers. This input was mainly focused on perceived regulatory and market barriers to the development of housing in Coos Bay. Stakeholder, public and committee input will be used to contextualize policy recommendations in the final HPPS document.

REGULATORY OBSTACLES

- Developers unanimously identified low density allowances and restrictive lot dimension standards as their chief regulatory hurdle. That hurdle not only restricted market feasibility for single-family detached housing but for middle housing development as well (particularly developments with 2 to 4 dwellings per structure). Some suggested that changing current standards would result in more naturally occurring affordable housing.
- Developers also conveyed the need for additional multifamily zoned land within the city, saying that there is a market for apartments, but not enough land is available, and the locations in which multifamily is planned results in higher site development costs (due to need for site assembly, demolition, soils remediation, etc.). They suggested targeted rezoning of lower density residential land to allow higher density.

Other comments from developers included:

- Confusion regarding the engineering and infrastructure requirements in general.
- Frustration at excessive land use regulations at the state level
- Lack of clarity from the City regarding if/how reimbursement for developer funding of public improvements will be reimbursed on a pro-rated basis when other future developments come to fruition. Therefore, there is little incentive to undertake major housing investments requirement private investment for off-site public facility improvements.

MARKET OBSTACLES

Developers noted that:

- Buildable land in Coos Bay exists but large tracts are often owned by several individuals, some of whom do not want to sell or have unrealistic sales price expectations. It is not always clear if there are environmental issues with a parcel (e.g., floodplain or dredging).
- Return on investment, especially in the rental apartment market, is unproven which likely keeps larger regional developers out of Coos Bay.
- Some city-owned parcels available for development are located in less desirable parts of Coos Bay, making development there less feasible from a market perspective.
- Costs of demolition, and building reuse is prohibitive because buildings are old and require remediation (i.e., asbestos and lead paint removal) and because landfill costs are very high; this discourages redevelopment of older sections of the City.

STRATEGIES TO INCREASE HOUSING

To provide greater housing affordability to middle-income families, the consultant team, along with Coos Bay staff, identified a list of potential strategies or actions the city might consider. Generally, the policy strategies can be separated into four categories:

- **Land Use Policies and Regulations:** Future Comprehensive Plan revisions to Housing and Land Use element policies and code amendment directives that reflect the updated Housing Needs Assessment and community input.
- **Programs and Collaborative Partnerships:** This category includes City partnerships with non-profit or for-profit developers to identify and develop housing sites in the City.

- **Oregon Revised Statutes owner occupied affordable housing development incentive options:** Among other options, these include general obligation bonds for affordable housing, construction excise tax, and inclusionary housing¹ as specified in ORS 197.309.
- **Other DLCD Best practices:** Best practice guidance provided by DLCD.
The consultant team evaluated 26 housing strategies or actions to be considered to prioritize for action. To evaluate each strategy on its own merits, the following criteria were applied, and a relative score was assigned ranging from 1 (low relative score) to 3 (high relative score). Aggregated scores were compiled based on the following criteria.
- **Public Opportunity Cost:** measures the cost associated with each policy, such as foregone property tax income or in-kind staff administration requirements, relative to the estimated amount of additional low or middle-income housing units added.
- **Compatibility with the 2020 HNA targeted housing numbers and types.**
- **Compatibility with other City Policies: Assessing** if/how each policy is compatible with other existing city policies to avoid conflict with other city objectives.
- **Development Feasibility:** considers the ability of a policy or action to enhance overall project feasibility and improve the chance that a developer will be willing to risk private equity and leverage debt required to construct and sustain new investment.

It should be note that additional criteria may be presented by the public and/or policy makers over the coming months and result in a different set of policy priorities. Consequently, the scoring of each strategy, along with those recommended by the consultant team and staff will be refined.

An overall score was created for each of the strategies is noted in the strategy chart on the following pages. Using the criteria noted above, many have the same score. Categories mentioned above are noted by corresponding number in each strategy.

¹ Inclusionary housing programs requires developers to sell or rent a percentage of their units to lower-income residents. Programs may partially offset the cost of providing affordable units by offering developers one or more incentives such as tax abatements, parking reductions, or the right to build at higher densities. Most programs recognize that it's not always feasible to include affordable on-site units within market-rate projects. In some cases, developers can choose among alternatives, such as payment of an in-lieu fee or provision of affordable off-site units in another project.

Exhibit 1: Strategy Table		Public Opportunity Cost	Meets 2020 HNA Targets	Compatibility with City Policies	Development Feasibility	Overall Score
	Description					
1	Create Cottage cluster development options. Cottage Cluster housing refers to small homes on small lots grouped together with a larger area of open space available for common use. Consider introducing into Development Code.	3	3	2	3	11
2a	Evaluate land use processing & infrastructure funding requirements. Land use permit process streamlining would cut down on developer time and cost. Clarity should be provided on infrastructure cost reimbursement. These would-be incentives for developers to more quickly get through the land use review process with assurance of reimbursement for off-site public improvements with broader public benefit.	2	3	2	3	10
2b	Lot size reduction for new lots in residential areas. Four stakeholders indicated lot size parameters were outdated and cumbersome to work around.	2	3	2	3	10
2c	Middle Housing (including Townhomes, Duplexes, Triplexes and quadplexes) in single-family low-density residential zoning districts with design standards for compatibility with single family homes as mandated by HB 2001.	2	3	2	3	10
3a	Partnering with non-profits. A City partnership to assist with a housing nonprofit to acquire naturally occurring affordable housing such as foreclosures and expansion of the City's vacant property registration program for housing rehabilitation or purchase.	3	2	2	2	9
3b	Limit single unit homes in medium density areas. Limitation of single unit homes in the medium density residential district to a certain percentage of the total land area specified for multi-unit residential use.	2	2	2	3	9
3c	Create a minimum density standard in all residential zones. Minimum density standard of at least 70% of that for maximum density permitted in any residential zone.	2	2	2	3	9

Exhibit 1: Strategy Table		Public	Opportunity Cost	Meets 2020 HNA Targets	Compatibility with City Policies	Development Feasibility	Overall Score
	Description						
3d	Extremely limit single unit homes in higher density areas. Prohibition of new single-unit housing in high density residential zoning districts unless the site is less relatively small, and the site could not accommodate multiple units.	2		2	2	3	9
3e	Providing a pre-approved set of plans for middle housing typologies (ex. Cottage clusters, townhomes, and ADUs). The plans would be highly efficient, designed for constrained lots and low-cost solutions, and would allow for streamlined permitting.	2		2	2	3	9
4a	Density bonuses for development of deed-restricted affordable housing. This low-cost, market-side solution can assure an affordable housing “pool” for a period of at least ten years.	2		2	2	2	8
4b	Identify appropriate locations for “up-zoning” to create a high-density residential area to meet multifamily land needs. Use areas that were previously zoned for high density residential but are now medium density.	2		1	2	3	8
4c	Ensure that zoning is clear and objective to allow lower-cost housing types (e.g., ADUs, cottage clusters, multifamily, manufactured housing, etc.) where appropriate.	2		2	2	2	8
4d	Allow density transfers from land area on property that is > 20% slope or land located in environmentally sensitive areas to “receiving areas” within the City. Explore if/how density transfers could be achieved outside city limits in collaboration with Coos County.	1		2	2	3	8
4e	Residential development for small commercial lots. Consider allowing residential development by right on commercial property less than a certain size that is infeasible for commercial development .	2		1	2	3	8
4f	High density residential land use district. Creation of a high-density residential land use district consistent with the Comprehensive Plan.	2		1	2	3	8
4g	Changes to Development Code zero-lot line regulations. Revisit the City’s Zero-lot line concept for residentially zoned property to refine as needed.	1		2	2	3	8

Exhibit 1: Strategy Table		Public	Opportunity Cost	Meets 2020 HNA Targets	Compatibility with City Policies	Development Feasibility	Overall Score
	Description						
4h	Options identified in ORS 197.309. These include options to increase owner-occupied affordable housing; such as general obligation bonds for affordable housing, a construction excise tax, and inclusionary housing requirements as specified in ORS 197.309.	1		3	2	2	8
5a	Property tax options. Exploration of the opportunities offered in statute including tax exemption for low-income housing developments and single unit housing in distressed areas as well as property tax freezes.	1		2	2	2	7
5b	Create affordable housing fund, by considering a construction excise tax/dedication of city bed tax.	1		3	2	1	7
5c	Require or incentive a mix of housing types within Residential Planned Unit Developments through zoning ordinance.	2		1	2	2	7
5d	Adopt increased density codes by right near transit stations, with higher levels of density near high capacity/high frequency stations, then stepping back into residential areas. Automatically upzone based on transportation corridor classifications; meaning wider ROWs get more flexibility in land use by right.	1		2	2	2	7
6a	Preventing displacement and preserving "naturally occurring" affordable housing through acquisition, low-interest loans/revolving loan fund for preservation, and/or code enforcement.	1		2	2	1	6
6b	Non- conforming housing zoning limits. Examine zoning limitations on existing non-conforming housing uses.	2		1	2	1	6
6c	Parking modifications. Modification of parking requirements for certain housing types.	1		2	1	2	6
6d	Explore affordability-focused covenants	1		2	2	1	6
6e	Consider adopting inclusionary zoning	1		2	2	1	6

APPENDIX A: STAKEHOLDER INTERVIEW SUMMARY

The following is a summary of the issues raised through stakeholder interviews conducted for the Coos Bay Housing Advancement Project. The purpose of stakeholder interviews is to understand how Coos Bay's zoning standards, development review regulations, tools and practices affect housing development in the community. The project team identified a list of nine (9) stakeholders including for-profit and non-profit real estate developers. As of December 2020, six (6) stakeholders were interviewed in October and November 2020 to understand the impacts of the zoning code and review requirements on development in Coos Bay. The interviews were also an opportunity to discuss future changes to incentive density and MFR development. The below table details stakeholders interviewed thus far.

Stakeholders Interviewed

Stakeholder	Affiliation
Adam Rutherford	Local developer
Beth Albrecht	Hi-Valley Development Corp
Brad Woodruff	Manufactured home developer
Brian Shelton Kelley	Developer Director, NeighborWorks Umpqua
Chris Swanson	Local developer
Tim O'Brian	Urban Asset Advisors

Issues Summary: Issues raised through stakeholder interviews help inform the code audit findings, code concepts and housing production pre-strategy report.

Housing Types: Interviewees identified a variety of housing types they would like to see built within Coos Bay that could alleviate rising housing costs and cater to buyer preferences and desires. The range of options includes:

- Duplexes
- Multifamily Residential
- Entry-level affordable housing (SFR or MFR)
- Rental properties
- Housing for older adults

Land Supply: While not unique to Coos Bay, available land was one of the main factors cited as a barrier to development in Coos Bay. Many interviewees noted environmental constraints as the leading reason for a limited land supply. Interviewees discussed hillsides and slopes as well as coast-specific environmental concerns such as old dredge zones, floodplains, and impacts of salt water on

building materials. In addition to environmental constraints, two interviewees perceived the school district as owning a significant amount of land that could be otherwise developed for residential uses. Overall, interviewees noted any vacant land is often too expensive due to limited land supply.

Dimensional Standards: Most interviewees cited density standards as the main barrier to developing middle housing. Specifically, several interviewees discussed the MDR density standards, with a maximum of 16 units per acre, as an impediment to higher density development. While not a majority, some interviewees were frustrated by setbacks and building height restrictions.

Zoning: Two interviewees suggested zoning and allowed uses prohibited a greater variety of residential units, especially in a development environment with limited available land. For example, one interviewee wanted to build multifamily residential on larger SFR-zoned lots. Here, the available land was large enough for dense development, but the zoning did not allow it. Similarly, one interviewee cited a potential downtown residential development in a commercial zone allowing mixed-use. While they were able to pencil in tens of residential units and enough parking, they faced challenges in filling the ground-floor commercial space. In this case, they suggested district-level or form-based code, reducing commercial requirements, and defining commercial space to include community/social services spaces as solutions to this challenge.

Infrastructure Costs: Infrastructure development costs were often cited as a barrier to development. Several interviewees pointed to specific areas adequate for development, yet noted the cost and responsibility of building infrastructure, specifically roads, made these areas cost prohibitive. Here, they felt that being the first-in to develop resulted in unfair and significant upfront costs. Several interviewees discussed recovery fees or infrastructure financing/help from the City of Coos Bay as a solution to infrastructure costs.

Review and Permitting Process: Overall, the interviewees felt positively about working with the City of Coos Bay in review and permitting processes. One interviewee, however, perceived the process as duplicitous and unnecessarily lengthy, specifically citing the amount of paperwork compared to other jurisdictions, multiple project cost estimates, and a refunded sewer bond fee creating unnecessarily upfront costs. Many interviewees suggested SDC and fee waivers when developing middle and multifamily housing to encourage more dense residential development.

Other External Factors

Construction Labor: Several interviewees cited construction labor shortages as an impediment to development in Coos Bay. One interviewee discussed the limited number of commercial and general contractors on the coast, forcing them to solicit bids from inland contractors, as a reason they will not develop in Coos Bay.

Materials Costs: Several interviewees discussed materials transport and costs as barrier to development in Coos Bay. Specifically, two interviewees cited gravel and crushed rock, used for paving and to fill in trenches, as more expensive than other areas in Oregon. Transporting the materials from Eugene, for example, was also cost prohibitive.

ATTACHMENT B: COOS BAY COMPREHENSIVE PLAN AND DEVELOPMENT CODE HIGH-LEVEL THEMES

COOS BAY COMPREHENSIVE PLAN + DEVELOPMENT CODE RECOMMENDATIONS – HIGH-LEVEL THEMES

High-Level Themes

1. **A Coos Bay Suited Solution**
2. **Implementing House Bill 2001 (Expanding Housing Opportunities – Removing Barriers)**
3. **Continuity Between Comprehensive Plan (CBCP) and Development Code (CBDC)**
4. **Simplifying and Streamlining Policy and Administration**

1. A Coos Bay Suited Solution

The LCOG Team has worked diligently to prepare initial recommendations with careful consideration of local context, as represented by feedback from public meetings, recent research and analysis of existing trends, studies and other data, and very close coordination (and iteration) with City staff. The message has been clear that Coos Bay is committed and eager to create more housing opportunities. State Law dictates this to some extent, but local values must guide numerous components of this effort for improvement. The Project Team is prepared, with the HAC, to work through initial recommendations for public comment, Planning Commission review and recommendation and Council action.

2. Implementing House Bill 2001 (Expanding Housing Opportunities – Removing Barriers)

The aim of House Bill 2001 is to remove barriers to the development of needed housing. Cities of Coos Bay's size are now required by State law (OAR 660-046) to implement these HB 2001 changes. This change includes an HB 2001 requirement for allowing duplexes on any lot or parcel zoned for residential use that allows for the development of detached single-unit dwellings. In Coos Bay duplexes are permitted on low density (LDR) residential lots; however, the CBCP and CBDC must be revised to be comprehensively consistent with HB2001 and reflect needs identified in the 2020 Housing Needs Analysis. Consequently, we recommend amending and/or removing language that is in direct conflict with HB2001 or that could otherwise undermine the intention or spirit of the law and findings of the Housing Needs Analysis. This also means that our approach is focused on housing and residential land use goals and objectives, as well as the implementation measures in the CBDC. For example, we generally only address other districts where they address residential uses and are in conflict with HB2001 or the current CBDC.

Examples

Comprehensive Plan:

Energy Conservation Policy EC.6 (row 12 in the matrix) states that “...*this strategy shall not supersede the strategy dealing with the protection of the integrity of established residential neighborhoods.*” The current recommendation is to remove this sentence from the end of that policy. Coos Bay recently adopted Development Code updates allowing duplexes within all residential zones, consistent with HB2001. Amending this policy would provide continuity with HB2001 in the underlying Comprehensive Plan policies as well.

Development Code:

The Housing Advancement Project aims to remove procedural or regulatory barriers to the development of needed housing, as well as facilitate the creation of housing options such as duplexes, townhouse or rowhouses, cottage clusters, and small apartments like triplexes and quadplexes on lots where single-unit dwellings are allowed. We recommend revising the codified definitions so the CBDC recognizes these housing types, and then using the codified terms in the list of permitted land uses in the applicable Zoning district. The consistency in terminology and improved clarity will enhance ease of use for property owner/developers, neighbors, and staff. (See Annotated Code, Sec. 17.150).

ATTACHMENT B: COOS BAY COMPREHENSIVE PLAN AND DEVELOPMENT CODE HIGH-LEVEL THEMES

3. Continuity Between Comprehensive Plan and Development Code

Oregon law (and best practices) call for a Comprehensive Plan that serves as the overarching guiding document for community planning. It provides high level goals, objectives and policy direction that guide implementation. The Zoning districts and Development Code should provide the granular specificity for development that is in keeping with those overarching Goals and Objectives. Presently Coos Bay's Comprehensive Plan and Development Code are out of alignment on some key residential elements. Recommendations are made to bring some of these into better alignment.

Comprehensive Plan

- The Project Team believes that the Comprehensive Plan contains some overly prescriptive language, which can create legal ambiguity, limits the development code's purpose, and may require more updating of the Plan than is prudent.

Examples:

Residential Areas Objectives:

- The Plan currently dictates numerous residential zones by name (R-1, R-3, R-5) which do not currently exist in the code. We recommend removing these to eliminate the conflict.
- The Plan's Residential Objectives currently include rationale and implementation statements that reference decades old information and are lengthy, often with very specific language that can serve to dilute or confuse the applicability of the overarching objective. We recommend removal of these.

Development Code

There are two notable inconsistencies between the Comprehensive Plan land use designations and implementing the Zoning districts.

- The Comprehensive Plan's Residential-Low Density designation caps density at 9 dwelling units per acre (du/ac); however, the Low Density Residential-6 Overlay Zone allows density up to 16 du/ac. This inconsistency presents a legal vulnerability for the property owner/developer and the City. We recommend repealing the overlay zone to remove this inconsistency and legal concern.
- The Medium Density Residential-16 (MDR-16) zone implements the Comprehensive Plan's Residential-High Density land use designation. The designation allows densities up to 25 du/ac, but the zone is capped at 16 du/ac. We recommend creating a residential zone that allows for the greater density allowed in the Comprehensive Plan. (See Annotated Code, Sec. 17.220 and 17.225).
- Below is a recommendation for zoning district and comprehensive plan district adjustments

Comp Plan Designation	Comp Plan DUA	Current Zone	Current Zone DUA	New Zone	New Zone DUA
Medium/High Density Residential (previously High Density Residential)	Max 25	MDR	Max 16	MDR	12-16
		none	-	MDR-X	17-25
Low Density Residential	Max 9	LDR-8.5	Max 6	LDR	Max 6
		LDR-6	Max 9	SLR	Max 9
		LDR-6 Overlay	Max 16	LDR or SLR	Max 6 or Max 9
Commercial/Mixed Use (previously Res./Prof. Office)	Max 25	MX	18-24	MX	17-25
		C	18-24	C	17-25

ATTACHMENT B: COOS BAY COMPREHENSIVE PLAN AND DEVELOPMENT CODE HIGH-LEVEL THEMES

4. Simplifying and Streamlining Policy and Administration

Simplification of process and provisions create a more welcomed environment for desired developments. They also reduce inefficiencies impacting overwhelmed City staff.

Comprehensive Plan

- Where practical, recommendations include minor housekeeping items that increase clarity and bring the Comprehensive Plan up to date including removing redundant policies and removing or changing references to outdated codes. It also includes more focused Comprehensive Plan language allowing the Development Code to better fulfill its distinct purpose.

Examples:

- Housing Policy 2.5 (*See row 18 in the matrix*)
- Housing Goal 7 (*See row 25 in the matrix*)

Development Code

In addition to the City's prior action that expanded the permitted uses in zones to allow duplex dwellings, certain procedures (e.g., Type I, Type II, etc.) and applications (e.g., CUP, PUD) can create obstacles to housing development through greater cost, time delays, and ambiguity in development standards. Therefore, we recommend revisions to the Administrative section and the other applicable development standards to simplify and streamline the process.

- Recategorize the land use procedures to enable staff review – Exemptions or Type I procedures – of permitted land uses that are perceived to be minor in scale or generally compatible with the surrounding land uses in that Zoning district. (See Annotated Code, Sec. 17.130.030)
- Provide clear and objective development standards for certain housing types. For example, the introduction of Multi-Unit Residential Standards will enable a Type II process with Planning Director decision for proposals that currently require PUDs and possibly Variances. (See Annotated Code, Sec. 17.225.060)

ATTACHMENT C: COOS BAY COMPREHENSIVE PLAN (CBCP) DRAFT RECOMMENDATIONS MATRIX

PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Chapter 5: Cultural Environment			
Housing Section 5.3	53	<i>Section contains outdated information from 2009 HNA-BLI</i>	<i>Update with 2020 HNA data</i>
Chapter 6: Land Use			
Residential Lands Section 6.2	65	<i>Section contains outdated information from 2009 HNA-BLI</i>	<i>Update with 2020 HNA data</i>
Chapter 7: Identification of Problems, Planning Issues, Goals, and Plan Implementation Strategies			
Introduction	67	<i>Section describes stakeholder & public involvement process in development of Comprehensive Plan</i>	<i>Add stakeholder & public involvement process of HAP/HPPS projects</i>
Natural Resources and Hazards Policy NRH.1	70	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. 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.	<p><i>Development on steep slopes presents significant limitations, increases vulnerability to hazards such as landslides, and necessitates costly development. For the purposes of the recently completed Housing Needs Assessment, slopes greater than 20% were considered environmentally constrained and were therefore not included in the Buildable Lands Inventory.</i></p> <p><i>The recommendation is to add language prohibiting development on slopes greater than 20%:</i></p> <p><i>“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. <u>Development shall be prohibited on slopes greater than 20%, regardless of soil content.</u> 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. ...”</i></p>

ATTACHMENT C: COOS BAY COMPREHENSIVE PLAN (CBCP) DRAFT RECOMMENDATIONS MATRIX

PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Energy Conservation Policy EC.1	71	Coos Bay shall exercise residential site development practices consistent with sound energy conservation design principles, including 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 concerns by developing performance standards in the zoning and/or subdivision ordinances in order to produce energy-efficient 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 afford greater energy conservation rewards than conventional practices.	<p><i>Overly prescriptive siting and design standards could inhibit the development of needed housing. Many of these are aspirations that are not realized in the Code.</i></p> <p><i>The recommendation is to remove elements that are too specific and aspirational and generalize by stating that site development practices should be consistent with State law:</i></p> <p>“Coos Bay shall exercise residential site development practices consistent with <u>Oregon planning law</u>. sound energy conservation design principles, including 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 concerns by developing performance standards in the zoning and/or subdivision ordinances in order to produce energy-efficient 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 afford greater energy conservation rewards than conventional practices.”</p>

ATTACHMENT C: COOS BAY COMPREHENSIVE PLAN (CBCP) DRAFT RECOMMENDATIONS MATRIX

PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Energy Conservation Policy EC.2	71	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.	<p><i>Some increased density is allowed in formerly single-unit areas, because duplexes are allowed in zones that allow for single-unit development. Lowering densities is therefore not a viable or legal strategy in these areas.</i></p> <p><i>The recommendation is to remove the last sentence: "... This strategy does not mean that the desire to encourage utilization of solar energy should preclude other important and desirable site design such as lowing densities."</i></p>
Energy Conservation Policy EC.4	72	Coos Bay shall promote development along major transportation corridors by zoning lands adjacent to such corridors to allow commercial, industrial, and multi-family 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.	<p><i>The aim of House Bill 2001 is to remove barriers to development of needed housing. Cities of Coos Bay's size are required by State law (OAR 660-046) to allow duplexes on any lot or parcel zoned for residential use that allows for the development of detached single-unit dwellings. The purpose of the Housing Advancement Project is to ensure HB 20001 compliance. For the Plan, this entails removing language that is in direct conflict with HB2001 or that could otherwise negate the intention or spirit of the law.</i></p> <p><i>In this case, because duplexes are allowed in zones that allow for single-unit development, an area cannot be considered "irreversibly committed to low density residential development."</i></p> <p><i>The recommendation is to remove the following from the first sentence: "... except where such areas are irreversibly committed to low density residential development."</i></p>

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PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Energy Conservation Policy EC.6	72	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.	<p><i>The aim of House Bill 2001 is to remove barriers to the development of needed housing. Cities of Coos Bay's size are now required by State law (OAR 660-046) to allow duplexes on any lot or parcel zoned for residential use that allows for the development of detached single-unit dwellings. The purpose of the Housing Advancement Project is to ensure that Coos Bay's Comprehensive Plan and Development Code are compliant with HB2001. For the Plan, this entails removing language that is in direct conflict with HB2001 or that could otherwise negate the intention or spirit of the law.</i></p> <p><i>In this case, cities are not allowed to protect the integrity of existing residential neighborhoods that prohibit the development of needed housing.</i></p> <p><i>The recommendation is to remove the last sentence: "... This strategy shall not supersede the strategy dealing with protection of the integrity of established residential neighborhoods."</i></p>
Energy Conservation Policy EC.10	73	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.	<p><i>The recommendation is to remove this policy. State laws requires compliance with building codes. It is unnecessary to include this as a local policy.</i></p> <p><i>"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."</i></p>

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PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Economic Development Objective	78	Encourage a range of housing types at different price points (including, but not limited to first-time home owners, workforce housing, and retirees).	<p><i>Use stronger language to ensure that needed housing is realized according to State law. The current list of examples mixes housing types with demographic groups; to illustrate possible housing types at different price points and the groups of people who need housing at different affordability levels, include a list of both. Be inclusive to avoid limiting future possibilities to existing options.</i></p> <p><i>Recommended amendment:</i> <i>“<u>Encourage Establish</u> a range of housing types at, consistent with State law, that by nature of their size, design, location or other factors accommodate different price points. (including, but not limited to, These may include, but are not limited to, duplexes, triplexes, fourplexes, cottage clusters, townhouses, etc. that are affordable to first-time homeowners, renters, workforce housing workers at all income levels, and retirees residents wishing to age in place).”</i></p>
Economic Development Policy 2.3	79	Pursue the implementation of the Hollering Place Master Plan, adopted December 2, 2008, to 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.	<p><i>The Hollering Place property has a chapter-specific set of commercial guidelines in the Coos Bay Development Code; therefore the requirement for a plan amendment is not needed.</i></p> <p><i>Recommended amendment:</i> <i>Remove the last sentence: A plan amendment from industrial to commercial or mixed-use will be required.”</i></p>

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PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Housing Goal #2	83	Support efforts of state, 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.	<i>Ok as is (included here for context).</i>
Housing Policy 2.1	83	Coos Bay will consider waiving or deferring city fees such as development fees or system development charges for affordable housing projects that meet defined criteria and result in permanently affordable housing.	<p><i>Consider broadening eligible activities to promote affordable housing. Avoid specific examples that might limit future possibilities to existing options.</i></p> <p><i>Recommended replacement:</i> <u>“Coos Bay shall consider waiving or deferring city fees, such as development fees or system development charges, and allowing deviations from development standards as incentives for affordable housing projects that meet defined criteria, including State and/or Federal Affordable Housing requirements.”</u></p>
Housing Policy 2.5	83	Coos Bay will advocate for national and state funding from the National Housing Trust Fund, Oregon Housing Trust Fund, and Lenders Tax Credit.	<p><i>This is a duplicate policy and should be removed. (Housing Policy 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.)</i></p> <p><i>Recommended Amendment:</i> “Coos Bay will advocate for national and state funding from the National Housing Trust Fund, Oregon Housing Trust Fund, and Lenders Tax Credit.”</p>
Housing Goal #3	83	Encourage the use of sustainable land use development practices and building materials including use of energy efficient materials and design principles.	<i>Ok as is (included here for context).</i>

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PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Housing Policy 3.1	83	Coos Bay will continue to apply innovative regulations for planned unit development allowing flexibility in designing cluster housing, recognizing that such land development practices (1) result in lower costs per site than conventional subdivisions, (2) permit sound land economics, (3) enhance the environmental integrity of the land resources, (4) promote energy conservation, and (5) provide additional open space and common areas.	<p><i>The relationship between Goals 3 and 4 and their supporting policies could be more clearly articulated; they should also be updated to reflect current practice in Coos Bay (e.g. Site Plan Review was repealed in 2020). The recommendation is to revise these policies to strengthen and clarify them.</i></p> <p><i>The recommendation is to replace existing Policy 3.1 with the following:</i> <i><u>“Innovative regulations shall be incorporated into the Development Code to (1) allow for flexibility in design (2) result in lower costs, (3) permit sound land economics, (4) enhance the environmental integrity of the land resources, (5) promote energy conservation, and potentially (6) provide additional open space and common areas.”</u></i></p>
Housing Policy 3.2	84	Coos Bay will continue to allow for and encourage small scale cluster housing concepts in residentially zoned areas to stimulate infill development. This strategy recognizes that infill development (1) 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.	<p><i>The relationship between Goals 3 and 4 and their supporting policies could be more clearly articulated; they should also be updated to reflect current practice in Coos Bay (e.g. Site Plan Review was repealed in 2020). The recommendation is to revise these policies to strengthen and clarify them.</i></p> <p><i>Recommendation- Replace policy 3.2 with:</i> <i><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. This strategy (1) recognizes that infill development is an acceptable way to wisely use undeveloped properties, (2) improves efficiency of land use, (3) helps conserve energy, (4) takes advantage of established public facilities and services and (5) provides the framework for development of needed housing.”</u></i></p>

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PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Housing Policy 3.3	84	Promote and encourage energy efficiency and sustainable building practices.	<i>Ok as is (included here for context).</i>
Housing Goal #4	84	Review land development ordinance to ensure promotion of development and affordable housing.	<p><i>Use stronger language to ensure that needed housing is realized according to State law.</i></p> <p><i>Recommended Amendment:</i> <i><u>“Review-Ensure that the land development ordinance to ensure promotion of enables the development and of affordable housing options that are affordable.”</u></i></p>
Housing Policy 4.1	84	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.	<p><i>The relationship between Goals 3 and 4 and their supporting policies could be more clearly articulated; they should also be updated to reflect current practice in Coos Bay (e.g. Site Plan Review was repealed in 2020). The recommendation is to revise these policies to strengthen and clarify them.</i></p> <p><i>Recommendation – Replace Policy 4.1 with:</i> <i><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.”</u></i></p>

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PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Housing Policy 4.2	84	Coos Bay will consider the use of density bonuses or other incentives to encourage the development of affordable housing, consistent with other housing and community goals.	<p><i>The Comprehensive Plan serves as the overarching guiding document for community planning that provides high-level goals, objectives, and policy direction that guide implementation. The Plan should provide a policy foundation for more specific detail provided by the Zoning/Development Code. In this case, Codes relating to the development of needed housing, such as ADU and duplex density waivers, need a policy foundation in the Plan.</i></p> <p><i>Recommendation – Replace policy with:</i> <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 engage in collaborative partnerships.”</u></p>
Housing Goal #7	84	The City of Coos Bay shall 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.	<p><i>Recommendation - Remove reference to Uniform Building Code, which is out of date:</i> <u>“The City of Coos Bay shall 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 shall enforce State provisions and codes that ensure safe, sanitary, and decent housing for its residents.”</u></p>

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PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Chapter 8: Ongoing Comprehensive Planning Strategies			
Citizen Involvement Goal	95	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.	<p><i>Add language that Coos Bay will remain consistent with Oregon Planning law.</i></p> <p>Recommended Amendment: “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, <u>and that the City’s citizen involvement efforts remain consistent with Oregon Planning Law.</u>”</p>
Chapter 9: Land Use Plan and Implementation Plan			
Map 9.1-1	113	Land Use Plan Map, 1987	<p><i>The land use map in the document is outdated and hand drawn. The map needs to be updated.</i></p> <p><i>There are currently several conflicts between the current plan map published online and the zoning map. Typically, the plan designations should be more general/fewer than zones; currently, there are more plan designations than zones, which creates conflicts and potential legal ambiguity.</i></p> <p>The recommendation is to simplify the plan map and corresponding Plan designations to reflect existing zones.</p>

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PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Residential Areas Objective 1	103	<p>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.</p> <p>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.)</p> <p>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.</p>	<p><i>Per HB2001, Coos Bay may not apply density maximums to the development of duplexes, so this objective as written is in direct conflict with State law. Add "Except as otherwise directed by State law" to the objective to remove the conflict.</i></p> <p><i>Remove reference to acreage needed for development to avoid the need to update.</i></p> <p><i>Remove rationale and implementation from all Residential Areas Objectives. They are not a legally required element of Comprehensive Plans. Many are out of date; they may also take a broader "objective" and narrow or dilute it with very specific language that creates some ambiguity about the purpose of the objective and could mean greater vulnerability to appeal of related land use decisions.</i></p> <p><i>For these reasons, the following is recommended:</i></p> <p><u>"Except as otherwise directed by State law, 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."</u></p> <p>Rationale---</p> <p>Implementation---</p>

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PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Residential Areas Objective 1	103	<p>1. <u>High Density Residential</u>. (Maximum 25 dwelling units per acre) The amount of high density development shall 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 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 capitalizes 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.</p> <p>This objective will be accomplished through the Land Development Ordinance in the Multiple Residential District (R-3).</p>	<p><i>Rename this sub-section "Medium/High Density Residential" to make it consistent with CBDC.</i></p> <p><i>Remove reference to acreage needed for development to avoid the need to update.</i></p> <p><i>Remove rationale and implementation.</i></p> <p><i>Remove last two sentences under item (2) to avoid conflict with HB2001.</i></p> <p><i>Remove specific references to zones that implement the Plan designation. The plan should dictate less when it comes to zoning; this approach will avoid the need to update the Plan every time there is a zoning change. For example, the R-3 zone listed in this section no longer exists in the Development Code.</i></p> <p><i>For these reasons, the following is recommended:</i></p> <p><u>"1. Medium/High Density Residential. (Maximum 25 dwelling units per acre). The amount of land designated for future higher-density residential development shall reflect current Housing Needs Analysis recommendations. Higher density locations shall be located around the Empire area and the eastern side of the City to capitalize on commercial and employment centers and convenient vehicular access to major arterial streets.</u></p> <p><i>This objective will be accomplished by...</i></p>

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PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Residential Areas Objective 1	104	<p>2. <u>Residential/Professional Office</u>. (Maximum 25 dwelling units per acre) 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 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.</p> <p>This objective will be accomplished through the Land Development Ordinance in the Residential/Professional District (R-4P)</p>	<p><i>Rename this sub-section "Commercial/Mixed Use and Industrial Commercial" and remove/update any reference to "Residential/Professional Office," which is an outdated term.</i></p> <p><i>Remove specific geographic references.</i></p> <p><i>Remove reference to specific Development Code standards (35-foot height maximum) and replace with a more general statement about height bonuses or other incentives being an appropriate way to encourage increased density and housing affordability.</i></p> <p><i>Remove specific references to zones that implement the Plan designation. The plan should dictate less when it comes to zoning; this approach will avoid the need to update the Plan every time there is a zoning change.</i></p> <p><i>For these reasons, the following is recommended:</i></p> <p><u>"2. Commercial/Mixed Use and Industrial Commercial. (Maximum 25 dwelling units per acre) New high-density residential development is permitted in the Commercial/Mixed Use and Industrial Commercial areas up to 25 dwelling units per acre. 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.</u></p> <p><i>This objective will be accomplished by...</i></p>

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PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Residential Areas Objective 1	104	<p>3. <u>Low-Density Residential</u>. (Maximum 9 dwelling units per net acre) 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.</p> <p>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.</p>	<p><i>Cities are not allowed to protect the integrity of existing residential neighborhoods that prohibit the development of needed housing. Coos Bay will be required to allow duplexes in established single-unit neighborhoods. The introduction of duplexes creates the potential for neighborhoods of varied housing types, so this language should be updated to recognize evolving land use patterns. To avoid conflict with HB2001, the recommendation is to remove language around "fringe areas," "existing low-density development," "existing single-family neighborhoods," and closed street system concept, which is outdated.</i></p> <p><i>Remove specific references to zones that implement the Plan designation. The plan should dictate less when it comes to zoning; this approach will avoid the need to update the Plan every time there is a zoning change. For example, several of the zones listed in this section no longer exist in the Development Code.</i></p> <p><i>For these reasons, the following is recommended:</i></p> <p><u>"3. Low-Density Residential. (Maximum 9 dwelling units per acre) Subdivision of larger parcels and infill on existing lots of record will generally accommodate housing needs outside of commercial centers."</u></p> <p><i>This objective will be accomplished by...</i></p>

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PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Residential Areas Objective 2	104	<p>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.</p> <p>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)</p> <p>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.</p>	<p><i>The recommendation is to retain the objective as written but to remove rationale and implementation from all Residential Areas Objectives. They are not a legally required element of Comprehensive Plans. Many are out of date; they may also take a broader "objective" and narrow or dilute it with very specific language that creates some ambiguity about the purpose of the objective and could mean greater vulnerability to appeal of related land use decisions.</i></p> <p>Recommended Amendment:</p> <p>"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.</p> <p>Rationale ---</p> <p>Implementation ---"</p>

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PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Residential Areas Objective 3	105	<p>The city shall protect the integrity of established land use patterns.</p> <p>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)</p> <p>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.</p>	<p><i>As written, "protect the integrity of established land use patterns" is in conflict with the spirit of HB2001, and the rationale and implementation are both out of date. Cities are not allowed to protect the integrity of existing residential neighborhoods that prohibit the development of needed housing. Coos Bay will be required to allow duplexes in established single-unit neighborhoods. The recommendation is to shift the focus of the objective from protecting the integrity of established land use patterns to ensuring compatibility of land use and residential dwelling types to remain consistent with State law and allow for evolution as the City grows.</i></p> <p><i>Remove rationale and implementation from all Residential Areas Objectives. They are not a legally required element of Comprehensive Plans. Many are out of date; they may also take a broader "objective" and narrow or dilute it with very specific language that creates some ambiguity about the purpose of the objective and could mean greater vulnerability to appeal of related land use decisions.</i></p> <p><i>The following is recommended:</i></p> <p><u>"The City shall use land development regulations to address compatibility among land uses and residential development."</u></p> <p>Rationale---</p> <p>Implementation---</p>

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PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Residential Areas Objective 4	105	<p>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.</p> <p>Rationale - The intensity of urban living demands extra care in ensuring livability, recreational, natural features. (NRH. 8, 9; HP. 4; R. 5)</p> <p>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.</p>	<p><i>Remove "whether single or multiple dwellings":</i></p> <p><i>Remove rationale and implementation from all Residential Areas Objectives. They are not a legally required element of Comprehensive Plans. Many are out of date; they may also take a broader "objective" and narrow or dilute it with very specific language that creates some ambiguity about the purpose of the objective and could mean greater vulnerability to appeal of related land use decisions.</i></p> <p><i>For these reasons, the following is recommended:</i></p> <p><i>"This plan stresses the importance of maintaining the natural character of the community when planning for residential growth. Future residential developments, <u>whether single or multiple dwellings,</u> should shall place strong emphasis on the conservation of open space and recreational improvements in private developments in order to maintain the livability of the city.</i></p> <p><i>Rationale - ...</i></p> <p><i>Implementation - ..."</i></p>

ATTACHMENT C: COOS BAY COMPREHENSIVE PLAN (CBCP) DRAFT RECOMMENDATIONS MATRIX

PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Residential Areas Objective 5	106	<p>This plan shall maintain a sufficient amount of residential lands in order to assure an adequate amount of housing for future residents.</p> <p>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)</p> <p>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.</p>	<p><i>The recommendation is to retain the objective as written but to remove rationale and implementation from all Residential Areas Objectives. They are not a legally required element of Comprehensive Plans. Many are out of date; they may also take a broader "objective" and narrow or dilute it with very specific language that creates some ambiguity about the purpose of the objective and could mean greater vulnerability to appeal of related land use decisions.</i></p> <p><i>For these reasons, the following is recommended:</i></p> <p><i>“This plan shall maintain a sufficient amount of residential lands in order to assure an adequate amount of housing for future residents.</i></p> <p><i>Rationale—...</i></p> <p><i>Implementation—...”</i></p>

ATTACHMENT C: COOS BAY COMPREHENSIVE PLAN (CBCP) DRAFT RECOMMENDATIONS MATRIX

PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION *Recommended <u>new policy language</u> is underlined
Commercial Areas Objective 1	106	<p>The City shall protect the integrity of established land use patterns to facilitate continued and compatible development.</p> <p>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)</p> <p>Implementation - Areas zoned for Industrial-Commercial (I-C) development shall preserve the commercial character of these lands.</p>	<p><i>This objective is in conflict with HB2001. Cities are not allowed to protect the integrity of established land use patterns that prohibit the development of needed housing. The recommendation is to replace "protect the integrity of established land use patterns to facilitate continued and compatible development" with "continue to facilitate compatible development in Commercial areas":</i></p> <p><i>Remove Rationale and Implementation sections. The Rationale is outdated and the Implementation section does not need to make specific reference to the Code.</i></p> <p><i>For these reasons, the following is recommended:</i></p> <p><u>"The City shall continue to facilitate compatible development in Commercial areas."</u></p> <p>Rationale - ...</p> <p>Implementation - ..."</p>

ATTACHMENT C: COOS BAY COMPREHENSIVE PLAN (CBCP) DRAFT RECOMMENDATIONS MATRIX

PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Commercial Areas Objective 2	106	<p>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. Efforts toward redevelopment of older, underutilized commercial areas will be encouraged.</p> <p>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)</p> <p>Implementation -This objective will be realized by the following commercial zones: Central Commercial (C-1), General Commercial (C-2), Waterfront Heritage (W-H) and Industrial/Commercial (I-C) zoning designations of the Land Development Ordinance.</p>	<p><i>Update language to explicitly reference the opportunity to meet residential needs in commercial areas.</i></p> <p><i>Central Commercial (C-1) and General Commercial (C-2) zones do not exist in the current Code; replace with Mixed Use (MX) and Commercial (C), respectively. A comprehensive revision of the Commercial Areas objectives is outside the scope of the Housing Advancement Project; however, the City can consider removing specific references to zones that implement the Plan designation in the future so that the plan dictates less when it comes to zoning. This approach will avoid the need to update the Plan every time there is a zoning change.</i></p> <p><i>Recommended is the following:</i> <i>“It is important that the <u>commercial areas of the City</u> 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. <u>The City shall support, through policy and regulation, new development and</u> Efforts toward redevelopment of older, underutilized commercial areas <u>to support commercial and higher density residential needs.</u> will be encouraged.</i></p> <p>Rationale—... <i>Implementation—</i> This objective will be realized by the following commercial zones: <i><u>Central Commercial (C-1)</u></i> <i><u>Mixed Use (MX)</u></i>, <i><u>General Commercial (C-2)</u></i> <i><u>Commercial (C)</u></i>, Waterfront Heritage (W-H) and Industrial/Commercial (I-C) zoning designations of the Land Development Ordinance.</p>

ATTACHMENT C: COOS BAY COMPREHENSIVE PLAN (CBCP) DRAFT RECOMMENDATIONS MATRIX

PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Commercial Areas Objective 2	107	1. <u>Central Commercial</u> . The focus of this district is the central business district encompassing the mall area, north along Broadway to Market Street and south to portions of Golden Avenue. Primary activities in this district will be retail stores, service establishments, financial institutions, business and professional offices, cultural attractions, and public facilities.	<p><i>Replace "Central Commercial" with Mixed Use (MX).</i></p> <p><i>Recommended Amendment:</i></p> <p><i>"1. <u>Mixed Use</u>. Central Commercial. <u>The Mixed Use district</u> The focus of this is the central business district encompassing Coos Bay's downtown and other areas of the city where the mall area, north along Broadway to Market Street and south to portions of Golden Avenue. <u>mixed-use developments provide a variety of mutually supporting retail, service, office and medium- or high-density residential uses.</u> Primary <u>land use</u> activities in this district <u>include</u> will be retail stores, service establishments, financial institutions, business and professional offices, cultural attractions, and public facilities."</i></p>
Commercial Areas Objective 2	107	2. <u>General Commercial</u> . These areas are intended to provide for all other 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, and (2) highway corridors not committed to less intensive land uses.	<p><i>Replace "General Commercial" with Commercial (C) and insert language to reflect that residential uses are allowed in this zone and delete the last sentence.</i></p> <p><i>Recommended Amendment:</i></p> <p><i>"2. General Commercial. <u>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</u> These areas are intended to provide for all other retail trade, commercial service, and professional activities, <u>and higher density residential development</u> are permitted. <u>that constitute the essential base of the city's economy.</u> Appropriate locations for commercial development include (1) established commercial areas, and (2) highway corridors not committed to less intensive land uses."</i></p>

ATTACHMENT C: COOS BAY COMPREHENSIVE PLAN (CBCP) DRAFT RECOMMENDATIONS MATRIX

PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Commercial Areas Objective 2	107	3. <u>Industrial/Commercial</u> . These areas are intended to provide for a compatible mixture of commercial and light industrial activities 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.	<i>Remove specific geographic references. Generalize language and reference the Comprehensive Plan map.</i> <i>Recommended Amendment:</i> <i>"3. Industrial/Commercial. These areas are intended to provide for a compatible <u>A mixture of commercial and light industrial activities are permitted in Industrial/Commercial as reflected in the Comprehensive Plan map.</u> 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."</i>
Commercial Areas Objective 2	107	4. <u>Waterfront Heritage</u> . 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]	<i>Ok as is (included here for context).</i>

ATTACHMENT C: COOS BAY COMPREHENSIVE PLAN (CBCP) DRAFT RECOMMENDATIONS MATRIX

PLAN ELEMENT	PG.	CURRENT POLICY TEXT OR THEME	RECOMMENDATION <i>*Recommended <u>new policy language</u> is underlined</i>
Commercial Areas Objective 2	107	5. <u>Hollering Place</u> . 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]	<i>Ok as is (included here for context).</i>
Commercial Areas Objective 3	108	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.	<i>Update language to reflect City's current approach to residential activity in commercial areas.</i> <i>Recommended Amendment:</i> <u>“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. Residential activity should be allowed, but rigidly limited in commercial areas and will not restrict the primary commercial use. This can include, but is not necessarily limited to, stand-alone residential development and residential uses above or behind commercial uses.”</u>

ATTACHMENT D: ANNOTATED COOS BAY DEVELOPMENT CODE

OBJECTIVES OF HIGH-LEVEL RECOMMENDATIONS TO COOS BAY DEVELOPMENT CODE (CBDC) AMENDMENTS

MINIMAL STATE REQUIREMENTS FOR NEEDED HOUSING
Identify areas in the CBDC that require amendments to implement House Bill 2001.
ENCOURAGE DEVELOPMENT OF NEEDED HOUSING
Identify broad category areas in the CBDC that simplify administrative procedures and provide clear and objective standards for the housing development desired by Coos Bay community.

SUMMARY OF STATE REQUIREMENTS (OAR 660-046-0100 through OAR 660-046-0130)

PROCESS	
Administrative Procedures	Cities must apply the same review/approval process to duplexes as applied to detached single-unit dwellings.
NUMERICAL STANDARDS	
Density	City may <u>not</u> apply density maximums to development of duplexes.
SITING STANDARDS	
Minimum Lot Size, Setbacks, Height, Parking, Lot Coverage	<p>Cities must apply the same clear and objective standards to new duplexes as applied to detached single-unit dwellings in the same zone.</p> <p>EXAMPLE:</p> <ul style="list-style-type: none">Development standards in the LDR-6 and LDR-8.5 zones are applied across the zone; they do not differentiate by housing type. Therefore, existing standards comply with State law.
Exceptions to Public Works Standards	If clear and objective exceptions to public works standards are granted to detached single-unit dwellings, the same exceptions must be granted to duplexes.
DESIGN STANDARDS	
New duplexes	<p>If a city chooses to apply design standards to new duplexes, it may only apply the same clear and objective design standards that are applied to detached single-unit dwellings in the same zone.</p> <p>EXAMPLE:</p> <ul style="list-style-type: none">Section 17.225.050 Requirements of single-unit attached housing applies to Duplexes and not Detached Single-unit Dwellings. Therefore, existing standards do not comply with State law.
Duplex conversions	The City may not apply design standards to duplexes created through conversion of an existing detached single-unit dwelling.

Title 17

DEVELOPMENT CODE

NOTE: Where strikeouts are found in Coos Bay Development Code (CBDC) table of contents below and in Chapter Section table of contents, those CBDC sections are not included because no Recommendations are provided at this time. There are some instances where CBDC sections without Recommendations are left in this annotated document for reference as needed in this high-level review.

Chapters:

Section 1. General Administration

- ~~17.110 General Provisions~~
- ~~17.120 Administration~~
- 17.130 Procedures
- ~~17.140 Code Enforcement Officer and Civil Infraction Citation Authority~~
- 17.150 Definitions

Section 2. Zoning

- 17.210 Establishment of Zoning Districts and Maps
- ~~17.215 Recodified~~
- 17.220 Low Density Residential Districts (LDR-6, LDR-8.5) and Overlay Zone LDR-6
- 17.225 Medium Density Residential District (MDR)
- 17.230 Commercial Districts (C and MX)
- 17.235 Industrial-Commercial District (I-C)
- 17.240 Waterfront Heritage District (WH)
- 17.245 Waterfront Industrial District (W-I)
- ~~17.250 Hollering Place District (HP)~~
- ~~17.255 Urban Public District (UP)~~
- 17.260 Medical Park District (MP)
- ~~17.265 Recodified~~
- ~~17.270 Watershed District (WS)~~

Section 3. Land Development

- ~~17.310 General Provisions~~
- 17.312 Accessory Dwelling
- ~~17.314 Accessory Use or Building on a Separate Lot or Parcel~~
- ~~17.316 Empire Waterfront Settlement Design Review~~
- ~~17.318 Flood Damage Prevention~~
- ~~17.320 Home Occupation~~
- 17.322 Manufactured Home Special Siting Standards
- ~~17.325 Mitigation of Adverse Impacts~~
- ~~17.328 Nonconforming Uses~~
- 17.330 Off-Street Parking and Loading Requirements

- ~~17.333 Signs~~
- 17.335 Supplementary Development Standards
- ~~17.337 Temporary Use Permit~~
- ~~17.338 Telecommunications Facilities~~
- ~~17.340 Repealed~~
- ~~17.342 Alterations of Final Plats and Partitions~~
- ~~17.345 Annexation~~
- 17.347 Conditional Uses
- ~~17.349 Cultural Resources~~
- ~~17.352 Estuarine and Coastal Shoreland Uses and Activities~~
- ~~17.355 Legal Lot Determinations~~
- ~~17.359 Partitions~~
- 17.360 Plan Amendments and Zone Changes
- 17.362 Planned Unit Development
- ~~17.363 Replats and Property Line Adjustments~~
- ~~17.365 Repealed~~
- ~~17.367 Subdivisions~~
- ~~17.370 Repealed~~
- 17.372 Variances

Chapter 17.130

PROCEDURES

Sections:

- 17.130.005 Purpose.
- 17.130.010 Applicability.
- 17.130.020 Pre-application review.
- 17.130.030 Application types and classification.
- ~~17.130.040 Application contents.~~
- ~~17.130.050 Review for technically complete status.~~
- ~~17.130.060 Reserved.~~
- ~~17.130.070 Approval criteria.~~
- ~~17.130.075 Approval compliance and occupancy.~~
- ~~17.130.080 Type I procedure.~~
- ~~17.130.090 Type II procedure.~~
- ~~17.130.100 Type III procedure.~~
- ~~17.130.110 Type IV procedure.~~
- ~~17.130.120 Notices.~~
- ~~17.130.130 Appeal.~~
- ~~17.130.140 Expiration and extension of decisions.~~
- 17.130.145 Modifications to permits.
- ~~17.130.150 Revocation of Type II and Type III permits.~~
- 17.130.160 Post-decision review.

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 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.

RECOMMENDATION: Subsection (5) appears to preclude “by right” development and forces all development through a land use application process. Where clear and objective standards can achieve the community’s outcome without a land use application requirement, consider allowing select uses to be exempt from required land use application process(es) by enabling a coordinated staff-level review by Planning and Building Permit staff during the building permit review process in order to provide a more time/cost-effective development review process.

(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.

RECOMMENDATION: In the City’s current adopted Planning Fee Schedule, the pre-application fee is applied towards a Type III or Type IV application fee if filed with the City within 120 days of the City transmittal of the pre-application conference notes. Consider at the applicant’s request, also applying this fee to a Type I and Type II application fee and/or including a fee reduction for these application types as an affordable housing incentive to encourage early coordination between City staff and the development community, and reduce costs to the housing development process.

(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].

17.130.030 Application types and classification.

RECOMMENDATION: Application procedure type thresholds are generally low. A criteria-based approach allows the City to set thresholds based on local context and/or policy directives. The current thresholds are low and can lead to more intense review processes that are open to public scrutiny despite a lack of discretionary development standards. In cases where staff discretion is not in play, a lower level of review is warranted and reduces barriers to housing development.

- (1) Roman numerals and Arabic numerals are used in application type titles. Amend Development Code so titles are consistent throughout.
- (2) Provide application types and classifications in a table to improve legibility.
- (3) Revise procedure type thresholds in this section to reduce barriers to housing development where possible.
- (4) Include explicit exemptions for development projects that do not require a land use application, such as a single-family detached home or a duplex on an existing lot.
- (5) Include land use applications such as Subdivisions, and other applicable applications under the appropriate application procedure type lists as noted below.

- (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) Procedure Types. 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. 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. 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 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.

RECOMMENDATION: Revise Type II process list to include appropriate application types, such as Subdivisions, for easier use and management of the Development Code.

(c) A Type III process 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.

RECOMMENDATION: Revise Type III process list to include appropriate application types, such as PUDs and Conditional Uses, for easier use and management of the Development Code.

(d) A Type IV process involves the creation, implementation or amendment of city land use policies or law by the city council, with recommendation by the planning commission.

RECOMMENDATION: Revise Type IV process list to include appropriate application types, such as Comprehensive Plan amendments for easier use and management of the Development Code.

(4) 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.

(5) 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.

(6) 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].

17.130.145 Modifications to permits.

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

RECOMMENDATION: Consider revising modification thresholds to encourage housing development where possible. In cases where staff discretion is not in play, a lower level of review is warranted to reduce barriers to housing development.

- (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].

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.

RECOMMENDATION: Consider repealing 17.130.160 in its entirety. This section is duplicative with the Modification section above. Repeal of this section will improve user-friendliness and clarity in process, both of which can benefit housing development.

- (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 Webster's 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.

RECOMMENDATION: Note that for this high-level review, only specific definitions that present a conflict or potential conflict with HB 2001 have been highlighted. In the Development Code amendment process, more definitions might be identified that need to be revised, added and/or deleted.

A.

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.

RECOMMENDATION: To encourage housing development and provide consistency for easier use and management of the Development Code consider the following:

- (1) Enable ADUs to be constructed accessory to duplex dwellings also.
- (2) Accessory Living Unit is used in Development Code. Change "Accessory Living Unit" to "Accessory Dwelling Unit" to provide consistency with the state.
- (3) Move to "Dwelling, [Type]" to consolidate all housing types in one location.

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.

RECOMMENDATION: The Development Code regulates land use by different terms, such as “multi-family.” Use consistent terminology throughout to provide consistent standards.

C.

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.

RECOMMENDATION: Condominium status (i.e., ownership) has no effect on housing type or building design. Delete term throughout to streamline regulations consistent with applicability to jurisdictional review.

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

RECOMMENDATION: Cottage cluster housing types commonly require buildings to be oriented around a shared common open space. Recommend incorporating the state’s definition of “courtyard” for a clearer definition.

D.

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:

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

Medium 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.

RECOMMENDATION: To clean up inconsistencies, facilitate easier use of the Development Code, and encourage housing development consider the following:

- (1) Revise definitions to be consistent with the Comprehensive Plan.
- (2) The stated low density residential (LDR) maximums may preclude housing types such as common townhouse developments (approx. 10-12 DU/AC). Consider adjusting density maximums, consistent with Comprehensive Plan, to facilitate other allowable housing types, like townhouse or cottage cluster.
- (3) Limit definition to defining density (gross) and (net) and provide applicable regulations in the applicable development standards.

Density, net – The number of dwelling units or persons per net acre covering only the land devoted to building lots.

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.

RECOMMENDATION: To clean up inconsistencies and provide easier use and management of Development Code consider the following:

- (1) Review all definitions and consider removing those that are not used in the Development Code. For example, dormitory is not listed as a permitted land use in any zoning district.
- (2) Ensure consistency across other residential definitions, including how a housing type like dormitory is integrated with the organization of the “Dwelling, [Type]” definitions below.

Dwelling – A building or any portion of it which has cooking and toilet facilities and is designed exclusively for private residential occupancy by one family only. 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, attached – A dwelling having any portion of a wall in common with adjoining dwellings.

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

Dwelling, duplex – A detached building, designed for or occupied exclusively by two families living independently of each other, and shall not include a manufactured home.

Dwelling, Manufactured Home. See definition of “Manufactured home.”

Dwelling, multiple-family – A building or portion thereof designed or used as a residence by three or more families and containing more than two dwelling units.

Dwelling, single-family – A building designed or used for residence purposes by not more than one family and containing one dwelling unit only.

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

RECOMMENDATION: To clean up inconsistencies and allow more housing opportunities consider the following:

- (1) Revise “dwelling” so it is internally consistent with other sections of the Development Code, reflect differences in land tenure (e.g., duplex is 2 attached dwellings on 1 single lot), and include different housing types, such as row house/townhouse, quadplex, triplex, and cottage cluster.
- (2) Consider replacing “family” with “unit” and/or “household” throughout the Development Code to remove subjectivity potentially associated with perceptions of “family.”
- (3) “Multiple-family” and “multifamily” are used interchangeably throughout Development Code. Use consistent terminology like “multiple-unit” throughout to avoid confusion.

L.

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.~~

RECOMMENDATION: Consider opportunities like the lot coverage definition example to remove barriers to housing development. For instance, by removing the impervious surface reference under this definition, driveway and pathways would not be counted as part of lot coverage, which would allow more lot area to develop housing.

P.

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.

RECOMMENDATION: Remove dimensional standards from definitions for easier use and management of the Development Code. Including development standards in the definitions section can limit application elsewhere in code and forces a “one-size-fits-all” outcome.

R.

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.

RECOMMENDATION: Move row houses to definitions under “Dwellings” to facilitate easier use of Development Code and ensure internal consistency with “Dwelling, [Type].” Reconcile any relevant regulatory differences between row house and townhouse, if needed.

T.

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.

RECOMMENDATION: Move to collection of definitions under “Dwellings” to facilitate easier use of Development Code and ensure internal consistency with “Dwelling, [Type].” Reconcile any relevant regulatory differences between row house and townhouse, if needed.

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
	Medium Density Residential (MDR-16)	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].

RECOMMENDATION: To clean up inconsistencies and encourage housing development consider creating a new zone – e.g., MDR-X – that addresses the upper residential density range consistent with the Comprehensive Plan, which is currently not implemented in the Development Code.

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].

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

RECOMMENDATION: If a new zone – e.g., MDR-X – is created that addresses the upper residential density range consistent with the Comprehensive Plan, the zoning map will need to be updated accordingly.

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.

17.220.030 Development standards and criteria.

17.220.010 Purpose.

The LDR district designation has 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 neighborhood land uses. [Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

RECOMMENDATION: To clean up inconsistencies and facilitate easier use and management of Development Code consider the following:

- (1) Text mixes Comprehensive Plan and Development Code terminology. Delete all references to “designation”; this is a common Comprehensive Plan term.
- (2) Delete “single-family neighborhood” and replace with “low-density residential area” to recognize evolving land use patterns.

17.220.020 Land uses.

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.

RECOMMENDATION: Delete references to application procedure types (e.g., Types) and manage in Administration section (CBDC 17.130.030) for easier use and management of Development Code.

Table 17.220.020

Use	LDR-6 LDR-6	LDR-6 Overlay	LDR-8.5
Residential Uses			
Single-family 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	

Use	LDR-6	LDR-6 Overlay	LDR-8.5
Duplexes		P/Type 1	
Accessory living units (subject to the requirements of Chapter 17.312 CBDC)		P/Type 2	
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	C	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 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		P, Type 2 if less than 4,000 s.f. C/Type 3 if greater than 4,000 s.f.	
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	
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		C/SPR/Type 3	
Lodge, club, fraternal or civic assembly 4,000 s.f. or greater and/or more than 20 parking spaces		C/SPR/Type 3	X

Use	LDR-6	LDR-6 Overlay	LDR-8.5
Lodge, club, fraternal or civic assembly less than 4,000 s.f. and 20 parking spaces		C/Type 3	X
Home occupations		P/Type 1	
Occupied recreational vehicles		X	
Public utilities 4,000 s.f. or greater and/or 20 or more parking spaces		C/SPR/Type 3	
Public utilities less than 4,000 s.f. and/or 20 parking spaces		C/Type 3	
Public schools/educational service 4,000 s.f. or greater and/or 20 or more parking spaces		C/SPR/Type 3	
Public schools/educational service less than 4,000 s.f. and/or 20 parking spaces		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	

[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].

RECOMMENDATION: To clean up inconsistencies, provide easier use of the Development Code, and encourage housing development consider the following:

- (1) Retain the same review processes for detached, single-family and duplex dwellings to ensure an equitable process and implement state requirements.
- (2) Change Accessory Living Unit name to match definition and Section 17.312 Accessory Dwellings.
- (3) Accessory Living Units require Type II process. Streamline process by revising development standards under 17.312 to be clear and objective, then reclassify as Exemption in 17.130.030.
- (4) Explicitly enable the conversion of a single-family detached dwelling into a duplex with minimal process, only a building permit if possible.
- (5) Remove items from the table that are not land uses or land use applications that relate to desired use restrictions (e.g., remove application procedure type).
- (6) Consider changing zoning district names to remove density reference and address density in development standards (e.g., amend LRD-6 to SLR (Small Lot Residential zone) and LDR-8.5 to LDR).

17.220.030 Development standards and criteria.

Development standards in the LDR districts are noted in Table 17.220.030.

Table 17.220.030

	LDR-6	LDR-6 overlay zone	LDR-8.5
Maximum dwelling units per acre (gross area of the site minus required right-of-way)	9	16	6
Minimum lot size	5,000 s.f.	3,500 s.f.	6,000 s.f.
Maximum lot size	7,500 s.f.	NA	15,000 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.		
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'	As per the International Building Code	5'
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. 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 17.330 CBDC.		

[Ord. 518 § 8 (Exh. 1), 2019].

RECOMMENDATION: To clean up inconsistencies, facilitate easier use of the Development Code, and encourage housing development consider the following:

- (1) Repeal LDR-6 overlay zone due to inconsistency with the allowed Comprehensive Plan densities, which presents a legal vulnerability for property owners and the City.
- (2) Account for state law that requires exemption to the density cap for single-family detached and duplex units. These housing types must have the same minimum lot size (ORS 660-046-0120(2)).
- (3) Provide greater design flexibility by deferring setback standards to the building code building separation requirements. This approach is currently used in the LDR-6 overlay zone.
- (4) Provide flexibility in the development standards (e.g., greater height and/or lot coverage) to incentivize the construction of affordable housing units.

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.
- 17.225.040 Density and dimensional requirements.
- 17.225.050 Requirements of single-family 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 16 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].

RECOMMENDATION: To clean up inconsistencies, provide easier use of the Development Code, and encourage housing development consider the following:

- (1) Increase density range to be consistent with Comprehensive Plan.
- (2) Restate densities as regulations in 17.225.040.

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].

RECOMMENDATION: To enhance housing development opportunities and remove regulatory obstacles, consider repealing this section in its entirety.

17.225.020 Location.

The city council, with the recommendation of the planning commission, generally, shall assign MDR zoning districts 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 uses.

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.

Table 17.225.030 – Permitted and Conditional Uses

Use	MDR-16
Residential	
Existing lawful residential use	P/Type 1
A single-family residence and certified factory-built home per lot of record	P/Type 1
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	C/Type 3
Accessory living units subject to Chapter 17.312 CBDC	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 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
Nonresidential Permitted Uses	
Home occupation	P/Type 1
Child care facility (fewer than 13)	P/Type 1
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

Use	MDR-16
Nonresidential Conditional Uses with construction or expansion of existing construction of any of the following: 4,001 s.f. or more, 21 or more new parking spaces, 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].

RECOMMENDATION: To clean up inconsistencies, provide easier use of the Development Code, and encourage housing development consider the following:

- (1) Simplify permitted use list to be consistent with codified definitions (e.g., delete “single-family dwelling combined with a multiple-family dwelling on the same lot” becomes “Dwelling, multiple-unit”). Remove application procedure types and land use applications from the Permitted Land Use table.
- (2) See comments above regarding renaming Accessory Living Unit and the Type II process.
- (3) Add “Dwelling, cottage cluster” as permitted use, along with definition noted in Section 1. Proposed development standards offer clear and objective standards, which streamline the review process for a PUD.
- (4) Consider an “Adjustment Review permit” Type II application process as an alternative to using PUDs and Variance application processes for a single discrete item like greater height of multiple-unit buildings. See PUD and Variances Chapters below.
- (5) Consider changing zoning district names to remove density reference and address density in development standards (e.g., change MDR-16 to MDR).
- (6) Adopt a zoning district to resolve the Comprehensive Plan and zoning conflict by fully implementing the Comprehensive Plan. The existing MDR zone can maintain the maximum density of 16 dwelling units per acre. A new medium density residential zone like MDR-X, for example, could be added to account for the upper range of allowed residential density (17-25 du/ac) in the Comprehensive Plan.

17.225.040 Density and dimensional requirements.

- (1) All developments within the MDR zoning district shall comply with the density and dimensional requirements of Table 17.225.040.

Table 17.225.040 – MDR Density and Dimensional Requirements

Standard	Multifamily	Single-Family	
		Attached	Detached
Net density	12 – 16 dua	12 – 16 dua	12 – 16 dua
Minimum lot width	40 feet	40 feet	40 feet
Minimum lot depth	60 feet	60 feet	60 feet
Minimum area	5,000 sf	5,000 sf	5,000 sf
Maximum lot coverage	85%	65%	65%
Maximum height	35 feet	35 feet	35 feet
Setbacks			
Minimum front setback	10 feet	10 feet	10 feet
Minimum garage setback from public right-of-way	20 feet	20 feet	20 feet

RECOMMENDATION: To facilitate easier use of the Development Code and encourage housing development consider the following:

- (1) Revise Table 17.225.040 to enable more compact housing types, such as reduced minimum lot widths to enable row houses. The current 40-foot width effectively prohibits many row-house-type developments. Also, ensure internal consistency between minimum lot dimensions and area (lot size).
- (2) Similar to comments above for the LDR zones, provide exemption to the density cap for duplex units, per state law.
- (3) Simplify the table by applying the same regulations across the entire zone (only 1 existing standard differs across columns). If there is a need to tailor standards per housing type, that can be addressed in special standards subsections.
- (4) Provide greater design flexibility by deferring setback standards to the building code building separation requirements. This approach is currently used in the LDR-6 overlay zone.
- (5) Provide flexibility in the development standards (e.g., greater height and/or lot coverage) to incentivize the construction of affordable housing units.
- (6) Provide landscape standards for all applicable zoning districts and specific uses under the Supplementary Development Standards, Landscaping section. Expand the landscape standards at 17.335.060 Landscaping to address perimeter screening between low- and medium-density zoning districts.
- (7) Adjust minimum lot sizes to encourage housing development for allowed housing types and densities within the zoning districts.

Standard	Multifamily	Single-Family	
		Attached	Detached
Minimum side setback	0 feet attached, 5 feet to abutting property line	0 feet attached, 5 feet nonattached	5 feet
Minimum street side setback	10 feet	10 feet	10 feet
Minimum rear setback	5 feet	5 feet	5 feet

(2) Screening. New lots used for medium density residential purposes created adjacent to low density residential (LDR) districts shall employ a screening technique at the perimeter of the project.

RECOMMENDATION: To provide clear and objective standards and facilitate easier use of the Development Code consider the following:

- (1) Revise subsection 2, above, because it is subjective and lacks clarity.
- (2) Provide landscape standards for all applicable zoning districts and specific uses under the Supplementary Development Standards, Landscaping section. Expand the landscape standards at 17.335.060 Landscaping to also address perimeter screening between low- and medium-density zoning districts. Currently, this section is only applicable to commercial and industrial development.

(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].

RECOMMENDATION: To enable more efficient use of land in the MDR-16 zone and address regulatory obstacles, consider repealing this section in its entirety.

17.225.050 Requirements of single-family attached housing.

A single-family 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 attached housing in housing clusters greater than six units.
- (3) Landscaping. Single-family 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].

RECOMMENDATION: To clean up inconsistencies, facilitate easier use of the Development Code, and encourage housing development consider the following:

- (1) Revise or repeal this section, if necessary, to ensure consistency with state law requiring duplex dwellings to be subject to the same development standards as detached, single-family dwellings.
- (2) Covenants are private legal instruments that jurisdictions may review to ensure codified standards are not violated. Approval and enforcement are not commonly the purview of local jurisdictions. Remove unnecessary complication to the land use process.
- (3) The standards assume that all single-family attached units will be on a single shared lot. Revise to allow for small lot ownership, or repeal and replace with clear and objective Multiple-Unit Residential Standards or Zero Lot Line Standards that are codified in separate section (under 17.335 Supplementary Development Standards) or chapter.

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].

RECOMMENDATION: To facilitate easier use of the Development Code and encourage housing development consider repealing Section 17.225.060 and deferring to clear and objective Multiple-Unit Residential Standards that are codified in a separate section (under 17.335 Supplementary Development Standards) or chapter and applicable to this housing type in all zones.

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.

RECOMMENDATION: To facilitate easier use and management of the Development Code consider relocating this section to a separate chapter that is applicable to this housing type in all relevant zoning districts. Also, revise for general consistency with all zones (e.g., amend density regulation to defer to zoning district minimums and maximums).

(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.

RECOMMENDATION: To provide a more time/cost-effective development review process and encourage housing development consider removing planning commission approval under section (4)(b)(vi). This section is clear and objective - if on-street parking is available then off-street visitor parking is not required – and does not require discretionary approval.

(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.

RECOMMENDATION: To provide clear and objective standards and facilitate easier use of the Development Code consider deferring this section to clear and objective Multiple-Unit Residential Standards that are codified in a separate section (under 17.335 Supplementary Development Standards) or chapter and applicable to multiple-unit development in all zoning districts.

(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.

RECOMMENDATION: To provide clear and objective standards and facilitate easier use of the Development Code consider providing landscape standards for all applicable zoning districts and specific uses under the Supplementary Development Standards, Landscaping section.

(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.
- 17.230.030 Development standards.

17.230.010 Purpose.

(1) Commercial (C) District. These commercial areas are 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.

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.

(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.

RECOMMENDATION: To avoid potential inconsistencies and facilitate easier use and management of the Development Code consider removing subsections 1-3, above. This is redundant with preceding Administrative section (CBDC 17.130) and creates challenges for future code administration. Keep administrative requirements separate from the zoning districts to improve legibility.

Table 17.230.020 – Uses

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 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 (16 dwelling units per acre)	C	P
Zero lot line development subject to requirements of CBDC 17.335.100	P	
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	
Yard and garden supplies, including nurseries	P	X
Adult entertainment	C	X
Retail Sales – Restaurants, Drinking Establishments		

Use	C	MX
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 CBDC 17.335.070	P	
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	

Use	C	MX
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
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	

Use	C	MX
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	
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	

Use	C	MX
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	
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].

RECOMMENDATION: To clean up and avoid potential inconsistencies and facilitate easier use of Development Code consider the following:

- (1) Reformat Permitted Use table so terminology is consistent with codified definitions. For example, a permitted use “Residential above the ground floor” is a development standard. “MDR” is not a housing type; it is a zoning district or measure of density.
- (2) Reconsider percentage of ground floor that can be residential use. Outside of downtown, vertical mixed-use is challenging; allowing greater percentage to be in residential use may facilitate housing development in/around downtown. Or, differentiate ground floor percentage per C and MX zones based on location differences (e.g., downtown v. suburban corridor).

17.230.030 Development 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.

RECOMMENDATION: To provide clear and objective standards and facilitate easier use of the Development Code consider providing landscape standards for all applicable zoning districts and specific uses under the Supplementary Development Standards, Landscaping

(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.

RECOMMENDATION: To provide clear and objective standards and encourage housing development consider the following:

- (1) Use clear terminology that is consistent with codified standards and definitions.
Subsection (3)(a) refers to “areas,” not proposal or development site, so the applicability and intent is not clear.
- (2) Review this subsection density requirements in relation to other code amendments and objective of increasing housing development.

(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 structures that are used for accessory commercial uses shall use the single-family attached/detached development standards.

(iii) The maximum building height shall exclude unique architectural features such as steeples, chimneys, flagpoles, electronic aerials, 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 – Lot Standards

Standard	Commercial	Mixed	Single/Multifamily	
			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 square feet	3,000 square feet
Maximum lot area	N/A	N/A	N/A	15,000 square feet
Maximum lot coverage	85%	85%	75%	65%
Maximum height	35 feet	35 feet	35 feet	35 feet
Minimum front setback	0 feet	10 feet	10 feet	10 feet
Min. garage setback from public street	20 feet	20 feet	20 feet	20 feet

Standard	Commercial	Mixed	Single/Multifamily	
			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 zones	0 feet or 10 feet abutting single-family zones	0 feet attached, 5 feet nonattached	5 feet
Minimum street side setback	0 feet	0 feet	10 feet	10 feet
Minimum rear setback	0 feet or 10 feet abutting single-family zones	10 feet	10 feet	10 feet

RECOMMENDATION: For simpler use and management of the Development Code consider the following:

- (1) Table 17.230.030 mixes applicability among housing types and/or zones. Consider revising to improve clarity and correct internal inconsistencies.
- (2) Provide greater design flexibility by deferring setback standards to the building code building separation requirements. This approach is currently used in the LDR-6 overlay zone.
- (3) Provide flexibility in the development standards (e.g., greater height and/or lot coverage) to incentivize the construction of affordable housing units.
- (4) To ensure consistent implementation, include reference to the applicable landscape standards in Section 17.335.060 and remove landscape standards from this section.

(c) Site Planning Design Guidelines.

RECOMMENDATION: Subsection (3)(c) is referred to as “guidelines”, but the standards are regulatory. Revise section title from “Site Planning Design Guidelines” to “Site Planning Design Requirements.”

(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.

(4) Special Limitations on Uses. All uses in the 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. [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.

~~17.235.030 Dimensional requirements.~~

~~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.

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.

(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.

RECOMMENDATION: Remove subsections 1-3, above. This is redundant with preceding Administrative section (CBDC 17.130) and creates challenges for future code administration. Keep administrative requirements separate from the zoning districts to improve legibility.

Table 17.235.020 – I-C Uses

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 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 (16 dwelling units per acre) with 10 units or less	P
Medium density residential (16 dwelling units per acre) with more than 10 units	C
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	P

Use	I-C
incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies, and small boat sales.	
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.	P
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

Use	I-C
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)	
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

Use	I-C
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
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

Use	I-C
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
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	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

Use	I-C
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
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

Use	I-C
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
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].

RECOMMENDATION: Reformat Permitted Use table so terminology is consistent with codified definitions. For example, medium density residential is not a housing type; revise to clarify what housing types are permitted in the zoning district.

Chapter 17.240

WATERFRONT HERITAGE DISTRICT (WH)

Sections:

- 17.240.010 Intent.
- 17.240.020 WH zoning subdistricts.
- 17.240.030 Permitted uses.
- 17.240.040 Conditional uses.
- 17.240.050 Uses expressly prohibited.
- 17.240.060 Preexisting uses.
- ~~17.240.070 Property development requirements.~~
- ~~17.240.080 Architectural design.~~

17.240.010 Intent.

The 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 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 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 17.347 CBDC, Conditional Uses:

- (1) Civic Use Types. Bus shelter (administrative conditional use, see Chapter 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].

RECOMMENDATION: To improve legibility and clarity, consider reorganizing this section and Table 17.240.080 so that the list and table are combined.

17.240.060 Preexisting uses.

Notwithstanding 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 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].

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

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
Dining establishments – fast order food and sit-down	P	P	P	P	P	P
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

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
Tourist habitation – waterfront heritage bed and breakfast	P	P	P	P	P	P
Transportation service – rail and marine only	P	P	P	P	P	P
Watercraft sales/rentals	P		P		P	

P = Permitted use.

RECOMMENDATION: Revise residential uses terminology to clarify, and remove conflicts with codified definitions. For example, “Condominium” is ownership, not land use or building type and row house is prohibited from “upper level” but by definition row houses are on adjoining lots.

[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 17.245

WATERFRONT INDUSTRIAL DISTRICT (W-I)

Sections:

17.245.010 Intent.

17.245.020 Uses.

17.245.030 Property development requirements.

17.245.010 Intent.

The W-I district is included in the zoning regulations to achieve the following city objectives:

- (1) To reserve the waterfront for uses which require water access for successful operation.
- (2) To support the economic well-being and stability of the city's maritime economy.
- (3) To preserve lands determined to be exceptionally suited for water-dependent and water-related uses. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.245.020 Uses.

The uses, which are permitted, conditional, or prohibited, shall be regulated by the Coos Bay estuary management plan. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

RECOMMENDATION: There are three areas identified in the estuary management plan that allow residential uses. Identify code amendments to allow appropriate housing types as a residential use in these specific sections of the estuary management plan and develop the appropriate housing standards in each of the three areas.

17.245.030 Property development requirements.

(1) Special Permits.

- (a) It shall be the responsibility of the applicant to acquire other permits required by local, state and federal agencies prior to the issuance of a building permit by the city.

(2) Lot Standards.

- (a) Minimum Area. No requirements.
- (b) Minimum Width. No requirements.

(3) Building Coverage. No requirements.

(4) Building Height. No requirements.

(5) Fences and Walls. No requirements, except to protect the health, safety, and general welfare of the public.

(6) Landscaping and Screening.

(a) All heating and air-handling equipment shall be appropriately screened from public view. This does not apply to roof-mounted equipment.

(b) All storage and trash areas must be enclosed and screened from public view.

(7) Utilities. When practical, utilities such as power lines, telephone lines, and television cable shall be installed in underground conduits and approved by the public works department.

(8) By-Products. There shall be no emissions, odor, gas, mist, vapor, pollen, soot, carbon, acid, smoke, fume, dust, particulate matter, or other air, water, or land pollution which exceeds permitted levels of local, state, or federal regulations. If the director determines that the proposed use might violate these standards or if a valid complaint has been registered about the possible pollution, the director may require the owner or agent to show written compliance with state regulations.

(9) Noise. Maximum permissible noise level 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.

(10) Pedestrian Circulation. Pedestrian connectivity to and along the waterfront shall be provided throughout the project pursuant to CBDC 17.330.030 and 17.335.090. [Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

Chapter 17.250

Chapter 17.260

MEDICAL PARK DISTRICT (MP)

Sections:

- 17.260.010 Intent.
- 17.260.020 Uses.
- 17.260.030 Property development requirements.
- 17.260.040 *Repealed.*

17.260.010 Intent.

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 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.

The uses set out in Table 17.260.020 are examples of uses allowable in the medical park district. Where a specific use is not listed in the table, the director shall determine the most appropriate similar use in the table.

P = Permitted use.

C = Conditional use.

X = Prohibited use.

Table 17.260.020 – Uses

Use	
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	C
Residential uses not authorized by this chapter	X
Civic	
Bus shelters	C

[Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

RECOMMENDATION: The current permitted use “Multifamily which is medically related or fulfills a direct need to the district which cannot be fulfilled in other areas” establishes an arbitrary threshold that is difficult to enforce and difficult for an applicant to demonstrate.

For easier use and management of Development Code consider the following:

- (1) Revise the “Multifamily” use (or as recommended “multiple-unit” use) to be clear and objective, such as accessory to a permitted use.
- (2) Also, reconsider a “conditional use” if more detailed Multiple-Unit Residential Standards are adopted under a separate section (under 17.335 Supplementary Development Standards) or chapter.

17.260.030 Property development requirements.

(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

Sections:

- 17.312.010 Purpose.
- 17.312.020 Definition.
- 17.312.030 Use and restrictions.
- 17.312.040 Development and design standards.

17.312.010 Purpose.

ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings. Accessory dwellings 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 detached dwellings. Accessory dwellings 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 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 CBDC 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 CBDC 17.312.040(1)(g);
- (4) A separate address shall be assigned to the accessory dwelling and the address shall be clearly identified, as required by state building code; and

RECOMMENDATION: To encourage housing development consider the following:

- (1) ADU approval requires a Type II application procedure. Simplify the process by allowing ADUs to be exempt from a land use application process.
- (2) Expand potential sites by amending subsection (1) to allow ADUs on a duplex lot.

(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.

(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, this title's 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.

(2) Design Standards.

(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].

RECOMMENDATION: To encourage housing development consider the following:

- (1) Subsection (1)(d) waives density requirements for ADUs. Provide Comprehensive Plan Policy support for such a waiver to protect against potential appeals/legal challenges.
- (2) Subsection (1) is silent on parking requirements. Be clear that on-site parking is not required for ADUs. Also, ensure this is addressed in Chapter 17.330.
- (3) Clarify the applicability of subsection (2). If these 4 items are only applicable to ADUs within a historic district or on historic properties, then only those proposed ADUs are subject to these discretionary standards. Simplify the process by allowing ADUs to be exempt from a land use application process.

Chapter 17.322

MANUFACTURED HOME SPECIAL SITING STANDARDS

Sections:

- 17.322.010 Type and size.
- 17.322.020 Siting requirements.
- 17.322.030 Roof.
- 17.322.040 Siding.
- 17.322.050 Insulation.
- 17.322.060 Unauthorized location.

RECOMMENDATION: Evaluate this Chapter to verify consistent with community goals of achieving more affordable housing opportunities.

17.322.010 Type and size.

A manufactured home must be multi-sectional and enclose a space of not less than 1,000 square feet. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.365.010].

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-family dwelling. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.365.020].

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].

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].

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].

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 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).

Table 17.330.010(A) – Off-Street Parking Requirements

Use	Minimum Number of Parking Spaces
Residential:	
Single or duplex	2 spaces per dwelling unit
Multifamily, group residential	1.5 spaces for multifamily
Group residential care or treatment facility or senior citizen housing	1 space per 3 beds
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
Restaurants or drinking establishments	1 space per 100 square feet of floor area

Use	Minimum Number of Parking Spaces
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.

RECOMMENDATION: To clean up inconsistencies and allow more housing opportunities consider the following:

- (1) Table 17.330.010(A) is internally inconsistent and does not use defined terms for different dwelling types. Revise to be consistent with codified terms for “Dwelling, [Type].”
- (2) Include ADU parking exemption.

17.330.060 Multifamily parking lots and circulation.

Except for townhouse structures containing garages, parking lots and garages for 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.

(2) 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.

(3) MDR development projects shall provide access to collector or arterial streets; however, individual dwelling units within an MDR development project shall not have direct access to an arterial or a collector street.

(a) Within an MDR 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 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.

(4) Pedestrian access shall be provided to transit corridors without having to pass through a parking lot whenever possible.

(5)(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 Chapter 17.328 CBDC.

(6) 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.

(7) 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 process, shall require that each cluster be designed to accommodate bicycle parking facilities, and that pedestrian walk lanes are provided and clearly marked.

(8) 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].

RECOMMENDATION: Consider revising the following to provide clear and consistent standards while also allowing a potential mechanism for flexibility:

- (1) Clarify applicability. The title suggests the section is applicable to all multiple-unit developments, but text narrows applicability to the MDR zone. If intent is to apply these standards to all multiple-unit residential developments, then consider moving this section to a separate Multiple-Unit Residential Standards section (under 17.335 Supplementary Development Standards) or chapter.
- (2) Remove internally inconsistent use of housing types that are not necessarily defined as multiple-family (i.e., townhouse). See recommendation of replacing “multiple-family” with “multiple-unit” in the Definitions section above.
- (3) Remove redundant parking requirements that are previously set by Table 17.330.010(A).
- (4) Consider reconciling the allowance using a new Adjustment Review Permit Type II application, which provides for a simpler discrete discretionary process.

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 of fences 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.

RECOMMENDATION: To facilitate easier use of the Development Code and encourage housing development consider providing a new Multiple-Unit Residential Standards section (under 17.335 Supplementary Development Standards) or chapter applicable to all relevant zoning districts.

17.335.010 Generally.

The standards in this chapter apply to development generally within the city of Coos Bay. They can be used in any review process where applicable to evaluate or to set conditions of approval of an application. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.362.010].

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.

RECOMMENDATION: To facilitate easier use of the Development Code and encourage compatible housing development consider the following:

- (1) Expand this Landscaping section to address perimeter screening between low- and medium-density zoning districts because currently, this section is only applicable to commercial and industrial development.
- (2) Provide landscape standards for all applicable zoning districts and specific uses under this section.

(1) At a minimum, 15 percent of each new commercial or industrial zoned lot or development must be landscaped to the standards within this chapter.

- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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 landscaping islands throughout the development. A landscape island shall contain at least 25 square feet, shall be at least four feet wide, and shall prevent vehicles from damaging trees by using a wheel stop or curb.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) Trees shall be measured from the ground level at final planting to the top of the tree.
 - (a) 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) 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) Required evergreen trees (other than street trees) shall be fully branched and a minimum of six feet high at the time of planting.

(d) 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.

(14) 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.

(15) 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) 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

(b) 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

(c) A permanent or temporary irrigation system will not serve the landscape area in question; provided the applicant submits the following:

(i) 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

(ii) 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) 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:

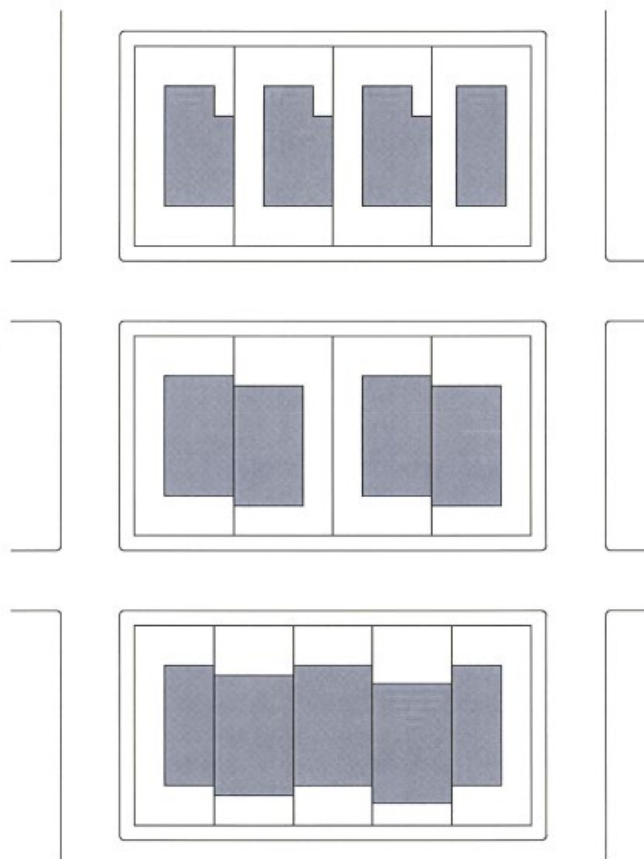
(i) In case of destruction of one or more units, new construction must follow the same concept of construction as previously designed.

(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



RECOMMENDATION: Zero lot line development is commonly regulated as a single-family detached housing type. The codified graphic examples are also defined as “Row House” and “Townhouse” in the Development Code. Revise this section to create clear and objective standards for the row house/townhouse building types or consider replacing this section with a separate Multiple-Unit Residential Standards section (under 17.335 Supplementary Development Standards) or chapter.

[Ord. 532 § 2 (Att. B), 2020].

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.

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 possess unique or special characteristics that necessitate certain requirements or “conditions” to review 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 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 applicant 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 is subject to a Type III process. See CBDC 17.130.100, Type III procedure.

(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 17.130.090, 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].

RECOMMENDATION: Subsection (2) refers to “minor modifications” of previously approved CU, with approval criteria for modifications in the following section 17.347.040. Consider expanding these criteria to provide a clear and objective modification process for Planned Unit Developments (PUDs) and other land use applications.

17.347.040 Criteria for approval, minor modifications and revocation.

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

- (a) The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with this title;
 - (b) The site size, dimensions, location, topography, and access characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features;
 - (c) All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity and design to serve the proposed use either as they exist, or as they may be modified by conditions of approval;
 - (d) Any impacts related to building mass, parking, access, traffic, noise, vibration, exhaust and emissions, light, glare, erosion, odor, dust, heat, fire hazards, visibility, and safety are no greater than other uses permitted in the zone, or can be mitigated by imposing reasonable conditions of approval which specifically address the potential impact and are intended to reduce the impact to levels consistent with other uses permitted in the zone.
- (2) The planning commission may impose, in addition to regulations and standards expressly specified in this title, reasonable conditions of approval necessary to mitigate potential impacts. These conditions may include, but are not limited to, the following:
- (a) Increased setbacks, lot size or yard dimensions;
 - (b) Additional design features necessary to mitigate impacts related to building mass, parking, access, traffic, noise, vibration, exhaust and emissions, light, glare, erosion, odor, dust, heat, fire hazards, visibility, safety, and aesthetic considerations such as, but not limited to, the potential conditions listed below, such as noise, vibration, air pollution, glare, odor and dust;
 - (c) Restrictions on the location, number and design of vehicular access points to the property;
 - (d) Requirements of CBMC Title 12, Streets, Sidewalks and Public Places; CBMC Title 13, increases Public Utilities and Services; CBMC Title 15, Buildings and Construction; and CBMC Title 18, Engineering Design Standards;
 - (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.
- (4) The 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 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.
- (5) Revocation of an approved conditional use review is subject to a Type III process. Revocation shall be initiated by the director or their designee by scheduling a hearing and issuing the required notice. Revocation shall not be the exclusive remedy for violation.

The planning commission may revoke or amend a conditional use review pursuant to a Type III process if it finds:

- (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].

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 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) 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 17.360

PLAN AMENDMENTS AND ZONE CHANGES

Sections:

- 17.360.010 Comprehensive plan amendment.
- 17.360.015 Zoning text and map amendment.
- 17.360.020 Initiation of amendment.
- 17.360.030 Pre-application review.
- 17.360.040 Application contents.
- 17.360.060 Approval criteria.
- ~~17.360.070 Expiration and extension.~~
- ~~17.360.080 Concomitant rezone.~~

17.360.010 Comprehensive plan amendment.

(1) The boundaries of the comprehensive plan map designations and the comprehensive plan text may be amended as provided in CBDC 17.360.020.

(2) The city may amend its comprehensive plan and/or plan map. The approval body shall consider the cumulative effects of the proposed comprehensive plan and/or map amendments on other zoning districts and uses within the general area. Cumulative effects include sufficiency of capital facilities services, transportation, zone and location compatibility, and other issues related to public health and safety and welfare the decision-making body determines to be relevant to the proposed amendment. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.215.010].

17.360.015 Zoning text and map amendment.

The boundaries of the zoning districts established on maps by this title, the classification of uses therein, or other provisions of the title may be amended as provided in CBDC 17.360.020. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.215.015].

RECOMMENDATION: To avoid potential inconsistencies and provide easier use and management of Development Code, clarify the zone change process and ensure consistent with application types in 17.130.030.

17.360.020 Initiation of amendment.

Amendments of the comprehensive plan text or map, zoning map, or this title may be initiated by the following:

- (1) A Type III application, CBDC 17.130.100, Type III procedure, by one or more owners of the property proposed to be changed or reclassified consistent with the adopted comprehensive plan; or
- (2) A Type IV legislative process, CBDC 17.130.110, Type IV procedure, by motion of the planning commission and adoption by the city council. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.215.020].

17.360.030 Pre-application review.

(1) An application for a Type III or Type IV review is subject to pre-application review under CBDC 17.130.020, Pre-application review.

(2) An applicant for pre-application review for a plan map amendment or zone change shall submit the requisite fee and three paper copies and one electronic copy of the following information except as otherwise provided by the city:

- (a) A completed form provided by the city for that purpose;
- (b) The name, mailing address, and telephone number of the owner(s), engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;
- (c) A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale and information relevant to the plan map amendment and/or zone change, such as existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering and structures 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. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch-by-11-inch page. Principal features of the plan shall be dimensioned; and
- (d) A written summary of the proposed plan map amendment and/or zone change and facts and evidence based on which the application(s) can be approved. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.215.030].

17.360.040 Application contents.

(1) An amendment application shall include the requisite fee and three paper copies and one electronic copy of the applicable information required by CBDC 17.130.050(2), Standards for Technical Completeness.

(2) A technically complete application shall contain:

- (a) A map of the proposed amendment, if applicable;
- (b) The complete proposed text amendment, if applicable;
- (c) A narrative describing the potential effects the proposal will have on public services, including streets, schools, parks and utilities, to the extent applicable;
- (d) An analysis of the potential cumulative effects of the proposal;
- (e) Materials required under CBDC 17.130.050(2); and
- (f) Other materials the director deems necessary. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.215.040].

17.360.060 Approval criteria.

(1) With a Type IV review, the city council shall approve the proposal upon finding that:

- (a) The proposed amendment is consistent with the applicable policies of the comprehensive plan or that a significant change in circumstances requires an amendment to the plan or map;
- (b) The proposed amendment is in the public interest;
- (c) Approval of the amendment will not result in a decrease in the level of service for capital facilities and services;
- (d) The proposed amendment is consistent with the city of Coos Bay's planned transportation system as described within the transportation system plan;
- (e) The proposed amendment is consistent with the adopted transportation system plan and would facilitate the planned function, capacity, and performance standards of the impacted facility or facilities; and
- (f) The proposed amendment shall be consistent with the OAR 660-012-0060 requirements. Where it is found that a proposed amendment would have a significant effect on a transportation facility in consultation with the applicable roadway authority, the city shall work with the roadway authority and applicant to modify the amendment request or mitigate the impacts in accordance with the TPR and applicable law. [Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.215.060].

Chapter 17.362

PLANNED UNIT DEVELOPMENT

Sections:

- 17.362.010 General.
- 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.

RECOMMENDATION: To facilitate easier use of the Development Code and encourage housing development consider the following:

- (1) Limit or remove the identification of PUDs in the permitted use tables.
- (2) A possibility is adopting an Adjustment Review Permit application as a Type II process that allows the applicant to make discrete adjustments to specific identified standards to accommodate the development proposal. An Adjustment Review Permit application can allow an applicant to move forward using a discretionary process for specific elements of the design as allowed in the Development Code, rather than a comprehensive discretionary PUD process. This option can provide for a simpler and more time/cost-efficient land use process.

17.362.010 General.

(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. 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) 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 Property 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. 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.

(6) Off-Street Parking and Loading. The provisions of Chapter 17.330 CBDC shall apply.

(7) 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 17.372

VARIANCES

Sections:

- 17.372.010 Pre-application review.
- 17.372.020 Review process.
- 17.372.030 Application contents.
- 17.372.040 Approval criteria.
- 17.372.050 Expiration and extension.

RECOMMENDATION: Consider adopting an Adjustment Review Permit application as a Type II or Type III process (dictated by project size/scope) that allows the applicant to make discrete adjustments to specific identified standards to accommodate the development proposal. An Adjustment Review Permit application can allow an applicant to move forward using a discretionary process for specific elements of the design as allowed in the Development Code, rather than the stringent Variance process or comprehensive discretionary PUD process. This option provides for a simpler and more time/cost-efficient land use process.

17.372.010 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].

17.372.020 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, 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].

17.372.030 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].

17.372.040 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) 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].

RECOMMENDATION: If the Variance process is to remain, then update the approval criteria to include “Consistency with the Comprehensive Plan.” This will avoid potential inconsistencies with local policy and provide easier use and management of Development Code. The criteria are particularly relevant for density considerations.

17.372.050 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].