# ORDINANCE NO.

#### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COOS BAY AS ESTABLISHED BY ORDINANCE 503 AMENDING THE COOS BAY COMPREHENSIVE PLAN, PROJECT 187-20-000050-PLNG(A).

**Section 1.** Intent. It is the intent of the City Council to comply with Oregon Legislature House Bill 2001 by approving land use policies to facilitate land use regulations offering housing types and choices that people can afford.

#### Section 2. Comprehensive Plan Amendment summary.

Section 7.1 Natural Resources and Hazards, addition to Strategy NRH.1;

Section 7.2 Energy Conservation, Strategies EC.5 and EC.10;

Section 7.5 Economic Development, amendment to Policy 2.3;

Section 7.6 Housing Goals: 2, 4, 7

Section 7.6 Housing Policies: 2.1, 3.1, 3.2, 4.1, 4.2

Section 8.1 Public Participation Goal

Section 9.1 Land Use Implementation Plan: Residential Area Objectives (1, 3), Commercial Area Objectives (1,2,3), Medical Park Objective 1.

Exhibit 1, the Findings of Fact, outlines the specific changes to each of the above listed strategies, policies and objectives. Exhibit X contains all additional proposed language changes.

**Section 3. Public review**. On May 4, 2021, the Planning Commission and City Council held a public hearing on the subject amendments. The Planning Commission recommended City Council amendment(s) adoption of Ordinance 539.

**Section 4. Public Notice and compliance with OAR 660-019-0020.** Notification of the subject amendments and public hearings was provided as follows:

Department of Land Use, Conservation and Development March 29, 2021 on-line posting of the May 4, 2021 Planning Commission/City Council public hearing notice and all related proposed amendments.

Friday Update. On Friday, April 23, 2021, the subject amendments were noted in the City of Coos Bay Friday Update, the City's on-line publication of events/notifications of City business.

The World Newspaper legal ad. On April 23, 2021, a public hearing notice of this May 4, 2021 public hearing was included in The World Newspaper legal ads (Attachment A).

Community Development Department web page posting. April 27, 2021, this ordinance was posted at <u>www.coosbay.org/departments/community-development-department.</u>

Public hearing notice posting. On Friday, April 23, 2021, consistent with the City Charter, a public hearing notice of this ordinance identifying the May 4, 2021 joint Planning Commission and City Council public hearing time and place was posting in conspicuous place where it could be seen at the Coos Bay City Hall at 500 Central Avenue.

**Section 5.** Authorization and Findings. The Council hereby authorizes approval of this Ordinance for changes to the Coos Bay Comprehensive Plan text and Findings of Fact (Exhibit 1) and a revised Comprehensive Plan Map (Exhibit 2).

**Section 6. Effect.** This Ordinance shall take effect 30 days after enactment by the Council and signature by the Mayor.

**Section 7. Adoption.** The foregoing ordinance was enacted by the Coos Bay City Council this 4<sup>th</sup> day of May 2021 by the following vote:

Yes: No: Absent:

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

ATTEST:

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

#### ATTACHMENT A Affidavit of Publication

#### AFFIDAVIT OF PUBLICATION

The World

Country Media Inc - Coos County 350 Commercial Ave. Coos Bay, OR 97420 P.O. Box 1840, Coos Bay, OR 97420 STATE OF OREGON - COUNTY OF COOS

City of Coos Bay 500 Central Ave., Coos Bay, OR 97420

#### REFERENCE: 39789/ 314445

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

PUBLISHED: April 23, 2021

TOTAL COST: \$144.69

Legal Clerk, Dawn Smith, Subscribed and ed of april 2021 sworn before on this

O A Notary Public of Oregon-My Commission expires

March 14 2025



City of Coos Bay Public Hearing Notice On Tuesday, May 4, 2021 at 7 PM, with Social distancing, required masking and limited physical attendance, the City Council and Planning Commis sion will hold a public hearing at 500 Central Ave to consider two concentral Ave to consider two ordinances amending the City's Comprehensive. Plen and Devel-opment Code to facilitate House. Bill 2001 housing development mandate and stream limiting of the land use review process. The meeting will be live streamid on https://-www.voutube.com/chan-nel/UC-w12ikBNWVKoVW/qJ0bk2g. The City Council will take action on amendments to Coos action on amendments to Coos Bay's Comprehensive Plan, chap-ters 5, 6, 7, 8 and 9 and amend-ments to Coos Bay Municipal Code The 17, chapters 17, 130 Procedures; 17, 150 Othintitons; 17, 210 Establishment of Zonling districts; 17, 220 LDR Zoning districts; 17, 220 LDR Zoning district: 17 225 MDR Zoning Die-trict: 17 312 Accessory Dwelling. Units and 17:335 120 Multi-unit Dwelling Standards, 17 230 Dwelling Standards, 17 230 Commercial Zoning district: 17 235 industrial: Commercial Zoning district: 17 240 Waterfront Hertage Zoning district: 17 255 Urban Public Zoning district 17 260 Medical Park Zoning district; 17 322 Menufactured Unable Difference Dev Multiple Public Difference Dev Multiple Difference Dev Mul Home, RV and Park Model Parks; 17.335.040 Lighting, 17.335.060 Landscaping: 17:335.110 Zero / lot line development: 17:335.140 Ict line development: 17,335,140 Affordable Housing Incentives 17,340 Variances; 17,349 Cultural Resources; 17,345 Cottage Clus-ters; 17,347 Contitional Use Per-mits: 17,362 Planned Unit De-velopment: 17,367 Subdivisions; 17,370 Single Room Occupancy and 17,372 Adjustment Roview. The proposed amendments can be found at <u>itte://cocsbay.org/</u> departments/.community-devel-opment-department.ite; 1.Congdepartments/.community-devec-opment-department-under: Long-Range Planning: "A Could, staff report for the public hearing will be posted 04/27/2021 at <u>http://</u> coosbag.tig/apth/w/agdrddas-minutes.comments?contact Carcity Johitson.community Development.community.g Development Administrator at 541-269-8924 or at cjohnson@ coosbay org or by US mail to the Community Development Depart ment, City Hall, 500 Central Ave, Coos Bay, Published: April 23, 2021 The World & ONPA (ID: 314445)

# EXHIBIT A

## Findings of Fact and Coos Bay Comprehensive Plan (CBCP) Text and Map Amendments

# I. APPLICABLE CRITERIA

The following is a list of the decision criteria applicable to the request as stated in Coos Bay Development Code, Chapter 17.360, and related statutory requirements for Post Acknowledgement Plan Amendments. Each of the criteria is followed by findings or justification statements which may be adopted by the City Council to support their conclusions. Although each of the findings or justification statements specifically applies to one of the decision criteria, any of the statements may be used to support the Council's decision. Based on their conclusions the Council must approve, conditionally approve, or deny the proposed amendments.

#### 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].

#### 17.360.020 Initiation of Amendment

(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].

## 17.360.060 Approval Criteria

DECISION CRITERION (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.

DECISION CRITERION (B): The proposed amendment is in the public interest.

DECISION CRITERION (C): Approval of the amendment will not result in a decrease in the levelof-service for capital facilities and services identified in the Coos Bay capital improvement plan(s) DECISION CRITERIA (D): The proposed amendment is consistent with the city of Coos Bay's planned transportation system as described within the transportation system plan;

DECISION CRITERIA (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

DECISION CRITERIA (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.

DECISION CRITERIA (G): The proposed amendment is consistent with Statewide Planning Goals (OAR 660-015).

# II. FINDINGS OF FACT FOR DECISION CRITERIA:

#### 17.360.010 Comprehensive Plan Amendment

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

(4) 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].

**FINDING**: The proposed amendments to the CBDC are primarily text amendments. Map changes to the Plan Map do not include changes to plan designation geographies but do propose new naming for one plan designation: Residential High Density is proposed to become Medium/High Density Commercial Residential. This is done to provide be more consistent with the plan designation's purpose and standards.

Consideration of cumulative effects of the proposed CBCP amendments includes the following:

- 1) Sufficiency of capital facilities services: See Findings for Decision Criteria C
- 2) Transportation: See Findings for Decision Criteria D, E and F.
- 3) Location Compatibility: All proposed amendments to the CBCP have taken into account compatibility between uses, specifically identifying compatibility as a key policy principle for implementation.
- 4) Public health, safety, welfare: Proposed CBCP amendments pose no new threats or challenges to public health or safety. In some cases, safety is objectively increased by the proposed amendments (e.g. reduction slope maximum).

#### 17.360.020 Initiation of Amendment

(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].

FINDING: Adoption is by the City Council upon recommendation of the Planning Commission.

**DECISION CRITERION (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:

Generally speaking, the proposed amendments to the Coos Bay Comprehensive Plan amendments bring residential elements of the comprehensive plan into alignment with OAR Chapter 660 Division 46 Middle Housing in Medium and Large Cities as set forth in Oregon House Bill 2001, updates decades old references and content, or are otherwise necessary in response to significant changes in circumstances.

Following are findings of consistency of the proposed Plan amendments with applicable Coos Bay Comprehensive plan policies and strategies.

## 7.1 NATURAL RESOURCES AND HAZARDS

#### Strategies

#### (Amended)

NRH.1 ... 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. <u>Development shall be prohibited on slopes greater than 20%, regardless of soil content.</u> 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...

**FINDING**: The proposed amendments are mindful of natural resources and hazards. Included in the proposed amendments is an explicit prohibition of development on slopes of 20% or greater, in recognition of slope hazards. The proposal does not include any new provisions which would ostensibly threaten natural resources or increase risks of natural hazards. The proposed updates are consistent with the strategies of this Comprehensive Plan Element.

#### 7.2 ENGERGY CONSERVATION

#### Strategies

#### (Deleted)

EC.5 Coos Bay shall encourage the development of undeveloped parcels of land within the city limits for residential purposes, recognizing that such development constitutes extensions of existing traffic corridors and service lines, and is a more energy efficient use than new construction in "unserviced", undeveloped areas outside the city limits.

EC.10 Coos Bay shall continue to enforce the currently adopted version of the Uniform Building Code as it regulates the residential/development, recognizing that energy conservation benefits accrue from these sound construction standards.

#### (Amended)

EC.1 Coos Bay shall exercise residential site development practices consistent with Oregon planning law that incorporate sound energy conservation design principles, including, but not limited to, building orientation, landscaping, and street design. where appropriate, consideration of alternatives for cluster housing, for structural orientation and landscaping design to minimize adverse climatic impacts and maximize solar benefits, and for street design to minimize surface heat loss. Coos Bay shall implement these principles concerns by developing with Development Code performance standards in the zoning and/or subdivision ordinances in order to facilitateproduce energy-efficient projects developments, (e.g., development of subdivisions which orient the longitudinal axis of homes in an east-west direction allowing maximum passive and active solar potential). The city recognizes that such alternative site and structure design practices will and afford greater energy conservation rewards than conventional practices.

#### (Amended)

EC.2 Coos Bay shall promote the rights of residents to solar access and encourage an in-depth study of solar energy which will lead to establishing appropriate design standards and other provisions in the zoning and subdivision ordinances, recognizing that (1) the use of solar energy is becoming more desirable and necessary in the present energy situation, and (2) active solar systems may become an economic feasibility to an increasing number of households and, therefore, the ability to obtain this energy should not be obstructed by the design of the home or of adjacent homes. This strategy does not mean that the desire to encourage utilization of solar energy should preclude other important and desirable site designs such as lowing densities.

EC.4 Coos Bay shall promote development along major transportation corridors by zoning lands adjacent to such corridors to allow commercial, industrial, and multi-family-unit development except where such areas are irreversibly committed to low density residential development. However, ingress/egress to such development shall be designed so that it does not restrict traffic flow on the arterial streets. The city recognizes that intense development, along major transportation corridors conserves energy by providing shorter, direct access to home and trade and service areas.

## (Amended)

EC. 6 Coos Bay shall attempt to site residential apartment development in appropriate areas within or on the fringe of commercially zoned areas, recognizing that such uses conserve energy by the centralized location of achieving the goal of "infilling", and by maximizing the potential of land uses within developed areas of the city. This strategy shall not supersede the strategy dealing with protection of the integrity of established residential neighborhoods.

EC.87 Coos Bay shall encourage the "infilling" development of undeveloped parcels of land, within the city limits for residential and commercial purposes, recognizing that such development, located in the vicinity of established traffic corridors and in areas already serviced by electrical, sewer, and water lines, are more energy efficient than new construction in "un-serviced" undeveloped areas.

**FINDING**: The proposed amendments revise some energy conservation strategies, including eliminating two strategies. None of the proposed changes is anticipated to impact Coos Bay's position or effectiveness in addressing energy matters. The two removed provisions (EC.5 and EC.10) were removed because they presented redundant guidance (internally or at the broader state policy level).

The proposals are consistent with Policy EC.8, which mandates efficient use of urban lands for residential and commercial purposes through infill, which a number of proposed development code will enable. The proposed updates are consistent with the strategies of this Comprehensive Plan Element.

## 7.3 HISTORIC PRESERVATION

#### Strategies

HP.4 Coos Bay shall preserve and protect the integrity of city-owned structures and sites of identified historical significance by requiring review by the Planning Commission prior to development or modification of the subject properties. This strategy recognizes that the city has a responsibility to preserve the cultural heritage of this area.

**<u>FINDING</u>**: None of the proposed changes is contrary to the Historic Preservation strategies of the Comprehensive Plan.

#### 7.4 RECREATION AND OPEN SPACE

**FINDING**: None of the proposed CBCP changes is contrary to the Recreation and Open Space strategies of the Comprehensive Plan.

# 7.5 ECONOMIC DEVELOPMENT

## **Community Economic Development Objectives**

#### (Amended)

Encourage Establish a range of housing types consistent with State law that, by nature of their size, design, location or other factors, accommodate at-different price points. These may include, but are not limited to, duplexes, triplexes, fourplexes, cottage clusters, townhouses, etc. that are affordable (including, but not limited to first-time home-owners, renters, workforce housing, workers at all income levels, and retirees residents wishing to age in place).

#### **Economic Development Policies**

1.1 Enhance Coos Bay's role as a hub for support services for the south coast, commercial, financial, real estate, professional services (engineering, architecture), housing, etc.

1.3 Collaborate both locally and regionally to provide an adequate supply of industrial land.

1.5 Support and cooperate with community and regional partners to encourage economic growth.

**<u>FINDING</u>**: None of the proposed CBCP changes is contrary to the Economic Development strategy of encouraging and supporting economic growth.

2.1 Encourage expansion of recreational, cultural and eco-tourism industries by supporting, enhancing and expanding amenities and infrastructure from waterfront development to lodging options, including shopping, arts and entertainment.

2.2 Direct public investments toward creating an attractive downtown and waterfront setting that enhances Coos Bay and the Empire districts as areas where people want to live and do businesses.

2.3 Pursue the implementation of the Hollering Place Master Plan, adopted December 2, 2008 to 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 require.

3.3 Continue to enhance our core area as a place to do business.

- 4.1 Continue to support the creation of outdoor public gathering spaces as a way to strengthen community interaction with local businesses.
- 4.2 Continue to offer programs that strengthen local businesses.
- 6.1 Maximize the potential uses and benefits the waterfront and deep-water port offers to the city and region as a whole.
- 6.4 Promote the development of walking and bike trails throughout the City, ultimately linking with our neighbors, and continue to work towards the Coos Bay Waterfront Walkway to the North Bend Boardwalk for the mutual benefit of area residents, businesses and visitors.

**FINDING**: The proposed amendments encourage activity in the downtown area. The proposal will encourage residential development in the town center where it has been planned but has not realized. More residents in any area have been shown to increase economic activity by supporting businesses, tourist attractions and other amenities for more hours. The proposed CBCP amendments promote alternatives that are more likely to realize. This includes more workforce housing for populations necessary for a healthy economy but historically challenging to house. None of the proposed CBCP changes is anticipated to impact Coos Bay's ability to maintain or expand its economy.

#### 7.6 HOUSING

#### **Housing Policies**

**Goal 1:** Coos Bay shall designate and maintain an adequate supply of land zoned for a range of housing types and price ranges.

1.1 Coos Bay will continue to update its zoning provisions to allow for construction to provide a wide range of housing available at varied prices and rent ranges, and allow for flexible site and architectural design.

1.2 Coos Bay will regularly update the City's inventory of buildable land (at least every five years) and use it to both identify housing development opportunities and assess the ability to meet future housing needs. If growth is occurring at a faster rate than previously predicted, the city shall work with the County to update the county's coordinated population forecast and the City's housing needs analysis accordingly.

1.3 Coos Bay will explore and provide information about opportunities to consolidate buildable land where it will promote more efficient development.

**FINDING**: The key underlying motivation for these updates is House Bill 2001 which is explicit in its purpose to promote, in Oregon Cities, a wide range of housing available at varied prices and rent range. Efficiency of development on existing residential buildable lands guided the CBCP review and is reflected in the proposed amendments. The proposed CBCP updates are consistent with the strategies of this Comprehensive Plan Housing Goal.

#### (Amended)

**Goal 2**: Support efforts of state, <u>Tribal</u>, 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.

#### (Amended)

2.1 <u>In order to incentivize affordable housing projects</u>, Coos Bay <u>will\_may</u> consider waiving or deferring city fees, such as development fees or system development charges, <u>allowing deviation</u> from development standards; and allowing for development agreement for other incentive options for affordable housing projects including, but not limited to expedited review or reduced dedication or exaction requirements, that meet defined criteria and result in permanently affordable housing.

**<u>FINDING</u>**: The proposed CBCP amendments revise some policies related to strategies, including eliminating two strategies. None of the proposed changes is anticipated to impact Coos Bay

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position or effectiveness.

**Goal 3:** Encourage the use of sustainable land use development practices and building materials including use of energy efficient materials and design principles.

## (Amended)

3.1 Coos Bay will continue to apply i<u>I</u>nnovative regulations for planned unit development allowing flexibility in designing cluster housing, recognizing that such land development practicesshall be incorporated into the Development Code to (1) result in lower costs per site than conventional subdivisionsallow for flexibility in design (2) result in lower costs, (23) permit sound land economics, (34) enhance the environmental integrity of the land resources, (45) promote energy conservation, and potentially (56) provide additional open space and common areas.

#### (Amended)

3.2 To stimulate infill development, Coos Bay's Development Code shall allow for and incentivize a variety of housing types in the City's residentially zoned areas. Coos Bay will continue to allow for and encourage small scale cluster housing concepts in residentially zoned areas to stimulate infill development. This strategy (1) 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, and (5) provides the framework for development of needed housing.

3.3 Promote and encourage energy efficiency and sustainable building practices.

**<u>FINDING</u>**: The proposed amendments revise some energy efficiency strategies related specifically to housing. These changes reflect more contemporary tools, regulations, and practices. The proposed changes improve and clarify energy efficiency policies in Coos Bay.

#### (Amended)

**Goal 4:** <u>Ensure that the Review land development ordinance Development Code enables the development of to ensure promotion of development and affordable housing options that are affordable.</u>

#### (Amended)

4.1 <u>Coos Bay shall use the land use review permitting process to ensure the development of needed housing, to promote land uses that are harmonious with their surroundings, and to maintain a high quality of life for area residents. Coos Bay shall exercise its site plan review for major residential land developments, recognizing that site review is necessary to provide development that (1) fosters sound energy conservation practices, (2) is aesthetically pleasing, and (3) complements the natural characteristics of the site.</u>

#### (Amended)

**4.2** 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, (2) offer incentive programs, including, but not limited to, expansion of maximum density allowances by 20% for housing that is affordable, and 3) engage in collaborative housing partnerships.

**Goal 5:** The City of Coos Bay shall comply with federal and state fair housing laws which affirm access to housing opportunities for all people in Coos Bay.

FINDING: The proposed CBCP amendments more clearly establish a Coos Bay policy on

housing affordability. The policies more specifically address need housing and consistency with state law, as well as clear actions for impacting housing affordability. The proposed changes are significant enough in necessity and impact to merit change.

**Goal 6:** Allow for, encourage and support the development of housing units in conjunction with commercial development (e.g., housing located above commercial uses).

**<u>FINDING</u>**: The proposed CBCP amendments more clearly promote commercial residential (mixed use) development. By so doing, the proposed changes are in direct alignment with this policy.

#### (Amended)

**Goal 7:** The City of Coos Bay shall <u>enforce State provisions and codes that ensure comply with</u> 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.

**<u>FINDING</u>**: A number of proposed CBCP amendments have been included to divert local provisions that echo, or merely restate state regulations to be simplified into more direct references to those overarching regulations (state or federal). This amendment to Goal 7 of the Comprehensive Plan is one example of this.

#### 7.7 PUBLIC FACILITIES AND SERVICES

#### Strategies

PFS.2 Coos Bay shall address, where possible, the impacts that community growth will have on the city's ability to provide facilities and services when considering various discretionary land use decisions, recognizing that every land use has a public price tag as its consequence.

**<u>FINDING</u>**: None of the proposed CBCP changes is anticipated to impact Coos Bay's ability to address Public Facilities and Services Strategy 2.

#### 7.8 TRANSPORTATION

Coos Bay Transportation System Plan, Chapter 2, Goals and Policies, which are incorporated herein by reference, have been developed to guide the City's vision of transportation system needs.

**FINDING**: (See findings for Decision Criteria D, E & F)

## 7.9 URBAN GROWTH MANAGEMENT

#### Strategies

UGM.4 Coos Bay shall consider all lands within its corporate limits as available over time for urban uses, except where natural hazard and other land characteristics preclude urban type development. This policy is based on the recognition that (1) lands contain within incorporated cities are appropriately targeted toward urban development, but that (2) such development should be consistent with sound development practices.

**FINDING**: The proposed CBCP amendments have taken UGM.4 into consideration. With the exception of land where natural hazards, resources or other constraints preclude urban development, the proposed amendments anticipate development at urban levels. The proposed amendments are consistent with the Urban Growth Management Element of the Comprehensive Plan.

# 8.1 PUBLIC PARTICIPATION

## Goal

#### (Amended)

The City of Coos Bay shall maintain its citizen involvement program to ensure that the general public has an opportunity to be involved in all phases of the planning and community development process, and that the City's citizen involvement efforts remain consistent with Oregon planning law.

#### Strategies:

CI.1 Coos Bay shall continue to utilize, support, and publicize its Citizen Involvement Program and the efforts of the Committee for Citizen Involvement (CCI), which is charged with the responsibility of coordinating general public knowledge about and involvement in all phases of the ongoing planning and community development process. The city recognizes the advantages of broad-based community input to the quality and public acceptability of its planning and community development decisions.

**FINDING:** The City has acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process. The code amendments do not amend the citizen involvement program. The process for adopting these amendments complied with CI.1 because it is consistent with the citizen involvement provisions in the following particulars:

- Citizen engagement was included in all phases of the planning process and included a representative Housing Advisory Committee and work sessions open to the public and dedicated to Planning Commission and City Council feedback. Effective communication between citizens and elected and appointed officials in the project was provided through open houses, work sessions, and public hearings all open to the public at which public input is sought and heard.
- Citizens and interested parties were provided access to project data through a City webpage containing links to draft iterations, meeting notes and background materials.
- Technical information is explained in staff reports and public presentations so information necessary to reach policy decisions is available in a simplified, understandable form. A copy of all technical information is available at City Hall offices.

## 8.2 AGENCY COORDINATION

## Strategies

AC.1 Coos Bay shall give timely notification to the county, local, state and federal agencies, and special districts of periodic reviews and amendments to the city's plan or implementing measures, particularly when the city's actions may affect their responsibilities or lands under their jurisdiction. This strategy is based upon the recognition that planning should be a coordinated process.

**<u>FINDING</u>**: The proposed CBCP amendments reflect a coordinated process. Amendments and other related decisions were developed with appropriate outreach and involvement of state and local agencies, including non-profits and other interest groups.

# 8.3 LAND USE AND COMMUNITY DEVELOPMENT PLANNING

# Strategies

LU.1 The City of Coos Bay shall create a procedure for public hearings which will be contained in the Land Development Ordinance and which shall comply with the requirements of Statewide Planning Goal 1, Citizen Participation, to provide the opportunities and procedures whereby the general public may be involved in the City's on-going land-use planning process. [ORD. 319 4/2/02] [RES 83-11 5/13/83]

**<u>FINDING</u>**: Process and adoption of these CBCP amendments will proceed in alignment with City of Coos Bay procedure as dictated in the Comprehensive Plan and Land Development Code. See also – Findings for Public Participation.

LU.2 The comprehensive Plan shall be the basis for all land use and community development regulations in Coos Bay. This is based on the recognition that zoning, subdivision and sign ordinance are simply implementation tools that carry out the expressed policies and intent of the plan; such regulations are not an end in and of themselves.

LU.4 Coos Bay shall not make major revisions to this Comprehensive Plan more frequently than every two years, if at all possible. "Major revisions" are those that have widespread and immediate impact beyond the subject area under consideration. The city recognizes that wholesale approval of frequent major revisions could ruin the integrity of this Plan.

LU.5 Coos Bay may make minor changes to this Comprehensive Plan on an infrequent basis as need and justification arises. "Minor changes" are those which do not have significant impact beyond the immediate area of the property under consideration. The city recognizes that wholesale approval of frequent minor changes could ruin the integrity of this Plan. [RES 83-11 5/13/83]

**<u>FINDING</u>**: LU.4 and LU.5 outline a requirement to minimize Major revisions to the comprehensive plan, those revisions that have widespread and immediate impact beyond the subject area. There has not been a major revision to the Coos Bay Comprehensive Plan for over two years. The proposed CBCP amendments do not reflect or continue a pattern of "frequent major" revision, nor do they undermine the integrity of the CBCP.

LU.6 Coos Bay shall implement provisions of this plan and its implementing measures upon the City's adoption of the Coos Bay Comprehensive Plan and its implementing measures. This strategy is based on the recognitions that the plan and implementing measures are products of a lengthy planning process; they received due consideration, and they reflect local needs and desires.

**<u>FINDING</u>**: See Findings for Public Participation.

# 9. LAND USE AND IMPLEMENTATION PLAN

#### **Residential Areas**

#### (Amended)

<u>Objective 1 – Except as otherwise directed by State law</u>, 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.

<u>Objective 2</u> - 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.

#### (Amended)

<u>Objective 3</u> - <u>The City shall use land development regulations to address compatibility among</u> land uses and residential development and assure continued availability of permanent residential uses. The city shall protect the integrity of established land use patterns.

#### (Amended)

<u>Objective 4</u> - 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.

## **Commercial Areas**

## (Amended)

<u>Objective 1\_</u>- The City shall <u>continue to facilitate protect the integrity of established land use</u> patterns to facilitate continued and compatible development in <u>Commercial areas</u>.

#### (Amended)

<u>Objective 2</u> - It is important that the <u>commercial areas of the City</u> <u>Central Business District (CBD)</u> 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</u> and <u>Efforts toward</u> redevelopment of older, underutilized commercial areas <u>to support</u> commercial and higher density residential needs.will be encouraged.

#### (Amended)

<u>Objective 3</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. This can include, but is not necessarily limited to, stand-alone residential development and residential uses above or behind commercial uses. Residential activity should be allowed, but rigidly limited in commercial areas and will not restrict the primary commercial use.

#### **Industrial Areas**

#### (Amended)

<u>Objective 1.</u> Industrial land is intended to provide an area where more intense uses are allowed to locate. Such land use activities are those which are not generally compatible with less intense commercial and other industrial uses. Land should be set aside that is suitable for this purpose, that is, lands of sufficient size with supporting facilities readily available (streets, transportation services, and so forth). This area also provides residential locations to support industrial uses.

#### Medical Park District

#### (Amended)

<u>Objective 1</u> - The Medical Park District is intended to provide a park-like environment to accommodate the centralization of medical and medically-related facilities and services. Any new residential uses shall be associated with the medical facilities.

**FINDING**: The Land Use and Implementation Plan (LUIP) of the CBCP outlines plan designations and associated implementation objectives and rationale. These have been amended to reflect current conditions, including Oregon House Bill 2001 priorities. The proposed CBCP amendments are all carefully crafted in alignment with principles of compatibility.

#### DECISION CRITERION (B): The proposed amendment is in the public interest.

**DISCUSSION:** The proposed amendments to the CBDC enact principles of Oregon House Bill 2001. In 2019, the Oregon Legislature passed House Bill 2001, a bipartisan bill to help provide Oregonians with more housing choices, especially housing choices more people can afford. The new law lets people build certain traditional housing types that already exist in most cities, instead of being limited to a single housing type. House Bill 2001 requires updates of local rules that have limited what sorts of housing people could build. These limitations have led to increased housing choices. This is well documented, and well known to most anyone who has recently pursued housing. People need a variety of housing choices. The recently completed Coos Bay Housing Needs Assessment indicates that residents are paying more than they can afford for the housing they have and are limited to renting or buying detached single-unit homes. The composition of households is also shifting; many households today are made up of a single person living alone. Increased housing choice is needed to address residents in the full range of life phases and circumstances from young families, to retired persons or young adults.

**FINDING:** Prior to HB 2001, in 2016, the City of Coos Bay adopted a duplex ordinance which moved the City forward substantially on the matter of housing choice. This project builds on that progress and the amendments to the CBCP, in many respects, now provide crucial continuity between those code amendments and the CBCP and broader adjustments that strengthen the City's overall regulatory foundation for promoting and realizing this kind of housing choice.

Improved housing choice will create parallel benefit to the local economy, providing housing and associated stability to Coos Bay's workforce, and bringing activity into Coos Bay's downtown and other commercial centers by providing housing in closer proximity to these centers.

The proposed CBCP amendments are established in the public's interest.

DECISION CRITERIA (C): Approval of the amendment will not result in a decrease in the level-of-service for capital facilities and services identified in the Coos Bay capital

#### improvement plan(s)

**FINDING:** The proposed CBCP amendment may have an affect the level-of-service for capital facilities and services identified in the Coos Bay capital improvement plan due to amendments aimed at increasing housing units within the community. The proposed uses will be considered/included in the Coos Bay Capital Improvement Plan when it is updated. The total impact of the implementing proposed CBCP amendments cannot be fully accessed at this time, but it is not expected to result in a decrease in the level-of-service of the capital facilities and services identified in the current Coos Bay capital improvement plan(s).

DECISION CRITERIA (D): The proposed amendment is consistent with the city of Coos Bay's planned transportation system as described within the transportation system plan;

DECISION CRITERIA (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

DECISION CRITERIA (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.

Oregon Administrative Rule 660-012-0060 notes:

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

**<u>FINDING</u>**: The CBCP amendments have been developed with consideration for the provision and encouragement of a safe, convenient, and economic transportation system. A major aim of Goal 12 and the Transportation Planning Rule are to minimize the use of the automobile, vehicle miles travelled, and encourage multi-modal uses. The CBCP and implementing CBDC

amendments encourage development that puts employees near employment centers by encouraging more dense development in the downtown core, consequently reducing the need for more distant travel.

Regarding the TPR language quoted above, the amendments do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b). In regards to (c), the amendments will not significantly increase the level of development beyond that allowed currently. Therefore, the amendments are not anticipated to significantly affect any existing or future transportation facilities. Based on the above findings, the amendments are consistent with Statewide Planning Goal 12.

## DECISION CRITERIA (G): OREGON STATEWIDE PLANNING GOALS (OAR 660-015)

The proposal is consistent with the following applicable Statewide Planning Goals; Statewide Planning Goals not cited below are not applicable to this amendment.

**GOAL 1: CITIZEN INVOLVEMENT** [OAR 660-015-000(1)]. To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

**FINDING**: See Findings for Public Participation

## GOAL 2: LAND USE PLANNING [OAR 660-015-000(2)]

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

**FINDING**: See Findings for Local Land Use and Public Participation Policies

#### **GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES.** To conserve open space and protect natural and scenic resources.

**FINDING:** These CBCP amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, Statewide Planning Goal 5 does not apply.

**GOAL 6: AIR, WATER AND LAND RESOURCE QUALITY.** To maintain and improve the quality of air, water and land resources.

**<u>FINDING</u>**: Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water, and land from impacts from those discharges. The CBCP amendments do not affect the City's ability to provide for clean air, water, or land resources. In fact, one of the

main objectives of the amendments is to implement transportation strategies that will have a net benefit on air quality. Therefore, Goal 6 is satisfied.

**GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS.** To protect life and property from natural disasters and hazards.

**FINDING:** Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits development in natural hazard areas without appropriate safeguards. The CBCP amendments strengthen the City's restrictions on development in areas subject to natural disasters and hazards (slopes above 20%). Further, the amendments do nothing to increase allowance for new development that could result in a natural hazard. Accordingly, Goal 7 is satisfied.

**GOAL 8: RECREATIONAL NEEDS.** To satisfy the recreational needs of both citizens and visitors to the state.

**FINDING:** Goal 8 ensures the provision of recreational facilities to Oregon citizens, and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not negatively impact the City's provision for or access to recreation areas, facilities or recreational opportunities. Some CBCP updates enable residential developments to increase the potential for common public spaces. Accordingly, the code amendments are consistent with Goal 8.

**GOAL 9: ECONOMIC DEVELOPMENT.** To provide adequate opportunities for a variety of economic activities vital to public health, welfare and prosperity.

**<u>FINDING</u>**: Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The code amendments do not impact the supply of industrial and commercial lands. Accordingly, the amendments are consistent with Goal 9. See also Findings for Economic Development.

**GOAL 10: HOUSING.** To provide for the housing needs of citizens of the state. Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density. Goal 10 administrative rules are outlined in OAR 660-008 and 660-015-0000(10).

**FINDING:** The proposed amendments do not re-designate any land from residential to nonresidential use, and do not otherwise diminish the lands available for residential use. Rather, the amendments will increase the capacity of existing residential land. Prior to this package of code and plan updates, the City of Coos Bay had already adopted a provision to allow duplex units in all single-family zones – in the spirit of House Bill 2001. Those changes were reflected in the 2020 Housing Needs Assessment and Buildable Lands Inventory discussed further below.

The proposed changes go far to meet the Goal 10 Implementation objective of facilitating decisions on housing development proposals that are expedited when such proposals are in accordance with zoning ordinances and with provisions of comprehensive plans. It also aims to increase population densities in urban areas taking into consideration (1) key facilities, (2) the

economic, environmental, social and energy consequences of the proposed densities and (3) the optimal use of existing urban. The proposals further local influence on housing through revised zoning and land use controls consistent with Goal 10, by providing "greater certainty" in the development process. The revision further clarifies and strengthens one of the City's implementation roles in the multi-front effort to improve housing in Coos Bay and the State.

# 660-008-0010 Allocation of Buildable Land

The mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation.

**FINDING:** In the Fall of 2020 the City of Coos Bay completed a Housing Needs Assessment (HNA) which included an Inventory of Buildable Lands Inventory (BLI) distinguished by district. The Coos Bay BLI/HNA estimated Coos Bay's current and future housing needs, including whether the City has enough appropriately zoned land to accommodate housing demand over the next 20 years. It concluded that there is a total of 480 residential buildable acres (i.e needs can be physically accommodated on land within the UGB.)

The analysis concluded that 604 new units will need to be accommodated over the next 20 years. Of these, approximately 28% are projected to be single-unit homes. Duplex through four-plex units is projected to represent 11% of the total need. This category also includes any other allowable middle housing types, such as cottage housing. The greatest need identified in the HNA is in the category of lower income units (64%). This need can be addressed through manufactured homes (as noted in the HNA) or multi-unit developments.

The HNA analyzed current housing dynamics in the context of historic and projected demographic and housing trends (including renter and owner split). The HNA analysis utilized a housing needs model to account for affordability categories consistent with Goal 10: including a comparison of the distribution of the existing population by income with the distribution of available housing units by cost; a determination of vacancy rates, both overall and at varying rent ranges and cost levels; a determination of expected housing demand at varying rent ranges and cost levels; allowance for a variety of densities and types of residences.

Both analyses rely on assumptions informed by industry standards, market conditions, and projected trends. Additionally, national and local demographic trends and factors influence assumptions about current and future housing demand. Although the analysis concluded that physical capacity exists for future housing needs, it also concluded that local regulation must be improved to better facilitate the realization of this housing, and specifically to better accommodate development to meet lower-moderate income category housing needs.

The proposed amendments do not re-designate any land from residential to non-residential use, and do not otherwise diminish the lands available for residential use.

## 660-008-0015 Clear and Objective Approval Standards Required

(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed

housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:(a) Set approval standards under which a particular housing type is permitted outright;(b) Impose special conditions upon approval of a specific development proposal; or (c) Establish approval procedures.

**<u>FINDING</u>**: The proposed amendments have been developed to facilitate a clear and objective path for the development of needed housing types on buildable land. Standards or conditions are not attached in a manner that will deny the application or reduce the proposed housing density provided the proposed density is otherwise allowed in the zone.

Single unit, duplex through four-plex, multi-unit and other housing types such as cottage clusters and single-room occupancy units are addressed in the proposed amendments. These amendments establish relaxed development standards, expanded density options, addition of new criteria to support manufactured housing and incentives for affordable housing. The amendments directly facilitate the housing needs identified in the HNA.

#### OAR 660-008-0020 Specific Plan Designations Required

(1) Plan designations that allow or require residential uses shall be assigned to all buildable land. Such designations may allow nonresidential uses as well as residential uses. Such designations may be considered to be "residential plan designations" for the purposes of this division. The plan designations assigned to buildable land shall be specific so as to accommodate the varying housing types and densities identified in the local housing needs projection.

**<u>FINDING</u>**: The City of Coos Bay's buildable lands have specific plan designations. The designations accommodate the varying housing types and densities identified in the 2020 Housing Needs Analysis.

#### OAR 660-008-0045, 050,055 Housing Capacity Analysis and Production Strategy

**<u>FINDING</u>**: The City of Coos Bay completed a Housing Needs Analysis in 2020 consistent with 660-008-045. The City is also completed a Housing Pre-Production Strategy recently in preparation for completing a Housing Production Strategy soon

**OAR Chapter 660 Division 46 Middle Housing in Medium and Large Cities.** Chapter 660 Division 46 embodies the requirements set forth in **Oregon House Bill 2001.** HB 2001 requires local governments to:

1) assist local governments with the development of regulations to allow duplexes and/or middle housing, as specified in the bill, and/or

2) assist local governments with the development of plans to improve water, sewer, storm drainage and transportation services in areas where duplexes and other middle housing types would not be feasible due to service constraints.

As a "medium sized" city, Coos Bay is required to allow duplexes "on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings." Additionally, medium cities must consider ways to increase accessibility (remove barriers) to affordable middle housing, including requiring code allowances for certain housing types and provisions where they

do not exist. Cities may regulate siting and design of middle housing required to be permitted, provided that the regulations do not, individually, or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable cost or delay. The proposed amendments are designed to streamline and promote middle housing types consistent with OAR Chapter 550 Division 46.

The proposed updates go further in increasing the capacity of lands to accommodate identified housing need. ORS 197.296(6)(b), allows jurisdictions to assume up to a three percent increase in zoned capacity. The latest buildable lands inventory figure could be adjusted accordingly.

The amendments are consistent with Statewide Planning Goal 10.

**GOAL 11: PUBLIC FACILITY PLANNING.** To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Urban Facilities and Services-Refers to key facilities and to appropriate types and levels of at least the following: police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services.

**<u>FINDING</u>**: The amendments do not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 is satisfied.

**GOAL 12: TRANSPORTATION.** To provide of a safe, convenient and economic transportation system.

**FINDING**: See Findings for Local Transportation Policies.

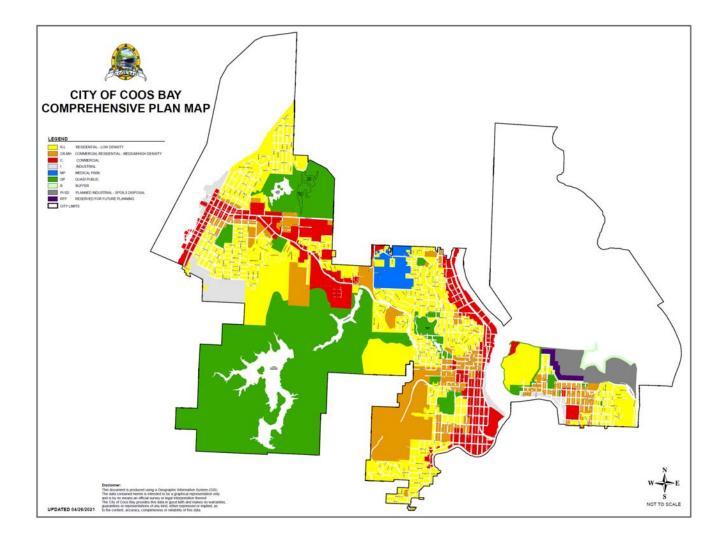
**GOAL 13: ENERGY CONSERVATION.** Requires development and use of land that maximizes the conservation of energy based on sound economic principles.

**<u>FINDING</u>**: To the extent the amendments impact energy conservation, they are consistent with Goal 13. Consideration for energy consequences was considered in amendments in the context of the following elements: lot dimension, building height, orientation, density of uses, and compatibility of and competition between competing land use activities.

**GOAL 14: URBANIZATION.** Requires provision of an orderly and efficient transition of rural lands to urban use.

**<u>FINDING</u>**: The CBCP amendments comply with GOAL 14 because they support more efficient use of land in Coos Bay reducing the potential need for conversion of rural lands to urban uses.

# ATTACHMENT B Comprehensive Plan Map



# ORDINANCE NO.

# AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COOS BAY AMENDING, AS ESTABLISHED BY ORDINANCE 503, COOS BAY DEVELOPMENT CODE (CBDC) TITLE 17, PROJECT 187-20-000050-PLNG(B).

**Section 1. Intent.** It is the City Council's intent to comply with the 2019 Oregon Legislature House Bill 2001 to help provide Oregonians with more housing choices that people can afford. Council adoption of Ordinance 540 will authorize land use regulations providing alternatives to single dwellings, with choices for housing that more people can afford.

**Section 2. Public review**. On May 4, 2021, the Planning Commission and City Council held a duly noticed public hearing on the subject amendments. The Planning Commission has recommended City Council adoption of Ordinance 540.

**Section 3. Amendments.** The amendments include additions, revisions and deletions to Chapters 17.130, Procedures; 17.150, Definitions, 17.210, Establishment of Zoning District Maps; 17.220, Low Density Residential; 17.225, Medium Density Residential, 17.312, Accessory Dwelling units, and 17.372, Adjustment Review.

**Section 4. Amendment summary.** The primary proposed amendments include changes, additions and deletions to the following CBMC Title 17 chapters:

#### Chapter 17.130 PROCEDURES

- 17.130.005 Purpose. Capitalization corrections.
- 17.130.010 Applicability. Revisions for chapter reorganization relocating to 17.130.020.
- 17.130.020 Pre-application review relocation to 17.130.035.
- 17.130.020 Application types and classification, revision of procedures to better articulate the purpose of Type 1-IV land use applications and the various types and sizes of development/land uses to be reviewed under each permit type. 17.130.020(3) (Table) Added table with summary of applications/procedure types.
- 17.130.030 General review Identification of development and/or land uses that do not require a land use permit.
- 17.130.035 Pre-application review. New location for text regarding requirements and process for pre-application review.
- 17.130.040 Application contents for all application types. Addition of language specifying land use application contents, site plan requirements and contents of specific applications. Relocated from current 17.130.050 location.
- 17.130.050 Review for technically complete status. Addition of language regarding completeness requirements and timeframes.
- 17.130.060 Distribution of notices. Addition of language regarding notification regarding pending land use permits. (Relocated from 17.130.120)
- 17.130.080 Type I procedure. Addition of Type I procedures from application intake to notice of decision, appeal and revocation process. (Relocated from 17.130.130 and 17.130.150)

- 17.130.090 Type II procedure. Addition of Type II procedures from application intake to notice of decision, appeal and revocation process. (Relocated from 17.130.130 and 17.130.150)
- 17.130.100 Type III procedure. Addition of Type III procedures from application intake to notice of decision, appeal and revocation process. (Relocated from 17.130.130 and 17.130.150)
- 17.130.110 Type IV procedure. Addition of Type IV procedures from application to notice of decision and appeal process. (Relocated from 17.130.130)
- 17.130.140 Expiration and extension of decisions. Minor revisions for clarity.
- 17.130.145 Modifications to permits. Revision to allow Director authorization of permits.
- 17.130.160 Post-decision review. Removal of post-decision review.

## Chapter 17.150.020 DEFINITIONS

#### Α.

Access easement – To include for pedestrian reference.

Accessory dwelling unit – Removal of but reference to "Dwelling, Accessory dwelling unit."

Adjustment review – Addition of definition.

Adult business – Addition of definition.

Affordable housing – Modified definition.

Apartment - Removal but reference to "Dwelling, Multi-unit".

#### В.

Bedroom – Addition of definition. Building, Nonconforming – relocation of definition. Business – Addition of definition.

#### C.

Canopy – Revision of definition.

Carport – Revision of definition.

Certified factory-built home – Reference provided to Residential trailers, mobile homes, manufactured homes, modular prefab homes, recreational vehicles and park models. Individual definitions relocated from various sections of 17.150.

Common courtyard – Addition of definition.

Concrete slab – Revision of definition.

Court – Deletion of definition.

D.

Density – Revision of definition and addition of definition for gross and net density.

District, Zoning - Removal but referral to "Zone or zoning district".

Dormitory – Removal of definition.

Drive aisles – Addition of definition.

Dwelling – Revision of definition and addition of definitions and figures for ADU, Attached, Cottage cluster, detached, duplex, manufactured home, multi-family, quadplex, single-unit, tiny-home, townhouse and triplex. Includes relocation from other sections of 17.150. Dwelling unit – Revision to definition.

# Ε.

Educational institution added with deletion of educational facility; modified to include all types of schools and pre-schools and nurseries, vocational schools, specialized schools.

F.

Family and family residential – Removal of definitions. Foot-candle – Addition of definition.

G.	General review – Addition of definition. Glare – Addition of definition. Group residential – Deletion of definition.
H. L.	Home occupation – Modification of definition Homeless shelter – Modification of definition
Ε.	Lodging house –Removal of definition. Lot and Lot area – Revision of definitions. Lot – Revision of definition. Lot building, corner, interior, flag, irregular, through lot – addition with illustrations.
M.	Relocation from other areas of 17.150.
	Marketplace retail sales – Removed. Mining and processing – Removed.
N.	Net acre <u>s</u> – Revision of definition. Night club – Removal of definition.
P.	Planned unit development (PUD) – Definition removed. Porch – Revision of definition. Preschool facility –-Relocated. Project – Addition of definition.
R.	Real Property – Addition of definition. Recreational vehicle – Relocated definition. Recreational vehicle park –New definition. Residential use – Revised definition. Row houses – Definition removed.
S.	Setback figure added. Shopping center – Definition revised. Single-room occupancy (SRO) – Addition of definition. Site plan figure added. Standard factory-built home – Definition relocated. Step-back – Figure added. Story – Definition modified. Structure – Definition modified and Structure, Primary definition added.
Т.	Substantial improvement – Revision of definition.
••	Tavern – A building where beer and/or wine is served to the public, which holds a Class A or B license from the Oregon State Liquor Control Board. Telecommunications facilities – A land use that sends and/or receives radio frequency

Telecommunications facilities – A land use that sends and/or receives radio frequency signals, including antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they all are situated.

Temporary building or structure – A building or structure not having or requiring permanent attachment to the ground or to other structures which have no required permanent attachment to the ground.

Temporary use -A short-term, seasonal, reoccurring, or intermittent use or activity involving minimal capital investment that does not result in the permanent alteration of the site or construction of new buildings; the term of the use is at the discretion of the director.

Topography – The drawing accurately on a map lines that represent particular and consistent elevation levels on the land area depicted on said drawing; also, the actual physical surface's relief characteristics.

Tourist habitation – Addition of definition to include hostels and revise hotel definition. Townhouse –- relocation of definition.

U.

Unbuildable area – removal of definition.

Use – modification of definition.

Ζ.

Zero lot line development – modification of definition. Zone or zoning district – modification of definition.

# Chapter 17.210 ESTABLISHMENT OF ZONING DISTRICTS AND MAPS

Revision to 17.210.010 table to rename LDR-8.5 to Low Density Residential and LDR-6 to Small Lot residential.

# Chapter 17.220 LOW DENSITY RESIDENTIAL DISTRICTS

- 17.220.010 Purpose. Revisions reflecting new zone names.
- 17.220.020 Land uses and permit requirements. Relocation of noticing requirements into 17.130 and into 17.130 and various revisions identifying use type in related Table 17.220.020 – Land Uses and Permit Requirements reflecting new zone names and adding references to comply with various standards throughout Title 17. New language added allowing director discretion to determine compatibility and authorization for similar uses provided they are consistent with LDR and SLR districts, adjacent land uses and state regulations
- 17.220.030 Development and lot\_standards Revisions as noted and addition of density directives and development and lot standards in Table 17.220.030. Table 17.220.030 Development and Lot Standards.

## Chapter 17.225 MEDIUM DENSITY RESIDENTIAL DISTRICT

- 17.225.010 Purpose. Minor revisions to increase density maximum from 16 dua to 25 dua and modifies vernacular.
- 17.225.015 Development diversity deleted
- 17.225.020 Location Revised to delete reference to processing.
- 17.225.030 Land uses and permit requirements. Revised to improve organization and relocation of noticing requirements into 17.130 and various revisions identifying use type in related Table 17.220.030 Land Uses and Permit Requirements. Adding references to comply with various standards throughout Title 17. New language added allowing director discretion to determine compatibility and authorization for similar uses provided they are consistent with MDR district regulations, adjacent land uses and state regulations.
- 17.225.040 Development and lot standards. Development and lot standards revisions and addition of density directives and development and lot standards in Table 17.225.040.
- 17.225.050 Requirements of single-unit attached housing and revisions vernacular from "family" to "unit" in reference to single dwellings.

- 17.225.060 Requirements of multifamily attached housing Apartments Deleted
- 17.225.070 Requirements of factory-built home parks deleted. New chapter created elsewhere in Title 17.

#### Chapter 17.312 ACCESSORY DWELLING UNITS(ADU)

- 17.312.010 Purpose. Addition of "unit" reference and allowance for duplex dwellings.
- 17.312.020 Definition Relocated to 17.150. Definitions.
- 17.312.030 Use and general restrictions. Identifying that an ADU is exempt from the land use permitting process and including option to use a certified factory built home as a secondary unit.
- 17.312.040 Development and design standards. Expansion of the potential size of the ADU from 70% to 90 % of the primary dwelling floor area for detached and attached ADUs; notation that ADU's are not subject to off-street parking requirements and new language specifying that ADUs are only subject to design standards when located on lots in a historic district or on a property that is listed on the National Register.

## Chapter 17.372 ADJUSTMENT REVIEW

(new chapter to support revised Comprehensive Plan policies specified in Ordinance 539.)

- 17.372.005 Purpose to facilitate creative and innovative development and subdivision strategies while accommodating Comprehensive Plan intent. An alternative to a variance with less processing time for streamlining the land use process.
- 17.372.010 Pre-application review requirements
- 17.372.015 Application contents
- 17.372.020 Review process, contingent upon scope and size, may be considered by either Director or Planning Commission.
- 17.372.025 Expiration and extension
- 17.372.030 General Provisions and standards for the review
- 17.372.040 Approval criteria that must be met for projects to move forward.
- 17.372.050 Modification of Adjustment Review, requirements and standards.

**Section 5. Public Notice and compliance with OAR 660-019-0020.** Notification of the subject amendments and public hearings was provided as follows:

Department of Land Use, Conservation and Development March 29, 2021 on-line posting of the May 4, 2021 Planning Commission/City Council public hearing notice and all related proposed amendments.

Friday Update. On Friday, April 23, 2021, the subject amendments were noted in the City of Coos Bay Friday Update, the City's on-line publication of events/notifications of City business.

The World newspaper legal ad. On April 23, 2021, a public hearing notice of this May 4, 2021 public hearing was included in The World newspaper legal ads (Attachment A).

Community Development Department web page posting. April 27, 2021, this ordinance was posted at <u>www.coosbay.org/departments/community-development-department.</u>

Public hearing notice posting. On Friday, April 23, 2021, consistent with the City Charter, a public hearing notice of this ordinance identifying the May 4, 2021 joint Planning Commission/City Council public hearing time and place was posted in conspicuous place where it could be seen at the Coos Bay City Hall at 500 Central Ave.

**Section 6.** Authorization and Findings. The Council hereby authorizes approval of this Ordinance Coos Bay Development Code text (Exhibit 1) and map (Exhibit 2) amendments based on the Findings of Fact found on Exhibit 3.

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

**Section 8.** Adoption. The foregoing ordinance was enacted by the Coos Bay City Council this 4<sup>th</sup> day of May 2021 by the following vote:

Yes: No: Absent:

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

ATTEST:

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

#### ATTACHMENT A Affidavit of Publication

#### AFFIDAVIT OF PUBLICATION



Country Media Inc - Coos County 350 Commercial Ave. Coos Bay, CR 97420 P.O. Box 1840, Coos Bay, OR 97420 STATE OF OREGON - COUNTY OF COOS

City of Coos Bay 500 Central Ave., Coos Bay, OR 97420

#### REFERENCE: 39789/ 314445

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

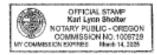
PUBLISHED; April 23, 2021

#### TOTAL COST: \$144.69

Legal Clerk, Dawn Smith, Subscribed and sworn before an this 🗻 eduppe

aa Nonry Public of Oregon-My Commission ornines

March 14 2025



City of Coos Bay Public Herring Notice On Tuesday, May 4, 2021 at 7 PN, with Social distancing, required making and limited physical attertitions, the City Council and Planning Commission will hold a public hearing at 500 Central Ave to consider two ordinances amending the City's ordinances emergining the Ligval Competencesive Plan and Devel-opment Code to facilitate House Bill 2001 housing development mandato and etereminitating of the land use review process. The meeting will be two streamed on their in www.footback.com/dram-nels/CI w/22/ENVX40/WWa.00-back.com/dramk2g./The City Council will take action dry amendments to Cons-Bay's Comprehensive Plan, chap-lens 5, 8, 7, 8 and 9 and amond-ments to Case, Bay, Musicipal Code Title 17 chapters 17, 150 Procedure: 17, 150 Detrificione, 17,210 Establishment & Zoning districts: 17.220 LDR Zoning district; 17.225 MDR Zoning Disstot. 17 312 Accession Dwelling Units and 17 335,128 Multi-unit Dwelling Standards, 17 230 Commercial Zoning district Commercial coning dialoct, 17.235 Industrial, Commercial Zoning dialoct, 17.240 Venterbort, Hertoge Zoning dialoct, 17.256 Urban Public Zoning dialoct, 17.260 Vector Pers Zoning dialoct, 17.202 Menufactured Home, RV and Park Model Parks; 17.335.040 Lighting, 17.335.090 17.335.040 Lighting, 17.335.040 Landsotping: 17.335.110, Zero-krt live development; 17.335.140 Affordable Hosterg Incentives; 17.340 Verlandse, 17.349 Cultural Resources; 17.347 Conditional Use Per-mits; 17.347, Parimed Unit De-velopment; 17.347, Parimed Unit De-velopment; 17.347, Subdivisions; 17.370 Single Room Occupancy and 17.357, 24.0Jub/mith Terview; The proposed internet minist can The proposed amendments can be found at <u>http://cocidbas.org/</u> departments/- community-devalent-department under "Long-Range Penning: A Council And report for the public hooing will be possed (AV27/2021 ) at http:// coestars.org/archive/20010as mitulias. Commercial Contact Carolyn Johnson, Community Development Administrator al 541-280-8924 of at tiphnson@ constanting Development Depart-ment, City Hall, 600 Central Ave, Coos Bay. Published: April 23, 2021 The World & ONFA (ID: 374445)

# Exhibit 1 Text Amendments

# Chapter 17.130

#### PROCEDURES

Sections:

- 17.130.005 Purpose.
- 17.130.010 Applicability.
- 17.130.020 Pre-application review.
- 17.130.0320 Application types and classification.
- 17.130.030 General review.
- 17.130.035 Pre-application review.
- 17.130.040 Application contents.
- 17.130.050 Review for technically complete status.
- 17.130.060 Reserved. Distribution of notices.
- 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.Reserved.
- 17.130.130 Appeal.<u>Reserved.</u>
- 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 <u>dD</u>evelopment <u>eC</u>ode (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 <u>eC</u>omprehensive <u>pP</u>Ian (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 <u>as</u> required in this chapter. for the following:

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

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

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

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

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

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

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

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

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

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

#### 17.130.020 Pre-application review

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

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

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

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

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

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

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

(4) Scheduling, Notice and Attendees.

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

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

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

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

(a) Summarize the proposed application(s);

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

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

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

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

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

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

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

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

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

# 17.130.0320 Application types and classification.

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

(2) Concurrent Application. If the applicant requests more than one type of review for a given development, an applicant shall <u>may</u> 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) <u>Summary of Application</u> Procedure Types and Processes. <u>Application review of development proposals shall follow one of four types of procedures based on performance standards or application type</u>. There are four types of land use review procedures. This chapter or the chapter that authorizes an application generally identifies the type of procedure that applies to the application. Procedures for specific land use applications are identified in CBDC Table 17.130.020(3) Summary of Applications and Procedures. Procedures based on performance standards are listed in CBDC 17.130.030(4). If the appropriate procedure is not clearly defined, the director shall decide which of the four procedures will apply with the following considerations: based on the standards below for each type of procedure. At the discretion of the director, the land use process may be elevated from a Type I to a Type II, and a Type II to a Type III based on the proposed development and reasonable compatibility with the surrounding properties.

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

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

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

(iii) Installation or replacement of underground utilities.

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

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

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

about nontechnical issues and about which there may be a limited public interest. Type II reviews include:

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

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

(A) Four thousand square feet of floor area.

(B) Twenty new parking spaces.

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

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

(iii) Property line adjustments and partitions.

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

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

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

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

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

(C) Residential proposals with more than 10 units.

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

(iii) Subdivisions.

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

# Table 17.130.020(3) – Summary of Applications and Procedures

<u>D = Director, HO = Hearings Officer, Flood Administrator = FA, DAT = Design Assistance Team,</u> <u>PC = Planning Commission, CC = City Council, LUBA = Land Use Board of Appeals</u>

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(4) Procedure types based on development performance standards.

(a) Type I reviews include:

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

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

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

(C) Residential proposal, including subdivisions and certified factory-built home parks, on up to two acres.

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

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

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

(iv) A property line adjustment and/or lot consolidation consistent with CBDC 17.363.020.

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

(vi) <u>Temporary Use Permit for a temporary use of sixty days or less consistent with</u> <u>CBDC 17.337.</u>

(vii) Flood Development Permit or Variance to Flood Development Permit consistent with CBDC 17.318.

(viii) Home Occupation Permit consistent with CBDC 17.320.010(2).

(b) Type II reviews include:

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

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

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

(C) Residential proposals, including subdivisions and certified factory-built home parks, on two to four acres.

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

(ii) Vacation rentals as defined in CBDC 17.150.

(iii) Single room occupancies identified in CBDC 17.370.

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

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

(vi) Adjustment review, as specified in CBDC 17.372.030(1)(A) for development noted in CBDC 17.130.020(4)(b)(i), (ii), (iii) and (v).

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

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

(ix) Architectural Review associated with projects of scope and size noted in CBDC 17.130.020(4)(b)(i), (ii) and (vi).

(x) Conditional Use Permit modification consistent with CBDC 17.347.

(xi) <u>Temporary Use Permit for a temporary use of more than sixty days consistent with</u> <u>CBDC 17.337.</u>

(xii) Home Occupation Permit consistent with CBDC 17.320.010(2)

(xiii) Partitions consistent with CBDC 17.359.

(c) Type III reviews include:

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

(ii) Residential proposals, including subdivisions and certified factory-built home parks, on four or more acres.

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

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

(v) Adjustment Review as specified in CBDC 17.372.030(1)(B) for development noted in CBDC 17.130.020(4)(c)(i), (ii), (iii) and (iv).

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

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

(viii) Architectural Review associated with projects of scope and size noted in CBDC 17.130.020(4)(c)(i), (ii), (iii) and (iv).

(d) Type IV reviews include reviews by the Planning Commission, who makes a recommendation to city council. City council makes the final decision and on a legislative proposal, the city council makes a final decision through the enactment of an ordinance. Type IV reviews include but are not limited to creation of and/or amendments to City land use policies and regulations such as but not limited to:

(i) Zoning code amendment.

(ii) Comprehensive Plan map and text amendments, including the Estuary Plan and City Transportation Plan.

(iii) Title 17, Development Code map and text amendments,

(iv) Urban Growth Boundary changes,

(v) Annexations.

(4<u>5</u>) 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.

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

(6<u>7</u>) Highest Review Level. If a review is subject to multiple permits <u>submitted concurrently</u>, the highest level of review for any one of the permits shall be required for all permits. [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

## 17.130.030 General review.

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The development and land uses noted in CBDC Table 17.130.030 only require a general review and do not require a land use application if the development and/or land use is allowed in the zoning district where proposed. Proposals are subject to applicable standards and conditions of the Development Code and other provisions of the applicable Municipal Code requirements and State law.

	Table - 11:150:050 General Review				
(a) <u>Operation, maintenance, and repair of existing transportation facilities identified</u> transportation system plan					
(b) Dedication of right-of-way, authorization of construction, and the con transportation facilities and improvements, where the improvements a		Dedication of right-of-way, authorization of construction, and the construction of transportation facilities and improvements, where the improvements are planned improvements identified in the transportation system plan or are otherwise consistent with clear and objective dimensional standards			
	<u>(c)</u>	Changes in transit services			

# Table – 17.130.030 General Review

	<u>Table – 17.130.030 General Review</u>				
<u>(d)</u>	Modification to the interior of an existing structure that does not change the use or the				
	intensity of a use				
<u>(e)</u>	Physical expansion of existing structure by ten percent (10%) or less, occurring in a single				
	expansion over a two-year time period				
<u>(f)</u>	Regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings,				
	etc.), parking resurfacing and similar maintenance and repair				
<u>(g)</u>	Fences adhering to standards required in CBDC 17.335.020 and CBMC chapter 8.10.				
<u>(h)</u>	Change in occupancy from one allowed land use to another allowed land use if a permitted				
	use in the zoning district				
<u>(i)</u>	Single-unit dwelling (including certified factory-built home on its own lot)				
<u>(i)</u>	Duplex on a single lot				
<u>(k)</u>	Accessory structures that do not require a building permit				
<u>(I)</u>	Accessory dwelling units not subject to CBDC 17.312.040(2)				
<u>(m)</u>	Public improvements required by city standards or as stipulated by a condition of land use				
	approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar				
	improvements), except where a condition of approval requires a land use review				
<u>(n)</u>	(n) Land use compatibility statement, zone verification letters or similar information				
<u>(o)</u>	Signs consistent with CBDC 17.333				
(p) Traffic Impact Analysis subject to CBMC Title 18					

## 17.130.035 Pre-application review.

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

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

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

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

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

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

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

(4) Scheduling, Notice and Attendees.

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

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

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

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

(a) Summarize the proposed application(s);

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

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

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

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

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

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

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

(6) Time Limit. The written summary of a pre-application conference is valid for up to one year from the date of the meeting summary provided by the city. If more than one year has elapsed between the date of the last pre-application conference and the date an application is submitted, a new pre-application conference shall be required for future development subject to CBDC

<u>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].</u>

## 17.130.040 Application contents for all application types.

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

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

	Table 17.130.040(1) – Minimum Requirements for All Applications			
<u>(a)</u>	Required nonrefundable application fee. Applications subject to a pre-application conference may apply the nonrefundable pre-application conference fee to a Type III or IV application.			
<u>(b)</u>	A completed city land use application form.			
(c) <u>A copy of the pre-application conference summary, if the application was subject to pre-application review, which shall include all information required by the director to address issues, comments, and concerns in the summary.</u>				
(d) Most recent conveyance document (deed) showing current ownership.				
<u>(e)</u>	Written authorization to file the application signed by the owner of the property that is the subject of the application if the applicant is not the same as the owner as listed by the Coos County assessor.			
<u>(f)</u>	A written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries, and construction schedule including project phasing, if known.			
<u>(g)</u>	A written description of how the application complies, or with conditions can comply, with each applicable CBCP, CBDC Title 17, and other city and state policies and regulations applicable to the application. Basic facts and other substantial evidence supporting the description must also be included in the application.			
<u>(h)</u>	A legal description of the site.			

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

Table 17.130.040(2) – Site Plan Requirements		
Site plan drawn to scale of no less than 11 inches by 17 inches.		
Graphic scale of the drawing and the direction of true north.		
Vicinity map showing location of subject site within the city of Coos Bay and the surrounding		
existing street system.		
Zoning and uses of subject site.		
Zoning and uses of properties adjacent to subject site.		
Property boundaries, dimensions and size of the subject site.		
A floor plan at a one-quarter- or one-eighth-inch scale.		

Table 17.130.040(2) – Site Plan Requirements		
Architectural exterior elevations, showing north, south, west and east exterior elevations at a one-		
guarter or one-eighth-inch scale.		
Location, scaled dimensions of structures, setbacks between buildings and property lines, parking		
areas, drive aisles, walkways and height of proposed structures.		
Location and scaled dimensions of on-site and off-site parking areas, including required parking		
landscaping islands; pedestrian cross-aisles; and indicate whether proposed parking is standard,		
compact, or handicapped-accessible and parking lot lighting.		
Calculations indicating:		
• <u>Total site area,</u>		
The total square footage of existing and proposed structures including percentage of total		
site area,		
• The total square footage amount of existing and proposed pervious area and landscaping		
area, including percentage of total site area,		
The total area dedicated to parking including percentage of total site area, and		
<u>The total area dedicated to parking, including percentage of total site area, and</u>		
• The required and proposed number of parking spaces, including the number of standard		
parking spaces, compact parking spaces and handicapped-accessible parking spaces.		
Location of on-site driveways and access points within 100 feet of the subject site.		
Location, centerline, and dimensions of existing public rights-of-way, private streets and		
easements on site and within 100 feet of the site.		
Location of all public and private easements on the site.		
Location of existing fire hydrants. Detailed landscaping plan consistent with CBDC 17.335.060 indicating specific code standards		
that will be met in each location.		
Location of exterior lighting consistent with CBDC 17.335.040 indicating specific code standards		
that will be met.		
Location of existing aboveground and underground electrical, telephone or utility equipment and		
traffic control poles.		
Location, centerline, and dimensions of proposed dedications, and identification of proposed		
frontage improvements, including roadway improvements, curb and gutter installation, landscaped		
planter strip installation and public sidewalk installation.		
Approximate on-site slopes and grades.		
Proposed project-phasing boundaries.		
Demonstration of compliance with applicable state and federal guidelines, including, but not limited		
to, adequate sizing, the provision of handicapped access ramps and appropriate labeling and		
signing		
Location of significant trees and other natural resources on site.		
Location and dimensions of all on-site pedestrian connections.		
The location and dimensions of loading and service areas, recreational or open space features		
aboveground and underground utilities, and the size and location of solid waste and recyclable		
storage areas.		
Any additional information including but not limited to CBDC Table 17 130 040(3) Addition		

(3) Any additional information including but not limited to CBDC Table 17.130.040(3) Additional Contents required by the director to demonstrate the proposed development and/or land use complies, or can be conditioned to comply, with each applicable CBCP, CBDC Title 17, and other city and state policies, regulations, and approval criteria applicable to the application.

## Table 17.130.040(3) – Additional Contents

<u>A survey prepared by a registered land surveyor or an existing conditions plan prepared by a registered land surveyor, licensed architect, landscape architect or civil engineer.</u> Preliminary grading, erosion control, and drainage plans.

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

Traffic impact analysis if applicable. Note, a traffic impact analysis is required for proposals to create 20 or more residential units (e.g., single-unit residential lots, multi-unit dwellings, certified factory-built home parks), 20,000 square feet or more of commercial/industrial space, or similar land use as determined by the director. The TIA shall be consistent with CBMC 18.40.010 and 18.40.020 and state of Oregon requirements.

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

Table 17.130.040(4) – Additional Applications and Code Sections				
Permit/Review	Code Section			
Adjustment Review	17.372 Adjustment Review			
Annexation	17.345 Annexation			
Conditional Use Permit	17.347 Conditional Uses			
Partitions	17.359 Partitions			
Comprehensive Plan Amendments	17.360 Plan Amendments and Zone Changes			
Replats and Property Line Adjustments	17.363 Replats and Property Line Adjustments			
Sign Permit	17.333 Signs			
Subdivisions	17.367 Subdivisions			
Temporary Use Permit	17.337 Temporary Use Permits			
Zoning Amendments	17.360 Plan Amendments and Zone Changes			

## 17.130.050 Review for technically complete status.

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

(2) Technically complete status. An applicant for development and/or land use review shall submit the requisite nonrefundable fee, three paper copies formatted to an 8.5-inch by 11-inch sized page (all plans must be folded to a size equal or less than 11" x 17") and one electronic copy of the information required by CBDC 17.130.040 except as otherwise provided therein. Additional copies may be required, depending upon who the review authority is for the application type. [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

(2) Standards for Technical Completeness for a Type II Application. An application is technically complete if it includes the information required by the CBDC section(s) that apply to the application in question. If the CBDC does not list the information a given application is required

to contain, then such an application is technically complete if it includes three hard copies and one electronic copy of the following information:

(a) Required nonrefundable application fee;

(b) A copy of the pre-application conference summary, if the application was subject to preapplication review, which shall include all information required by the director to address issues, comments and concerns in the summary;

(c) A written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries and construction schedule including project phasing, if known;

(d) A written description of how the application complies, or with conditions can comply, with each applicable CBCP, CBDC, and other city policy and regulation approval criterion applicable to the application. Basic facts and other substantial evidence supporting the description must also be included in the application;

(e) Applications necessarily associated with the proposal, such as applications for variances as specified in Chapter 17.372 CBDC; or for modifications to the road standards that are required to approve the proposal;

(f) If required by the director, a traffic impact analysis consistent with CBMC 18.40.010 and 18.40.020 and state of Oregon requirements;

(g) A legal description of the site;

(h) Three copies of a preliminary site plan at a scale of no more than one inch equals 200 feet of a size no smaller than 11 inches by 17 inches with:

(i) North arrow, date, and graphic scale identifying the subject site,

(ii) Total site area,

(iii) Location of on-site driveways and access points within 100 feet of the subject site,

(iv) Locations and lot coverage dimensions of the proposed building and proposed building setbacks,

(v) Existing and proposed lots, tracts, easements, rights-of-way and structures on the site,

(vi) Existing lots, tracts, easements, rights-of-way and structures abutting the site,

(vii) Legend indicating:

(A) Total site area,

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

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

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

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

(i) A floor plan at a one-quarter- or one-eighth-inch scale;

(j) Elevations of all sides of the proposed structure at a one-quarter- or one-eighth-inch scale;

(k) Existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide three copies of the plan of a size no smaller than 11 inches by 17 inches;

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

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

(n) A landscaping plan meeting the standards of CBDC 17.335.060, Landscaping;

(o) A lighting plan meeting the standards of CBDC 17.335.040, Lighting.

(3) Standards for Technical Completeness for a Type III application. An application is technically complete if it includes the information required by the CBDC section(s) that apply to the application in question and three hard copies (24 inches by 36 inches) and one electronic copy of:

(a) A completed city land use application form;

(b) Required nonrefundable application fee;

(c) Most recent conveyance document (deed) showing current ownership;

(d) The name, email address, mailing address, and telephone number of the owner(s) and official contact regarding the application;

(e) Written authorization to file the application signed by the owner of the property that is the subject of the application, if the applicant is not the same as the owner as listed by the Coos County assessor;

(f) Copy of pre-application conference report and any other items requested in the preapplication conference report, if completed;

(g) Written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries and construction schedule, including project phasing, if known;

(h) A written description of how the application complies, or with conditions can comply, with each applicable CBCP, CBDC Title 17, and other city policy and regulation approval criterion applicable to the application. Basic facts and other substantial evidence supporting the description must also be included in the application;

(i) Applications necessarily associated with the proposal, such as applications for variances as specified in Chapter 17.372 CBDC; or for modifications to the road standards that are required to approve the proposal;

(j) A legal description of the site;

(k) A floor plan at a one-quarter- or one-eighth-inch scale;

(I) Architectural elevations, showing north, south, west and east elevations at a one-quarter or one-eighth-inch scale;

(m) A project site plan identifying existing conditions drawn to a minimum scale of one inch equals 200 feet with the following information:

(i) Vicinity map showing location of subject site within the city of Coos Bay and the surrounding existing street system;

(ii) Existing and proposed property boundaries, dimensions and size of the subject site;

(iii) Graphic scale of the drawing and the direction of true north;

(iv) Zoning and uses of subject site and of properties within 100 feet of the subject site;

(v) Current structural or landscaped setbacks;

(vi) Location of on-site driveways and access points within 100 feet of the subject site;

(vii) Location of existing on-site structures and the approximate location of existing structures within 100 feet of the site;

(viii) Location, dimensions, setbacks of buildings to property lines and height of proposed buildings;

(ix) Location of existing aboveground electrical, telephone or utility poles and traffic control poles;

(x) Location of existing fire hydrants;

(xi) Location of structures within 100 feet of the site;

(xii) Location, centerline and dimensions of existing public rights-of-way and easements on site and within 100 feet of the site;

(xiii) Location, centerline and dimensions of existing private streets on site and within 100 feet of the site;

(xiv) Approximate on-site slopes and grades within 100 feet of the site;

(xv) Location of building accesses;

(xvi) Proposed project-phasing boundaries, if applicable;

(xvii) Location of proposed access points including vehicular driveways and designated pedestrian access points, including the proposed depth of the vehicular driveway throats;

(xviii) Location and dimensions of proposed on-site parking areas, including required parking landscaping islands and indicating whether proposed parking is standard, compact or handicapped-accessible;

(xix) Demonstrate compliance with applicable state and federal guidelines, including, but not limited to, adequate sizing, the provision of handicapped access ramps and appropriate labeling and signing. On-site cross-aisles and circulation areas shall be indicated including their dimensions;

(xx) Location and dimensions of proposed on site pedestrian connections between the public street and buildings, between on-site buildings, between on-site buildings and on-site or off-site parking areas;

(xxi) Location and size of off-site parking areas, if applicable, including details on the number and type of off-site parking spaces and existing or proposed cross-aisles and circulation areas including dimensions;

(xxii) Location, centerline and dimensions of proposed on-site public or private streets and public and private easements;

(xxiii) Location, centerline and dimensions of proposed dedications, and identification of proposed frontage improvements, including roadway improvements, curb and gutter installation, landscaped planter strip installation and public sidewalk installation;

(xxiv) The location and dimensions of loading and service areas, recreational or open space features, aboveground utilities, existing structures to be retained on the site and their distance from the property line, proposed structures (including signs, fences, etc.) and their distance from property lines and the size and location of solid waste and recyclable storage areas;

(xxv) Specialized site treatments, including but not limited to pedestrian plazas, heavyduty paving, concrete score patterns, bicycle parking and outdoor seating areas;

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

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

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

(p) Legend indicating:

(i) Total site area,

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

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

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

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

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

(r) Landscape plan consistent with CBDC 17.335.060 indicating:

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

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

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

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

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

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

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

(4) Excluded Information and Application Fees. The director may accept as technically complete an application without information listed as being required if such information is not necessary to make a finding required by the law consistent with CBCP, CBDC Title 17, and other city and state policies, regulations, and approval criteria applicable to the application. However, no application shall be accepted for review without required nonrefundable application fees.

(5) Missing Information. If the director determines an <u>Type I, II or III</u> application is not technically complete, within 30 calendar days after the city receives the application the director shall send the applicant a written statement rejecting the application. Incompleteness shall be based solely on failure to pay required fees, failure to address the relevant criteria or development

regulations, or failure to supply information to assure the decision maker and public understanding of the application. The statement shall:

(a) List what is required to make the application technically complete;

(b) Specify a date by which the required missing information must be provided;

(c) State that the applicant can apply to extend the deadline for filing the required information, and explain how to do so; and

(d) Include recommendations for additional information that, although not necessary to make the application technically complete, are recommended to address other issues that are or may be relevant to the review.

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

(a) Provide a letter rejecting the application for lack of completeness and stating the reasons for the return; or

(b) Issue a decision denying the application based on a lack of information.

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

(a) All the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(8) Pursuant to ORS 227.178, the city will reach a final decision that approves, approves with conditions, or denies the application. The city will reach its decision within 120 calendar days from the date that the application was determined to be complete or deemed complete (unless the applicant agrees to extend the 120-calendar-day timeline or unless state law provides otherwise); including time for any possible appeal up to an appeal by the Land Use Board of Appeals (LUBA). However, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city. Any exceptions to this rule shall conform to the provisions of ORS 227.178. The 120-day rule does not apply to Type IV legislative decisions including Title 17, Development Code map and text amendments; Comprehensive Plan map and text amendments, including the Estuary Plan and City Transportation Plan; Urban Growth Boundary changes; and annexations.

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

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

(11) Amendments to an application submitted more than 14 calendar days after the application is deemed complete may be determined by the director to be so substantial that the application shall be treated as having been refiled. In such a case, the director shall provide the applicant with the following options: provide the city with a waiver of the 120-day time frame set forth in

ORS 227.178 of a minimum of 14 calendar days from the date the amendment was submitted; treat the application as having been refiled as of the date the amendment was submitted; or decide the application on the basis of the applicant's materials without the amendment.

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

## 17.130.060 Reserved. Distribution of notices.

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

The city shall provide all required notices subject to Type I, II, III, or IV review to:

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

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

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

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

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

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

## 17.130.070 Approval criteria.

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

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

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

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

## 17.130.075 Approval compliance and occupancy.

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

(2) Compliance with all conditions of approval for development and/or land use authorized for a property shall be met prior to occupancy. If authorized by the director, conditions specific to

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

# 17.130.080 Type I procedure.

(1) Application contents as noted in CBDC 17.130.040. Refer to CBDC 17.130.070 for approval criteria.

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

(4<u>3</u>) Decision. Within 30 calendar days after the date an application subject to a Type I process is accepted as technically complete, the director shall issue a notice of decision that the application is approved, approved with conditions, or denied; provided, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city. The notice of decision shall include a brief summary of the relevant facts and applicable standards for the application and of how the application complies with those standards based on the facts and evidence, including any conditions of approval. The city shall provide an electronic copy and hard copy of the decision to the applicant and applicant's representative(s).

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

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

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

(B) The appeal closing date;

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

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

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

(ii) Distribution of Notices. Refer to CBDC 17.130.060.

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

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

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

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

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

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

(iii) The name of the applicant;

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

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

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

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

(i) Prejudice to the parties.

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

(iii) Surprise to opposing parties.

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

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

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

(f) Appeal Authority Decision.

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

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

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

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

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

(5) Revocation of Type I permits.

(a) Revocation of Type I permits may be initiated by the director with a 60-day notification to a property owner and his/her representative that the permit requirements are not being satisfied.

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

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

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

(c) Revocation of Type I permits are subject to CBDC 17.130.080(4).

## 17.130.090 Type II procedure.

(1) Application contents as noted in CBDC 17.130.040. Refer to CBDC 17.130.070 for approval criteria.

(4<u>2</u>) Notice of Application. Twenty days prior to a <u>Type II review the director's decision</u>, the city shall mail <u>provide</u> a written notice of the application as specified in CBDC 17.130.120(1) and (4) to property owners within 150 feet of the application site.

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

<u>(i) The file number;</u>

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

(iii) The legal description of the site;

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

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

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

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

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

(ix) A statement outlining the appeals process.

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

### (c) Distribution of Notices. Refer to CBDC 17.130.060.

(3) Decision.

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

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

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

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

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

(B) The appeal closing date:

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

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

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

(ii) Distribution of Notices. Refer to CBDC 17.130.060.

(d) Effective Date of Decision. Unless a condition of approval specifies otherwise or the decision is appealed pursuant to subsection CBDC 17.130.090(4), a Type II decision becomes effective upon the date the City mails the Notice of Decision.

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

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

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

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

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

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

(iii) The name of the applicant;

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

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

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

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

(i) Prejudice to the parties.

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

(iii) Surprise to opposing parties.

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

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

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

(f) Review Body Decision.

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

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

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

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

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

(5) Revocation of Type II permits.

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

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

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

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

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

## 17.130.100 Type III procedure.

(1) Application contents as noted in CBDC 17.130.040. Refer to CBDC 17.130.070 for approval criteria.

(2) Notice of Application. Twenty days prior to the director's decision, the city shall mail a written notice of the application to property owners within 300 feet of the application site.

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

(i) The file number;

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

(iii) The legal description of the site;

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

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

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

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

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

(ix) A statement outlining the appeals process.

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

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

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

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

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

(c) Distribution of Notices. Refer to CBDC 17.130.060.

(4<u>3</u>) <u>Public</u> Hearing. An application subject to a Type III process will be considered at one or more public hearings before the city's planning commission or a hearings officer.

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

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

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

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

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

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

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

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

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

(vi<u>F</u>) States that if any member of the decision-making authority has visited the site, they shall describe generally what was observed.

(viiG) Summarizes the procedure of the hearing.

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

(e<u>iii</u>) After the presentation of the staff report, the chair shall call for the applicant's testimony, opposition testimony and neutral testimony, in that order.

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

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

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

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

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

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

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

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

(B) The appeal closing date;

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

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

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

(ii) Distribution of Notices. Refer to CBDC 17.130.060.

(b) Effective Date of a Decision. A decision becomes final fifteen calendar days from the receipt of the Planning Commission final order.

(7<u>5</u>) Appeal <u>of a Type III Decision.</u> and Post-Decision Review. The notice of decision shall state the date by which the appeal must be filed pursuant to CBDC 17.130.130 or state that the

applicant may apply for post-decision changes pursuant to CBDC 17.130.160. [Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

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

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

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

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

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

(iii) The name of the applicant;

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

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

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

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

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

(f) Review on the Record.

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

(A) A factual report prepared by the director.

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

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

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

(g) Review Body Decision.

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

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

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

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

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

(6) Revocation of Type III permits.

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

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

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

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

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

## 17.130.110 Type IV procedure.

(1) Application contents as noted in CBDC 17.130.040. Refer to CBDC 17.130.070 for approval criteria.

(2) Notice of Application. Twenty days prior to the director's decision, the city shall mail a written notice of the application to property owners within 300 feet of the application site.

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

(i) The file number;

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

(iii) The legal description of the site;

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

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

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

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

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

(ix) A statement outlining the appeals process.

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

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

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

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

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

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

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

(c) Distribution of Notices. Refer to CBDC 17.130.060.

(4<u>3</u>) <u>Public</u> Hearing. An application subject to a Type IV process will be considered at one or more public hearings before the planning commission and one or more public hearings before the city council. The planning commission and city council may combine their meetings into one public meeting.

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

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

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

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

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

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

(iii<u>C</u>) That, in the case of a joint planning commission/council hearing, the council may take action as noted in subsection (c)(iii) (4)(c) of this section.

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

(c<u>iii</u>) At the conclusion of its initial hearing noted in subsection (c)(i) or (ii) (4)(a) or (b) of this section, the city council may continue the hearing, take an action forwarding the application for further review consistent with the CBDC, or take an action to terminate or postpone further consideration of the application. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to

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

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

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

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

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

#### 17.130.120 Notices.

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

(a) The file number;

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

(c) The legal description of the site;

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

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

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

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

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

(i) A statement outlining the appeals process.

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

(a) The information required by subsection (1) of this section;

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

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

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

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

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

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

(b) The appeal closing date;

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

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

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

(4) Distribution of Notices by Mail.

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

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

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

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

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

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

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

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

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

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

(ii) Agencies with jurisdiction.

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

## 17.130.130 Appeal.

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

(2) Standing.

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

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

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

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

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

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

#### (4) Scope of Review.

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

(i) Prejudice to the parties.

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

(iii) Surprise to opposing parties.

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

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

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

### (5) Appeal Authority.

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

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

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

(6) Review on the Record.

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

(i) A factual report prepared by the director.

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

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

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

(7) Review Body Decision.

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

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

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

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

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

#### 17.130.140 Expiration and extension of decisions.

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

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

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

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

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

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

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

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

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

### 17.130.145 Modifications to permits.

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

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

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

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

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

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

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

After the effective date of the approval of a previously approved permit, modifications to the approved permit may be considered in accordance with the Type II application procedures

pursuant to CBDC 17.130.090. The director shall approve the request only if it complies with the following criteria:

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

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

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

### 17.130.150 Revocation of Type II and Type III permits.

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

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

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

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

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

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

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

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

### 17.130.160 Post-decision review.

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

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

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

(4) Preliminary Processes.

(a) Pre-application review is optional.

(b) An application for post-decision review is subject to technical completeness review, CBDC 17.130.050; provided, the review authority shall not require an application for postdecision 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

## 17.150.020 Definitions.

The following definitions are organized alphabetically.

## Α.

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

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

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

**Accessory building/structure** – A detached, subordinate building located on the same lot with the main building (except as provided by <u>Chapter CBDC</u> 17.314 <u>CBDC</u>) occupied by or devoted to an accessory use. If an accessory building is attached to the main building in a substantial manner as by a wall or roof, or as determined by the building official, the building shall be considered part of the main building. Examples of accessory structures include but are not limited to: buildings not attached to the main building (e.g., garages, carports, guest houses, workshops, and sheds), arbors, gazebos, and mechanical equipment.

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

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

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

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

Adjoin – The same as "abutting."

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

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

**Adult business –** A business establishment where sexual activity, services, merchandise and/or entertainment is offered.

Affordable housing – Decent, safe, quality housing that costs no more than 30 percent of a household's gross monthly income for rent/mortgage and utility payments. Residential property as defined by the U.S. Department of Housing and Urban development as an "affordable dwelling."

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

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

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

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

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

Arterial Setreet. See "Street, mMajor arterial" and "Street, mMinor arterial."

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

Β.

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

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

(a) Is a room that is a "habitable space" as defined by the current applicable building code;

(b) Meets the applicable building code requirements for natural light, ventilation, and emergency escape and rescue windows; and

(c) Is a room that is accessed by a door on an interior wall and that does not provide access to another room except for a bathroom, toilet room, closet, hall, or storage or utility space.

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

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

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

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

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

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

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

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

**Business** - An organization and/or individuals engaged in activities or efforts to produce and sell goods and services for profit.

C.

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

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

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

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

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

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

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

**Certified factory-built home**. <u>– Also called "Manufactured dwelling." A certified factory-built</u> home may include the following:

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

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

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

(d) **Modular home/prefabricated home** – A residential structure, consisting of many components, which meets the State of Oregon Building Codes and CBMC requirements constructed in a factory, transported to the building site, and then partially constructed at the site. The construction requirements are to be the same as for a site-built home.

(e) **Recreational vehicle** – A vehicle that is with or without motive power designed for use as temporary living quarters, as further specified in ORS 174.101d (or NFPA 501c or ANSI A119.2 if the vehicle is an older RV), is 8.5 feet wide or less, designed to be easily transported and set up on a daily basis, and designed to be mounted on or towed by another vehicle or travel by its own power.

(f) **Park model** – Unless otherwise defined by the State of Oregon, to be considered a park model, a recreational vehicle must:

- Have been manufactured to the ANSI A119.5 standard;
- <u>Be over 8.5 feet wide;</u>
- Be designed for use as temporary living quarters;
- Be built on a single chassis mounted on wheels;
- Have a gross trailer area of 400 square feet or less;
- Be subject to this definition and the administration of the Coos Bay Building Official.

**Certified factory-built home park**. – An individual lot or parcel under single ownership with two or more certified factory-built home sites. It shall include all buildings as part of the facilities.

(a) **Manufactured dwelling park** – **As** described in ORS 446.003(22), any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(b) **Small manufactured dwelling park** – An individual lot or parcel under single ownership with two or three certified factory-built home sites.

(c) **Recreational vehicle park** – Any parcel or tract of land under the control of any person, organization or governmental entity wherein two or more recreational vehicle sites are offered for rent or lease, including park-owned recreational vehicles.

(d) **Park model park** – Any parcel or tract of land under the control of any person, organization or governmental entity wherein two or more park model unit sites are offered for rent or lease, including park-owned park models available for rent.

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

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

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

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

**Commission** – The planning commission of the city.

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

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

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

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

**Concrete slab** – A broad, flat, somewhat thick concrete surface extending under a manufactured home\_certified factory-built home or built\_in\_place to the extent of the structure which rests upon it which meets applicable IBC building code standards.

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

**Condominium** – Subject to ORS statutes in effect at the time of authorization, the private ownership of single units in a multi<del>ple</del>-unit <del>structure</del> <u>dwelling</u> with common or single ownership of land and facilities.

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

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

(a) Light. Service and/or sales with no outside storage of material, equipment, or display. Typical uses include electrical contractors, cabinet makers, finish contractors.

(b) Heavy. Service and/or sales requiring the outside storage of building materials and equipment. Typical uses include building materials stores, tool and equipment rental or sales, excavation, septic, and demolition services.

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

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

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

#### D.

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

**Dedication** – The deliberate appropriation of land by the owner for any general and public uses, personally reserving no other rights than those rights compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate

shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing.

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

(a) In calculating the minimum density required for a specific lot or development site, the director shall round down to the previous whole number.

(b) In calculating the maximum density allowed for a specific lot or development site, the director shall round up to the next whole number.

**Example:** A 50,000-square-foot (sf) property in a MDR zone is allowed to have a minimum net density of 12 dwelling units per acre (dua) to a maximum net density of 25 dua.

50,000 sf/43,560 sf = 1.15 acres (1 acre = 43,560 sf)

<u>Minimum dwelling units allowed: 1.15 acres x 12 dua = 13.2 or 13 dwelling units (round down per (a) above)</u>

Maximum dwelling units allowed: 1.15 acres x 25 dua = 28.75 or 29 dwelling units (round up per (b) above)

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.

**Density, Gross** – The acreage of land considered part of the residential use shall include public and private streets and alleys, public parks, and other public facilities, and natural or historic resources as determined by the CBCP and CBDC.

**Density, n<u>N</u>et** – The number of dwelling units <u>per each acre of land in residential use,</u> excluding the acreage dedicated streets, neighborhood parks, sidewalks, and other public <u>facilities</u> or persons per net acre covering only the land devoted to building lots.

**Density bonus** - Additional dwelling units or "bonus" beyond the maximum density specified in a zoning district granted to a developer by the City in exchange for meeting city objectives, including, but not limited to, the inclusion of affordable housing units.

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

**District, z**<u>Z</u>oning – Any portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this title and within which certain yards and other open spaces are required, certain lot areas are established, and a combination of such aforesaid conditions are applied. <u>See "Zone or zoning district."</u>

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

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

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

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

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

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

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

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

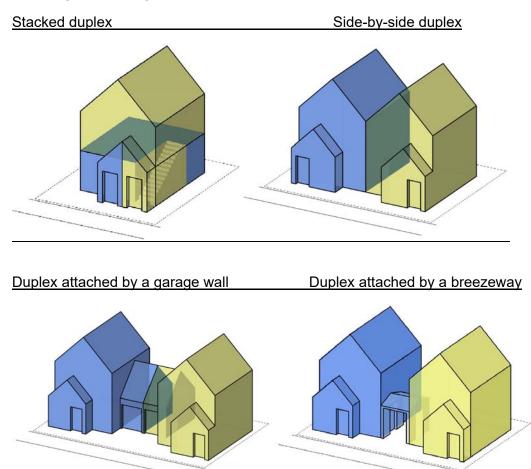
**Dwelling, Cottage cluster** – A grouping of detached dwelling units located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as "cluster housing," "cottage housing," "bungalow court," "cottage court," or "pocket neighborhood.

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

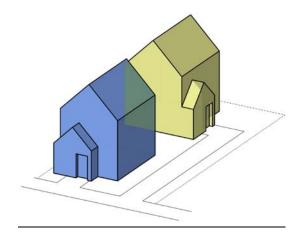
**Dwelling**, **dDuplex** – A detached building, designed for or occupied exclusively by two families living independently of each other, and shall not include a manufactured home. <u>Two</u>

dwelling units on a lot or parcel in any configuration. See some possible duplex configurations in Dwelling, Duplex figure below.

## Dwelling, Duplex figure



Detached duplex units front and back

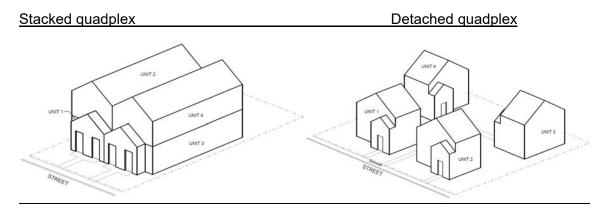


**Dwelling, Manufactured Hhome**. See definition of "Manufactured home." See "Certified factory-built home."

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

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

## Dwelling, Quadplex figure



**Dwelling**, single-familySingle-unit – A building designed or used for residence purposes by not more than one family and containing one dwelling unit only. <u>A dwelling designed for and</u> used as one dwelling unit. A single-unit dwelling may share a common wall, common roof, or common foundation with another single-unit dwelling on another lot or share a common wall, roof, or foundation with an accessory dwelling unit on the same lot. Dwelling, Tiny home - A dwelling that is 400 square feet or less in floor area excluding lofts.

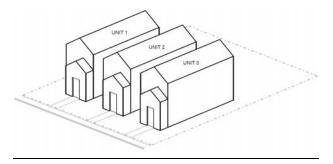
**Dwelling, Townhouse** – A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a "townhome," "rowhouse," "attached house," or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

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

## Dwelling, Triplex figure

 Attached triplex front and back
 Attached triplex side-by-side

#### Detached triplex side-by-side



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

Ε.

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

**Educational** <u>service</u> <u>institution</u> – A facility customarily associated with public, or private, charter, and/or alternative educational facilities, including the following:

(a) primary and secondary schools, (kindergarten through grade 12 or any part thereof),

(b) nursery and pre-schools (ages 0-5),

(c) preschools providing primarily instruction, supplemented by daytime care, for four or more children between the ages of two and five years, and which operate on a regular basis,

(d) vocational schools, colleges, or universities, or-

(e) dance, theater or other arts education facilities.

(f) Does not include personal instructional services listed under "Personal services, general."

**Elevated building** – For National Flood Insurance Program purposes, a no basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

F.

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

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

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

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

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

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

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

## G.

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

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

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

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

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

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

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

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

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

#### Η.

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

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

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

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

I.

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

**Industry**, **<u>hH</u>eavy** – A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

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

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

J.

K.

L.

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

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

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

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

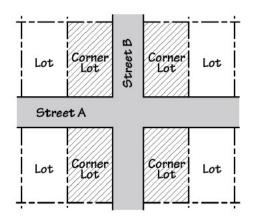
Lot – A single unit of land legally created by a partition or a subdivision or a unit of continuous land under a single ownership capable of being used under the regulations of this title, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation. "Lot" shall also means the individual leaseholds within an approved manufactured home park. any space, area or tract of land, or portion of a certified factory-built home park, that is designated or used for occupancy by one certified factory-built home.

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

**Lot, <u>bBuilding</u>** – Land occupied or to be occupied by <u>a one or more buildings</u> and <u>its their</u> accessory buildings.

**Lot,** <u>eC</u>orner – A lot abutting on two or more intersecting streets other than an alley with a boundary line bordering on each of the streets as shown on the Lot, Corner Exhibit figure below.

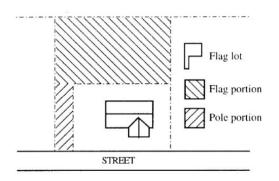
#### Lot, Corner figure



#### Lot, Corner Exhibit

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

#### Lot, Flag figure



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

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

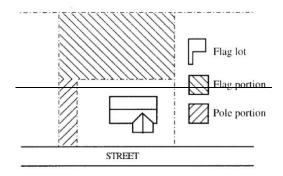
**Lot, Through** – An interior lot having a frontage on two parallel or approximately parallel streets other than alleys. Such a lot has one front yard fronting on the primary public street.

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

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

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

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

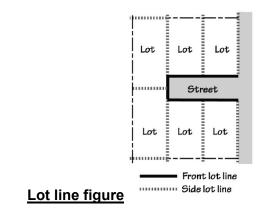


#### Lot, Flag Exhibit

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

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

**Lot line** – The property line along the edge of a lot. The Lot <u>L</u>line <u>Exhibit</u> <u>figure</u> below identifies front and side and rear property lines.



#### Lot Line Exhibit

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

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

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

Lot line, <u>sStreet side</u> – Any side lot line that abuts a public street right-of-way or public or private access easement.

**Lot of record** – A lot as shown on the records of the county assessor or county auditor at the time of the passage of this title; provided, however, this shall not include lots that may appear on the records of the county assessor which were created contrary to the provisions of laws and regulations in effect prior to the passage of this title. Any lots created after the adoption of this title shall comply with the standards contained herein.

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

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

Μ.

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

Major Rremodeling. See "Substantial improvement."

**Manufactured home** – A structure, transportable in one or more sections, as defined by ORS 446.003, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle. <u>See "Certified factory-built home."</u>

#### Manufactured dwelling park - See "Certified factory-built home park."

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

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

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

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

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

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

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

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

(b) Minimizing impacts by limiting the degree or magnitude of the development action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective measures.

(e) Compensating for the impact by replacing or providing comparable substitute resources or environments.

Mobile Hhome. See "Certified factory-built home."

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

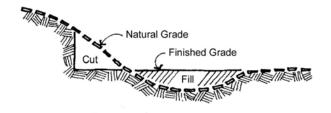
**Motor home** – A portable, temporary dwelling to be used for travel, recreational, and/or vacation use constructed as an integral part of a self-propelled vehicle.

#### Ν.

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

**Natural grade** – The elevation of the ground level in its natural and original state, before manmade alterations such as grading, filling, excavation, and construction. See the Natural  $G_{\underline{g}}$  rade  $F_{\underline{f}}$  igure below.

Natural grade figure



#### **Natural Grade Figure**

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

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

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

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

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

О.

Ρ.

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

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

Park model - See "Certified factory-built home."

**Park,** <u>**pPublic**</u> – An area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities.

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

**Parking lot or area and/or garage,**  $p\underline{P}rivate - A$  parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area.

**Parking lot or area and/or garage, <u>P</u><b>ublic** –A parking area available to the public, with or without payment of a fee.

**Parking service** – Parking services involving public garages and lots.

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

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

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

**Partition**, **I**<u>L</u>**and** – To divide land into two or three parcels of land within a 12-month period, but does not include:

(a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or

(b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance.

**Partition**, **m**<u>M</u>**ajor** – A partition which necessitates the creation of a road or street.

**Partition**, **m**<u>M</u>**inor** – A partition that does not necessitate the creation of a road or street.

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

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

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

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

**Personal services, <u>gG</u>eneral** – Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature, but excludes services classified as "spectator sports and entertainment," or "participant sports and recreation." Typical uses include photography studios, driving schools, or reducing salons, laundromats, or <u>martial arts.</u> dance instruction.

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

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

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

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

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

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

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

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

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

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

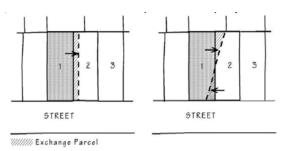
**Private parking** – Parking facilities for the noncommercial use of the occupant and guests of the occupant, which includes garages and carports meeting the dimensional requirements of off-street parking requirements of this title.

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

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

**Property line adjustment** – The relocation of a single common property line between two or more existing adjacent parcels not resulting in an increase in the number of lots pursuant to the requirements of Chapter 17.367 CBDC. See an example in the Property Lline Aadjustment  $\neq_{figure_below}$ .

## Property line adjustment figure



#### **Property Line Adjustment Figure**

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

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

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

Q.

R.

**Reader board sign** – A sign with letters and/or advertising which can be readily changed manually or electronically.

**Real Property** – Land and improvements, if any, including anything permanently affixed to the land, such as buildings, walls, fences, and paved areas.

**Recreational area** – Lands perpetually set aside and maintained for use by all residents of a development. These areas shall be improved and shall be of a specified size.

Recreational Ffacility, Low Ddensity and Hhigh Ddensity. See "Community recreation."

**Recreational space** – An area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.

Recreational vehicle – See "Certified factory-built home." A vehicle that is:

(a) Built on a single chassis;

(b) Four hundred square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towed by a light-duty truck;

(d) Designed for human occupancy; and

(e) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recreational vehicle park** – Land designed, maintained, or used for the purpose of supplying temporary accommodation for recreational vehicles.

**Refuse service** – Any place used for disposal of used material. Typical uses include sanitary landfills, dumps, or refuse disposal sites.

**Residential treatment facility** – A facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence), recovery homes, and nursing homes, rest and convalescent homes, and orphanages.

**Residential use** – Use of land or structure thereon, or portion thereof, as a dwelling <del>place for one or more families or households</del>, but not including occupancy of a transient nature, such as in hotels, motels, or timesharing condominium uses.

**Retail food establishment** – Any fixed or mobile place or facility at or in which food or beverages are offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry out restaurants and drive-in restaurants. A cafeteria is a restaurant for purposes of this title.

**Retail sales,** <u>**gGeneral**</u> – The sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified as "agricultural sales," "animal sales and service," "automotive and equipment," "business equipment sales and service," "construction sales and service," "food and beverage retail sales," and "fuel sales." Typical uses include department stores, apparel stores, furniture stores, hardware stores, or florists.

**Rooming house** – A building wherein furnished rooms without cooking facilities are rented for compensation to three or more nontransient persons not included in the family unit of the owner or tenant of the premises.

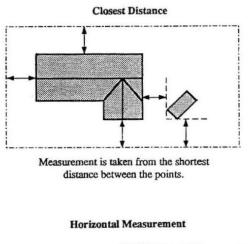
**Row houses** – A series of single-family dwelling units that are erected in a row on adjoining lots, each being separated from an adjoining unit by two separate but abutting walls along the dividing lot line.

S.

**Service station** – A building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water, other operating commodities for motor vehicles or boats, and food and beverages as an accessory to automobile related uses. The cross-section areas of service station canopy support where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements.

**Setback** – The minimum allowable horizontal distance required between a structure and a property lot line. <u>See setback figure below.</u>

## Setback figure



**Shopping center** – A group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related in its location, size and type of shops to the trade area which the unit serves. with common street frontage and shared common drives and off-street parking.

**Sidewalk** – That portion of a transition strip improved for pedestrian traffic in accordance with standards fixed by the review authority.

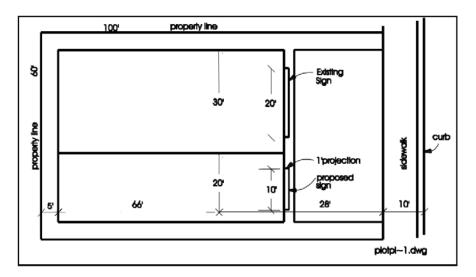
**Single-faced sign** – A sign with advertising on only one surface.

**Single-room occupancy (SRO)** – A structure providing living units with separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SROs may include boarding houses and structures commonly called SRO living units or SRO residential hotels.

**Site** – The lot(s), parcel(s) and tract(s) included in a proposed subdivision or short subdivision and contiguous lots, parcels or tracts in which the owner of the site has a greater than possessory interest.

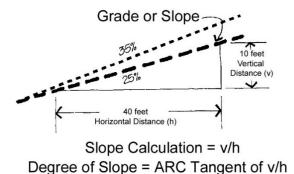
**Site plan** – A plan prepared to scale, showing accurately and with complete dimensions all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land. <u>See Site plan figure below.</u>

#### Site plan figure



**Slope** – The deviation of a surface from the horizontal, usually expressed in percent. See Slope  $\neq$  figure below.

#### **Slope figure**



#### **Slope Figure**

**Soil** – The surface layer of the earth, supporting plant life.

**Spectator sports and entertainment** – Establishments or places primarily engaged in the provision of cultural, entertainment, athletic, and other events to spectators as well as those involving social or fraternal gatherings. The following are spectator sports and entertainment use types:

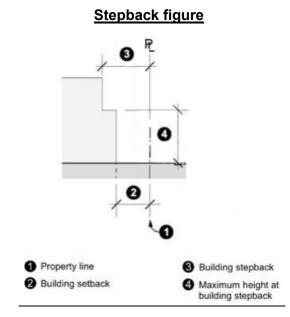
**Spectator sports and entertainment**, **Indoor**: **indoor** – Those uses conducted within an enclosed building. Typical uses include theaters or meeting halls.

**Spectator sports and entertainment**, **Outdoor**: **outdoor** – Those uses conducted outdoors. Typical uses include stadiums or drive-in theaters.

Standard factory-built home – A residential housing unit which is built at a location different from the intended site of occupancy, but which meets city building, plumbing, heating, and ventilation codes. These units shall be subject to the same regulations as conventionally built units. See "Certified factory-built home."

**Start of construction (for flood damage prevention only)** – Includes major remodeling, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a <u>manufactured certified factory-built</u> home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Stepback** – Building stepbacks are stepped or progressive recessions in a building's face as the building rises higher. Stepbacks are designed to reduce building mass to allow views around the building from above and/or from a distance, to allow more light down to the adjacent rights-of-way, and to improve the aesthetic experience of the building from adjacent rights-of-way. <u>See Stepback figure below.</u>



**Stormwater** – That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.

**Story** – That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement or unused under-floor space shall be considered as a story.

**Street** – All roads, streets, highways, freeways, easements, and public rights-of-way used for or designed for vehicular access or use, including private roads but not including private driveways.

**Street**, **<u>e</u><u>Collector</u> – A street penetrating neighborhoods, collecting traffic from local streets in the neighborhood and channeling it into the arterial system.</u>** 

**Street**, **dDead-end** – A local street with only one outlet, without possibility of extension, and a maximum length of 400 feet. A vehicle turnaround may be required.

**Street**, **i**<u>I</u>mproved</u> – A street with a paved roadway that has a structural cross-section that meets the minimum street improvement standards of the city of Coos Bay.

**Street I**<u>Line</u> – The dividing line between any street, road or other thoroughfare and the adjacent lots.

**Street**, **I**<u>L</u>**ocal** – A street which is primarily to provide direct access to abutting property and for local traffic movement.

**Street**, **m**<u>M</u>ajor arterial – All state highways and major routes leading into and through the city.

**Street,**  $\underline{mM}$ inor arterial – A street of considerable continuity which is used primarily for through traffic and travel between large areas.

**Street, oOpen** – A street which provides access for property development. An open street must be:

(a) One for which the city accepts responsibility of grading and drainage maintenance;

(b) Paved to city standards with curbs, storm drainage, etc.; or

(c) An all-weather roadway and, in most cases, graveled or strip-paved. ("All-weather" means that a standard automobile can negotiate the road without difficulty year-round.)

**Street**, **<u>pPrivate</u>** – A thoroughfare that is privately built and maintained which affords a primary means of vehicular access.

**Structural alteration** – Any material or dimensional changes in the structural elements of a building such as bearing walls, columns, beams, and roofs.

**Structure** – <u>Anything assembled or constructed A building or any piece of work joined together in</u> some definite manner, which requires location on the ground or is attached to <u>anything with a</u> <u>foundation</u> something located on the ground. Under the National Flood Insurance Program, "structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

# Structure, Primary – A structure housing the primary use of a site or functioning as the primary use.

**Subdivision**, **I**<u>L</u>**and** – Either an act of subdividing land into four or more lots or a tract of land subdivided. To divide an area into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such a year.

**Substantial improvement** – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

(c) The term does not, however, include either:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(ii) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

In any one-year period, if improvements to the structure total more than 50 percent of the value of the structure, the structure will be required to be brought up to current floodplain management standards. The one-year period will be a rolling period and start at the completion, or date of finalization, of the oldest improvement within the last 365-day period. At the end of each improvement, the structure must be deemed habitable as defined by the Oregon Building Code.

Surface water – Waters that flow over the land surface and frequently interact with groundwater.

т.

**Topography** – The drawing accurately on a map lines that represent particular and consistent elevation levels on the land area depicted on said drawing; also, the actual physical surface's relief characteristics.

**Tourist habitation** – Establishments primarily engaged in the provision of lodging services on a temporary basis (30 days or less) with incidental food, drink, and other sales and services intended for the convenience of guests. The following are tourist habitation use types:

(a) Bed and Breakfast. Lodging services involving the provision of room and/or board in an existing dwelling with no more than eight bedrooms.

(b) Bed and Breakfast House. A hotel in what was built as a single-familyunit dwelling and which offers up to six bedrooms for transient guests. This definition is for historic reference for vacation rentals authorized prior to October 15, 2020.

(c) Campground. Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

(d) Lodging. Lodging services involving the provision of room and/or board. Typical uses include hotels, motels and pay for stay arrangements in city residences (examples: Airbnb, Vrbo).

(e) Waterfront Heritage Bed and Breakfast. Lodging facilities in the WH zone in a dwelling with no more than eight bedrooms involving the provision of room and board.

(f) Waterfront Inn. Overnight lodging facilities in the WH zone with all units water-oriented. A restaurant and conference facilities may be included.

(g) Hostel. Any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed, or maintained under the sponsorship of a nonprofit organization which holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended. A property where four to 20 individuals may live for not more than 30 continuous days, exclusive of management staff who may reside on the property. If there are more than 20 persons at maximum occupancy, such a facility shall be considered a hotel or motel as defined in CBDC 17.150.

(h) Hotel/Motel. A building or portion thereof designed and used for transient lodging in a nonresidential zone, lodged with or without meals and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, and personal services, and recreational facilities.

(i) Vacation Rental. A residential structure being rented for compensation for less than 30 days without concurrent occupation by the owner/operator.

**Townhouse** – A single-family dwelling unit in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides.

**Tract** – One or more contiguous lots or parcels under the same ownership.

U.

Unbuildable area - All areas outside of building envelopes and within open space.

**Units per acre** – The number of dwelling units allowed on one acre. For example, a maximum of four units/acre would mean that no more than four dwelling units on one acre are allowed in a particular zone.

**Unstable slopes** – Those sloping areas of land which have in the past exhibited, are currently exhibiting, or will likely in the future exhibit movement of earth.

**Use** – The purpose for which that land or the premises of a building, structure, or facility thereon is or may be or structures now serve or for which it is occupied, maintained, arranged, designed or intended.

**Use, <u>cC</u>ease of** – Use shall be considered as ceased when the site and/or building is no longer used or available for occupancy by the specific use for 24 months. A building or site vacant while being continuously marketed, repaired, or otherwise similarly unavailable for use is not considered to be a cessation of use. A building or site that is occupied by a different use shall be considered as a cessation of the former use.

**Use**, **p**<u>P</u>**rincipal** – The main use of land or buildings as distinguished from a subordinate or accessory use.

**Use, s**<u>S</u>**tart of** – Use shall be considered as begun when the applicant has physically moved into the site or is in the process of physically moving into the site in preparation of beginning occupation and/or operation. Actual operation and/or business open to the public need not occur to consider a use as begun.

**Use, <u>t</u><u>m</u>porary** – A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Temporary uses do not involve the construction or alteration of any permanent structure.

**Utilities easements** – Rights-of-way that may be used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone, and television cable for the construction, operation, maintenance, alteration, and repair of their respective facilities.

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**Yard** – Open space on a lot which is unobstructed by a structure and measured between the property line and the nearest point at the outermost face of any vertical support, exterior wall line, or foundation of a building. May also be an area defined by required setbacks.

**Yard**, **f**<u>F</u>**ront** – A yard between side lot lines and measured horizontally at right angles to the front lot line to the nearest point of the building.

**Yard**, **r**<u>R</u>ear – A yard between side lot lines and measured horizontally at right angles to the rear yard line to the nearest point of the building.

**Yard,** <u>sSide</u> – An open space between the front yard and rear yards measured horizontally and at right angles from the side lot line or street side lot line to the nearest point of a building.

## Ζ.

**Zero lot line development** – A single-<u>unit dwelling</u>family housing unit which has no yard requirements on one or more of the lot lines, in conformance with the International Building Code.

**Zone** – Area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established.

**Zone or zoning district** – <u>Any portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this title and within which certain yards and other open spaces are required, certain lot areas are established, and a combination of such aforesaid conditions are applied. The same as "district" or "zone." [Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 513 § 7 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 490 § 1, 2018; Ord. 486 § 1, 2017; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.150.010].</u>

## 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 <del>-6, LDR-8.5</del> )	CBDC 17.220
	Small Lot Residential (SLR)	<u>CBDC 17.220</u>
	Medium Density Residential (MDR <del>-16</del> )	CBDC 17.225
Commercial	Commercial and Mixed-Use Districts (C and MX)	CBDC 17.230
Industrial	Industrial-Commercial (I-C)	CBDC 17.235
	Waterfront Heritage (WH)	CBDC 17.240
	Waterfront Industrial (W-I)	CBDC 17.245
	Hollering Place (HP)	CBDC 17.250
Urban Public	Urban Public (UP)	CBDC 17.255
Medical Park District	Medical Park District (MP)	CBDC 17.260
Urban Public	Watershed (WS)	CBDC 17.270

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

#### 17.210.020 Zoning map.

(1) The location and boundaries of the zoning districts are shown on the map entitled, "Zoning Map of the City of Coos Bay," dated with the effective date of the ordinance codified in this title and signed by the mayor, and hereafter referred to as the "zoning map."

(2) The signed copy of the city's zoning map shall be maintained on file with the city, and is made a part of this title.

(3) Revised Maps. The city council may, from time to time, direct the director to replace the official zoning maps, or portions thereof, with a map or maps, or portions thereof, which include all lawful changes of zone to date. Zoning maps, or portions thereof, filed as replacements, shall be adopted by ordinance. Any revisions or replacements of said maps, when duly entered, signed, and filed with the city as authorized by this chapter, are part of this title. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

#### 17.210.030 District boundaries.

(1) Unless otherwise specified, district boundaries are lot lines or such lines extended.

(2) Any land or property not specifically identified with a zoning designation shall be considered to be zoned as the most restrictive zone classification designated on adjoining and/or abutting properties, until such time as it is determined otherwise by a rezone action.

(3) The director shall have the authority to interpret zoning classification consistent with subsections (1) and (2) of this section and shall file any and all written interpretations with the city clerk's office. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

## Chapter 17.220

## LOW DENSITY RESIDENTIAL DISTRICTS (LDR-6, LDR-8.5) AND OVERLAY ZONE LDR-6

Sections:

17.220.010 Purpose.

17.220.020 Land uses and permit requirements.

17.220.030 Development and lot standards and criteria.

#### 17.220.010 Purpose.

The <u>low density residential</u> <u>LDR</u> districts, <u>which include the Low Density Residential (LDR) zone</u> and <u>Small Lot Residential (SLR) zone</u>, <u>designation</u> <u>have</u> been established to be consistent with the Coos Bay Comprehensive Plan Land Use Plan 2000 and identify appropriate land uses and standards for <u>single family</u> <u>low density</u> neighborhoods <u>land uses</u>. [Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

#### 17.220.020 Land uses <u>and permit requirements</u>.

P = Permitted use; C = Conditional use; X = Prohibited. Property uses noted in Table 17.220.020.

Type 1 – No noticing requirements.

Type 2 – Noticing requirements 150 feet from property.

Type 3 – Noticing requirements 300 feet from the property.

Property uses are noted in Table 17.220.020.

Land uses and permit requirements are listed in Table 17.220.020. The table identifies those uses in the low-density residential districts that are:

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited.

The applicable procedural requirements for proposed developments and uses are found in CBDC 17.130.

Use	LDR-6 SLR	LDR-6- Overlay	LDR-8.5 LDR
Residential Uses	I		
Dwelling, Single-familyunit 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 <del>/Type 1</del>	
<u>Dwelling,</u> Duplex <del>es</del>	P <del>/Type 1</del>		
Dwelling, Manufactured homes including certified factory-built homes (subject to standards at CBDC 17.322.010)	<u>S</u>		
Dwelling, Townhouse (subject to standards at CBDC 17.335.110)	<u>C/S</u>	<u>6</u>	<u>X</u>
Accessory <del>living</del> d <u>welling</u> units (subject <u>to standards at</u> <del>the</del> requirements of Chapter <u>CBDC</u> 17.312 <del>CBDC</del> )	P/Type 2 <u>S</u>		
Group care facilities (more than five)	C <del>/Type 3</del>		
Foster care homes (five or fewer)	P <del>/Type 1</del>		
Planned unit development	C/Type 3		
Zero lot line development (subject to standards at CBDC 17.335.110)	C <u>/S</u>	₽	<u>C/S</u> -X
Accessory Buildings and Uses	•		
Private garages and carports	P <del>/Type 1</del>		
Accessory use or building on a separate lot or parcel <del>, with compliance with Chapter (subject to standards at CBDC</del> 17.314) CBDC	P/Type 1S		
Greenhouses, gardens, and orchards for private, noncommercial propagation and culture of plants, fruits, and vegetables	P <del>/Type 1</del>		
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 <del>/Type 1</del>		
Covered patio, freestanding or attached	P <del>/Type 1</del>		
Solar energy systems and structures solely designed to support solar energy systems	P <del>/Type 1</del>		
Nonresidential Uses			
Art galleries and museums	C <del>/Type 3</del>		
Vacation rental or bed and breakfast less than 10,000 s.f.	P <del>, Type 2 if less than 4,000</del>		
	<del>s.f.</del> C/Type 3 if greater than- 4,000 s.f.		
Vacation rental or bed and breakfast 10,000 s.f. or greater		e	
Bus shelters	P <del>/Type 2</del>		
Child care facility (13 or less children)	Р <del>/Туре 1</del>		

# Table 17.220.020 - Land Uses and Permit Requirements

Use	LDR-6 SLR	LDR-6- Overlay	LDR-8.5 LDR
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 persons)	Р		
Religious assembly – large (over 16 <u>persons</u> )	C <del>/SPR/Type 3</del>		
Community recreation 4,000 s.f. or greater and/or 20 or more parking spaces 10,000 s.f. or greater	C <del>/SPR/Type 3</del>		
Lodge, club, fraternal or civic assembly 4 <del>,000 s.f. or greater and/or more than 20 parking spaces</del>	C <del>/SPF</del>	<mark>₹/Туре 3</mark>	Х
Lodge, club, fraternal or civic assembly less than 4,000 s.f. and 20 parking spaces	C/T	<del>ype 3</del>	×
Home occupations		P <del>/Type 1</del>	- -
Occupied recreational vehicles		Х	
Public utilities 4,000 s.f. or greater and/or 20 or more parking spaces	C	; <del>/SPR/Typ</del>	<del>e 3</del>
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 spacesEducational services	<del>C/</del>	/SPR/Type	<u>→3P</u>
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 <del>/SPR/Type 3</del>		
All manufacturing and commercial uses or services, except permitted home occupations and day/adult care facilities	х		
Uses deemed by the director to be compatible with the LDR and SLR districts, adjacent land uses and state regulations.			

[Ord. 532 § 2 (Att. B), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 480 § 3, 2016; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.220.030].

17.220.030 Development <u>and lot</u> standards <del>and criteria</del>.

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

(1) All developments within the LDR districts shall comply with the density and dimensional requirements of Table 17.220.030, except as described in subsection (a), (b) and (c).

(a) The maximum dwelling units per acre in Table 17.220.030 are not applicable to duplex dwellings.

(b) Accessory dwelling units are not subject to the density requirements of the zone.

(c) Density bonus for affordable housing as described in 17.335.040.

(2) Density calculations.

(a) In calculating the minimum density required for a specific lot or development site, the director shall round down to the previous whole number.

(b) In calculating the maximum density allowed for a specific lot or development site, the director shall round up to the next whole number.

<u>Standard</u>	LDR-6 <u>SLR</u>	LDR-6 overlay zone	LDR-8.5LDR
MaximumMinimum net dwelling units per acre (gross- area of the site minus required right-of-way)	<del>9 Min</del> 10 <u>units</u> – <del>Max 12</del>	<del>16</del>	€ <u>No minimum</u>
Maximum net dwelling units per acre	<del>9 Min 10 – Max</del> 12 <u>units</u>	<del>16</del>	<del>6</del> <u>10 units</u>
Minimum lot size	<del>5,000-<u>2,250</u> s.f.</del>	<del>3,500 s.f.</del>	<del>6,000</del> <u>4,500 </u> s.f.
Maximum lot size	7,500 s.f.	NA	<del>15,000</del> <u>10,000</u> s.f.
Minimum lot width	40'	4 <del>0'</del>	40'
Minimum lot depth	<del>80'</del>	<del>80'</del>	<del>90'</del>
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.		
Setbacks (see also 17.335.130 Setbacks-Intrusions pe	ermitted).		
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' <u>or 10% of lot</u> width, whichever is less	As per the International Building Code	5' <u>or 10% of lot</u> <u>width,</u> <u>whichever is</u> <u>less</u>
Minimum rear yard	10 <u>'</u> % lot depth		10 <u>'</u> % lot depth
Minimum side yard – street side corner lot	<del>20% of lot width but no less than 7' nor more- than 20'</del> .		
Setback to Coos Bay Estuary	As specified in the Coos Bay Estuary plan.		

# Table 17.220.030 – Development and Lot Standards

<u>Standard</u>	LDR-6 <u>SLR</u>	LDR-6 overlay zone	LDR-8.5LDR
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 Internationa Building Code <u>CBMC TITLE 15</u> . Front yard – building may be no closer than from the front property line nor cause visua obstruction at driveways or intersections.		<u>FLE 15</u> . closer than 20' r cause visual
Parking	See Chapter CBDC 17.330 CBDC.		0 <del>CBDC</del> .

[Ord. 518 § 8 (Exh. 1), 2019].

# Chapter 17.225 MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR)

Sections:

- 17.225.010 Purpose.
- 17.225.015 Development diversity.
- 17.225.020 Location.
- 17.225.030 Permitted and conditional uses.Land uses and permit requirements.
- 17.225.040 Density and dimensional requirements. Development and lot standards.
- 17.225.050 Requirements of single-unit attached housing.
- 17.225.060 Requirements of multifamily attached housing Apartments.
- 17.225.070 Requirements of factory-built home parks.

# 17.225.010 Purpose.

The medium density residential (MDR) district is intended to provide for residential development opportunities, including manufactured homes certified factory-built homes, with a minimum density of 12 units per net acre and a maximum density of 1625 units per net acre. The district is further intended to facilitate use of public transit, reduce the burdens of automobile related problems, and encourage efficient use of commercial services and public open space. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

# 17.225.015 Development diversity.

The city seeks to foster an opportunity for the creation of a variety of MDR housing products so as to promote housing affordability, architectural variety and unique neighborhood character. An MDR project proposal which consists of five gross acres or more, including abutting lands under common ownership, may not include more than 75 percent of one housing type, i.e., multifamily, single-family attached or single-family detached. [Ord. 532 § 2 (Att. B), 2020].

# 17.225.020 Location.

<u>Generally</u>, The city council, with the recommendation of the planning commission, generally, shall assign MDR zoning districts are in close proximity to collector or arterial roadways, current or proposed transit routes, near employment centers, and with good access to local public schools and parks. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

# 17.225.030 Permitted and conditional uses Land uses and permit requirements.

Permitted Uses. The city permits uses on buildable lands as described in Table 17.225.030, Permitted and Conditional Uses, subject to compliance with the adopted level-of-service standards of the Coos Bay capital improvement plan. P = Permitted use; C = Conditional use; X = Prohibited use.

(1) Conditional uses allowed in an MDR district are described in Chapter 17.347 CBDC, Conditional Uses.

Land uses and permit requirements are listed in Table 17.225.030. The table identifies those uses in the medium density residential district that are:

- P = Permitted use;
- C = Conditional use;

# S = Permitted uses that are subject to special standards; or

X = Prohibited.

<u>The applicable procedural requirements for proposed developments and uses are found in CBDC 17.130.</u>

# Table 17.225.030 – Permitted and Conditional UsesLand Uses and Permit Requirements

Use	MDR <del>-16</del>
Residential	
Existing lawful residential use	P <del>/Type 1</del>
A single family residence and certified factory built home per lot of record Dwelling, Single-unit detached (subject to standards at CBDC 17.365.)	P/Type 1S
Dwelling, Duplex	<u>P</u>
Dwelling, Manufactured homes including certified factory-built homes (subject to standards at CBDC 17.322.010)	<u>S</u>
Dwelling, Multi-unit (subject to standards at CBDC 17.335.120)	<u>S</u>
Dwelling, Townhouse (subject to standards at CBDC 17.335.110)	<u>S</u>
Subdivision of a lot of record for 10 or less dwellings	P/Type 2
Subdivision of a lot of record for 11 or more dwellings	C/Type 3
Planned unit development of 10 or less dwellings	P/Type 2
Planned unit development of 11 or more dwellings	C/Type 3
Single-family dwelling combined with a multiple-family dwelling on the same lot	P/Type 2
Certified factory-built home parks consistent with the requirements of state manufactured park standards and (subject to standards at CBDC 17.225.070-17.322)	<del>С/Туре 3</del> <u>S</u>
Accessory living units subject to Chapter 17.312 CBDC Accessory Dwelling Units (subject to standards at CBDC 17.312)	<del>P/Type 2 <u>S</u></del>
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	
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	
Group care and group residential care facilities	C <del>/Type 3</del>
Multiple-family dwelling, greater than 35 feet in height and three stories	C/V/Type 3
Accessory buildings and uses <del>normal and incidental to the building and uses permitted in this chapter</del>	P <del>/Type 1</del>
Zero lot line development (subject to standards at CBDC 17.335.110)	<u> </u>
Single Room Occupancy (subject to standards at CBDC 17.370)	<u>S</u>
Nonresidential	
Home occupation	P <del>/Type 1</del>
Child care facility (fewer than 13 <u>children</u> )	P <del>/Type 1</del>

Use	MDR-16
Child care facility (13 or more <u>children</u> )	P <del>/Type 2</del>
Vacation rental or bed and breakfast	P <del>/Type 2</del>
Laundry facility (outward appearance must retain a residential character)	P <del>/Type 2</del>
Bus shelters	P <del>/Type 2</del>
Nonresidential Conditional Uses with construction or expansion of existing construc of the following: 4,001 s.f. or more, 21 or more new parking spaces, building and dem permits or any change, except for painting and minor repair, to the exterior of proper on the National Register of Historic Places	nolition
Administrative service not associated with a home occupation permit	<u>CP</u>
Convenience sales and personal service	С
Educational service	<u> GP</u>
Home occupation – retail sales on the premises	<u>6P</u>
Library service and cultural exhibit	<u> </u>
Lodge, club, fraternal, or civic assembly	С
Public parks and recreational facilities	<u> </u>
Public safety service	<u>6P</u>
Religious assembly of more than 20 persons	С
Utility and service – no outside storage of equipment	<u> GP</u>
Zero lot line development as specified in CBDC 17.335.100	<del>C</del>
Other	
Uses and development deemed by the director to be similar to and/or compatible with Table 17.225.030 and state regulations	₽
All manufacturing and commercial uses or services not listed <u>determined by the</u> <u>director to be similar to or compatible with the permitted and conditionally permitted</u> <u>uses in the MDR zone.</u>	

[Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

# 17.225.040 Density and dimensional requirements Development and lot standards.

(1) All developments within the MDR zoning district shall comply with the density and dimensional requirements of Table 17.225.040, except as described in subsection (a) and (b).

(a) The maximum dwelling units per acre in Table 17.225.040 are not applicable to duplex dwellings.

(b) Accessory dwelling units are not subject to the density requirements of the zone.

(c) Density bonus for affordable housing as described in 17.335.040.

(2) Density calculations.

(a) In calculating the minimum density required for a specific lot or development site, the director shall round down to the previous whole number.

(b) In calculating the maximum density allowed for a specific lot or development site, the director shall round up to the next whole number.

# Table 17.225.040 – MDR Density and Dimensional Requirements Development and Lot Standards

Standard	Multi <del>family_Unit_</del>	Single- <del>Family</del> Unit Dwellings		
	<u>Dwellings</u>	Attached	Detached	
Minimum Net density d <u>welling</u> units per acre <del>(gross area of</del> the site minus required right-of- way)	12 units <del>– 16dua</del>	12 units <del>– 16dua</del>	12 units <del>– 16_dua</del>	
Maximum net dwelling units per acre	<u>25 units</u>	<u>25 units</u>	<u>25 units</u>	
Minimum lot width	40 feet	40 <u>20</u> feet	40 feet	
Minimum lot depth	60 feet	60 feet	60 feet	
Minimum <del>area <u>l</u>ot size</del>	<del>5,000</del>	<del>5,000</del> <u>1,200</u> sf	<del>5,000</del>	
Maximum lot coverage	85%	65%	65%	
Maximum height	35 feet	35 feet	35 feet	
Setbacks (see also CBDC 17.33	35.130 Setbacks-Intrusio	ns permitted)		
Minimum front setback	10 feet <u>, or 10% of lot</u> depth, whichever is less	10 feet <u>, or 10% of lot</u> depth, whichever is less	10 feet <u>, or 10% of lot</u> depth, whichever is less	
Minimum garage setback from public right-of-way	20 feet	20 feet	20 feet	
Minimum side setback	0 feet <u>for attached</u> <u>units</u> , 5 feet to abutting property line	0 feet <u>for</u> attached_ <u>units</u> , 5 feet_ <del>nonattached_to_</del> abutting property line	5 feet <u>or 10% of lot</u> width, whichever is <u>less</u>	
Minimum street side setback	10 feet <u>or 20% lot</u> width, whichever is less.	10 feet <u>or 20% lot</u> width, whichever is less.	10 feet <u>or 20% lot</u> width, whichever is less.	
Minimum rear setback	5 feet	5 feet	5 feet	

(3) Screening. New lots Lots used for medium density residential purposes<u>development of multi-unit dwellings</u> created adjacent to<u>abutting</u> low density residential (LDR) districts shall employ a screening technique at the perimeter of the project <u>as required in CBDC 17.335.060.</u>

(3) New perimeter MDR lots abutting LDR districts, not including public rights-of-way or dedicated public open space, shall be no less than 80 percent of the lot area of the minimum lot size of the abutting LDR district. Setbacks from the property lines of abutting LDR land shall be no less than

80 percent of the setback requirement of the abutting LDR district. For example, if the abutting property is zoned LDR-8.5, a 7,000 square foot minimum lot size, and the MDR lots abutting the LDR district may not be less than 5,600 square feet. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

# 17.225.050 Requirements of single-familyunit attached housing.

A single-<u>familyunit</u> attached proposal shall meet the requirements of this section. Where a conflict exists between <u>the general development</u> standards below and <u>other applicable</u> specific standards in <u>CBDC</u>, the <u>director</u> other specific standards 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-familyunit attached housing in housing clusters greater than six units.

(3) Landscaping. Single-<u>familyunit</u> attached development projects may satisfy the minimum landscaping requirement by:

(a) Providing 200 square feet of enclosed private outdoor living area per bedroom for each individual dwelling unit, to be located in the rear or side yard of each individual lot; or

(b) Providing 200 square feet of common indoor or outdoor recreation area per bedroom for each individual dwelling unit. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

#### 17.225.060 Requirements of multifamily attached housing – Apartments.

A multifamily attached proposal shall meet the requirements of this section. Where a conflict exists between general and specific standards of this section, the director shall apply the more specific standard.

(1) Multifamily attached housing shall not be permitted in clusters greater than eight dwelling units.

(2) Building permits for attached developments may only be approved where fully consistent with the approved land division.

(3) Notations on the plat and/ or covenants running with the land, approved by the city attorney, shall guarantee that required side setbacks shall be kept perpetually free of obstructions. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

# 17.225.070 Requirements of factory-built home parks.

All extensions or improvements made to existing residential certified factory-built home parks made after the enactment of the ordinance codified in this title shall comply with the provisions of this title.

(1) Site Plan. Except for a bus shelter, land use review is required prior to the establishment of, or change within, any certified factory-built home park.

(2) Minimum park area: one acre.

(3) Unit density: a minimum density of 12 units per net acre and a maximum density of 16 units dwelling per net acre.

(4) Access and Roads.

(a) Dedicate and improve vehicular and pedestrian access to the park from the improved street.

(b) Pave roads within a park according to the following minimum standards:

(i) Twenty-two feet where no on-street parking is allowed.

(ii) Twenty-eight feet where on-street parking is allowed on one side of the street.

(iii) Thirty-six feet where parking is permitted on both sides of the street.

(iv) All private streets and ways within the park shall be built as approved by the public works department.

(v) An additional five feet from each edge of the pavement or two feet from the edge of the sidewalk shall be designated as right-of-way from which setbacks are to be measured.

(vi) When on-street parking is provided, it may substitute for the guest and second parking requirements if approved by the planning commission.

(5) Services.

(a) Sewer. Every residential certified factory-built home park shall be connected to a sanitary sewer. Each space shall be provided with a connection to the sewer.

(b) Water. Every residential certified factory-built home park shall be connected to a supply of potable water for domestic use. Each space shall be provided with a connection to the water supply.

(c) Utilities. All utilities, including telephone, television, and electricity, shall be installed underground throughout the park and shall be provided at each space.

(d) Fire Protection. No space shall be occupied that is not located within 500 feet of a fire hydrant, following the street right of way. Existing spaces now located or occupied at a distance greater than 500 feet from an approved hydrant may continue until such time as the park is expanded in size or number of spaces.

At the time of such expansion, the owner or operator of the park shall have installed one or more hydrants at locations such that no occupied space remains at a greater distance than 500 feet, following the street right-of-way, from any hydrant. The Coos Bay fire department shall be authorized by the owner to inspect the hydrants in accordance with current standard procedures and to require periodic tests when deemed necessary. No parking shall be permitted within 10 feet of fire hydrants.

(e) Lighting. All roads within the park shall be lighted at night to provide a minimum of 0.35 foot-candles of illumination.

(6) Open Space and Recreational Area.

(a) Minimum Area. Open space shall constitute six percent of the total gross area of the park. Improved recreational areas shall have a minimum area of 8,000 square feet or 100 square feet per dwelling unit, whichever is greater. (b) Plan. The site plan shall contain the following:

(i) Boundaries of the proposed areas.

(ii) Written explanation of the purposes of the areas and a description of any improvements to be made.

(iii) Description of the manner in which the area will be perpetuated, maintained, and administered.

(c) Guarantee. The preservation and continued maintenance of property and/or structures commonly owned and/or held for common use shall be guaranteed by a covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents shall be filed with the community development department before occupancy of any dwelling.

(7) Landscaping. All exposed ground surface in all parts of the park shall be protected and maintained with landscaping to include plant material, paving, gravel, and/or other solid material that will prevent soil erosion, mud, and dust within the park. The ground surface in the park shall be graded and furnished with drainage facilities to drain all surface water in a safe, efficient, and sanitary manner.

(8) Fences and Walls. A visual barrier shall be provided and maintained such as a solid fence, a concrete wall, or an approved buffer of trees or shrubs between the mobile home park and abutting properties. The barrier shall have a minimum height of six feet, except the area defined as the entrance of the park where the wall may be three feet for vision clearance.

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

(10) Special Certified Factory-Built Home Siting Requirements.

(a) Certified Factory-Built Homes and Parks.

(i) Only certified factory-built homes shall be allowed in the MDR-16 district.

(ii) Residential certified factory-built home parks and units shall be required to meet all state requirements for mobile home parks.

(b) Yards. Building separation in a mobile home park for each mobile home and its accessory structures shall be in accordance with the following:

(i) A mobile home shall not be located closer than 15 feet from any other mobile home, closer than 10 feet from a park building within the mobile home park, or closer than five feet from a park property boundary line or street right of way.

(ii) To prevent the spread of fire from one mobile home to another (unless otherwise approved by the inspecting authority), the yard shall conform to the requirements of the International Building Code.

(c) Building Height. No dwelling or accessory building shall be erected or installed with a height in excess of 17 feet.

(d) Skirting. Mobile homes shall be skirted to provide an appearance of permanency.

(e) Storage Facilities. Each space shall have a minimum of 50 square feet of totally enclosed storage space.

(f) Accessory Buildings. Accessory buildings and other similar permanent structures may be installed or erected in conjunction with a space and shall require a building permit. These structures shall be deemed to be a part of the certified factory built.

(11) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes.

#### (12) Park Improvements.

(a) Construction Plans and Specifications. As part of the site plan application, the applicant shall submit to the community development department construction plans, profile and cross-section drawings, and specifications for the required utilities and streets, accompanied by a plan check fee. These plans will be reviewed and the applicant will be notified in writing of compliance with city requirements or of any necessary modifications. The final drawings and specifications shall be permanently filed with the department. A copy of the water system plans shall be submitted to public works by the applicant.

(b) Contract for Improvements. Within 48 months of site plan and review of the improvement plans and specifications, but prior to the issuance of any development permits, the applicant shall be required to enter into an agreement to construct and/or improve facilities to serve the development. At the time the improvement agreement is executed, the applicant will submit the inspection fee and also post a performance bond, cash, or security deposit guaranteeing the completion of the contractual provisions. All contracted improvements shall be completed within 24 months after the bond or surety is posted. If the applicant is unable to complete the improvements within two years with good cause, a one-year extension may be granted by the public works department. Further extensions must be approved by the planning commission.

(c) Bond and/or Surety, Cash or Security Deposit Provisions. The assurances for completion of improvements shall be filed with the city in the nonnegotiable amount established by resolution of the city council. The bond or deposit shall:

(i) Name the city as obligee.

(ii) Be in a form approved by the city attorney.

(iii) Be conditioned upon the final approval and acceptance of the development.

(iv) Provide full warranty for the improvements for a minimum of two years from the date of final acceptance by the city.

(v) Be forfeited to the city if the applicant does not complete the requirements within the agreed-upon time limit, or if the applicant has created a hazard causing imminent danger to the public health and safety within or adjacent to the development which the developer fails to correct.

(vi) Cover any costs, attorney's fees, and liquidation damages resulting from delay or failure to meet the deadline.

(d) Construction. Construction of improvements may begin in accordance with the agreement. During this phase of development, the applicant shall be required to prepare record drawings of all improvements. Special attention shall be given to underground utilities.

(e) Acceptance of Improvements. Upon completion of the improvements, the applicant shallsubmit 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 17.312 ACCESSORY DWELLING<u>UNITS</u>

#### Sections:

17.312.010 Purpose.

#### 17.312.020 Definition.

17.312.030 Use and <u>general</u> restrictions.

17.312.040 Development and design standards.

# 17.312.010 Purpose.

ORS 197.312 requires that at least one accessory dwelling <u>unit</u> be allowed per detached single-<u>familyunit</u> dwelling <u>or duplex dwelling</u> in every zone within an urban growth boundary that allows detached single-<u>familyunit</u> dwellings. Accessory dwellings <u>units</u> 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-<u>familyunit</u> detached dwellings. Accessory dwellings <u>units</u> 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 <u>general</u> restrictions.

An accessory dwelling unit, where allowed, is <u>exempt from the land use process</u>, <u>pursuant to</u> <u>CBDC 17.130.030</u>, <u>except as per CBDC 17.312.040</u> where an accessory dwelling unit is subject to review and approval through a Type HI procedure, pursuant to <u>Chapter 17.130</u>.<del>CBDC 17.130.090\_, and</del>

<u>All accessory dwelling units</u> shall conform to the following restrictions:

(1) One accessory dwelling is allowed per legal lot of record containing a detached singlefamilyunit or duplex dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor), certified factory-built home, or tiny home subject to the requirements of CBDC 17.312.040(1)(<u>gh</u>);

(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)(<u>gh</u>);

(4) A separate address shall be assigned to the accessory dwelling <u>unit</u> and the address shall be clearly identified, as required by state building code; and

(5) A deed restriction must be recorded with the property advising future owners and lenders of the use restrictions. The deed restriction document will be created by the city and recorded at the county clerk's office. [Ord. 524 § 7 (Exh. A), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018].

# 17.312.040 Development and design standards.

(1) Development <u>S</u>standards. <u>The development standards shall be applicable to all accessory</u> <u>dwelling units</u>. An accessory <u>dwelling unit is subject to the applicable development standards and</u> <u>General Review pursuant to CBDC 17.130.030</u>.

(a) A detached accessory dwelling unit shall not exceed 1,000 square feet of floor area, or <u>7590</u> 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 7590 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 <u>units</u> 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 <u>units</u> are not subject to the density requirements of the zone.

(e) Accessory dwellings <u>units</u> shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.

(f) Accessory dwelling units are not subject to the off-street parking requirements of CBDC 17.330.010.

(f<u>q</u>) 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  $\frac{\text{Oregon}}{\text{Specialty } B\underline{b}}$ uilding  $\underline{C}$ code, this title's setback requirements and does not eliminate an existing functional garage.

(<u>gh</u>) 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.

(i) A certified factory-built home used as an accessory dwelling unit and otherwise consistent with (1)(a)-(h), as applicable, shall also be subject to the standards at CBDC 17.322.010.

(2) Design <u>S</u>standards for historic properties. The design standards shall be applicable only to those accessory dwelling units that are on lots that include a building listed on the National Register of Historic Places, lots that are within a historic zoning district, or a historic property that receives special assessment under Oregon law. An accessory dwelling unit, subject to both the development and design standards, is subject to review and approval through a Type I procedure, pursuant to CBDC 17.130.080.

(a) An accessory dwelling unit, located in a historic district, must comply with the historic district regulations.

(b) An accessory dwelling unit located on the same lot as a structure listed on the National Register of Historic Places or listed as a cultural resource will be held to a high development standard, in that the exterior must be compatible with the primary structure.

(c) The exterior finish and trim materials of a detached accessory dwelling unit shall be similar to the primary dwelling unit in terms of type, size, placement, and finish.

(d) The roof pitch of a detached accessory dwelling unit shall be similar to the roof pitch of the primary dwelling. [Ord. 524 § 7 (Exh. A), 2020; Ord. 518 § 8 (Exh. 1), 2019; Ord. 503 § 1 (Exh. B), 2018].

#### Chapter 17.335 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.
- 17.335.120 Multi-unit dwelling standards.

# 17.335.120 Multi-unit dwelling standards.

The purpose of these development standards is to ensure that multi-unit dwellings provide for a physical environment with visual interest consistent with the Coos Bay Comprehensive Plan Land Use chapter.

(1) Applicability.

(a) Multi-unit dwelling standards shall apply to all multi-unit developments in all zones. In cases where the Multi-unit dwelling standards apply, they shall be considered applicable for the portion of the development site impacted by the proposed development.

(b) Multi-unit dwelling standards shall also apply to mixed use developments in commercial zones with the exception of storefronts, areas for lobbies (serving residential and commercial uses), stairs, elevators, and other non-residential use areas.

(c) Multi-unit dwelling standards shall apply to cottage clusters, recreational vehicle parks, and tiny home communities.

(2) Building Height. The maximum building heights allowed are those permitted according to the applicable zoning district.

(3) Required Setbacks. The required building setbacks are those required in the applicable zoning district in addition to the following requirements.

(a) Street Frontage. On development sites that will result in 100 feet or more of public or private street frontage, at least 60 percent of the site frontage abutting the street (including required yards) shall be occupied by a building(s) or enhanced pedestrian space placed within 10 feet of the minimum front yard setback line. On development sites with less than 100 feet of public or private street frontage, at least 40 percent of the site width shall be occupied by a building(s) placed within 10 feet of the minimum front yard setback line. "Site

width," as used in this standard, shall not include areas of street frontage that have significant natural resources as mapped by the city, delineated wetlands, slopes greater than 20%, recorded easements, required fire lanes or other similar non-buildable areas, as determined by the director. (See Figure 17.335.120(2)(a) Multi-Unit Minimum Building Setback Along Streets.)

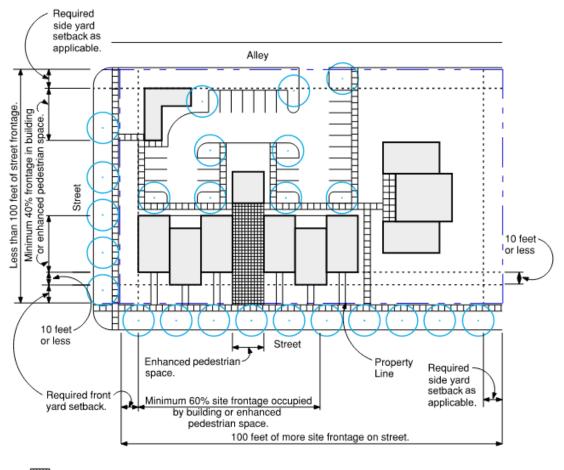


Figure 17.335.120(2)(a) Multi-Unit Minimum Building Setback Along Streets

Enhanced Pedestrian Space

(b) Setback intrusions permitted are those required according to CBDC 170.335.130 Setbacks-Intrusions Permitted.

(4) Building Orientation and Entrances.

(a) Building Orientation. Multi-unit dwelling buildings located within 30 feet of a front lot line shall have the primary orientation toward the street. Buildings proposed to be "side oriented"

to public streets due to access requirements, dimensional constraints and/or compatibility with other on-site buildings are exempt from this requirement.

(b) Ground Floor Building Entrances. An entrance(s) of ground floor units of any residential building located within 30 feet of a street must face the front lot line. Entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. The following exceptions shall apply:

(i) On corner lots the main building entrance(s) may face either of the streets or be oriented to the corner.

(ii) For buildings that have more than 1 entrance serving multiple units, only 1 entrance must meet this requirement.

(iii) For buildings proposed to be oriented away from public streets due to access requirements, dimensional constraints and/or compatibility with other on-site buildings, main entries may face away from the street provided both of the following apply:

(A) There is an on-site pedestrian pathway between the new building entrance and the street. On-site pedestrian pathways shall be designed and constructed to provide a direct and clearly identified connection from the building entrance to the existing public right-of-way and public accessways.

(B) The ground floor building side facing the street shall contain windows that occupy a minimum of 10% of the facade.

(5) Building Mass and Facade.

(a) Maximum Building Dimension. Neither the maximum length nor width of any building within 30 feet of a front lot line can exceed 150 feet.

(b) Windows. Street facades shall contain windows covering a minimum of 10% of the facade on each floor level.

# (6) Building Articulation.

(a) Articulation Requirement. To preclude large expanses of uninterrupted wall surfaces, exterior elevations of buildings shall incorporate design features such as offsets, projections, balconies, bays, windows, entries, porches, porticos, changes of material, varying roof heights or types, or similar elements. At least two (2) of these design features shall be incorporated along the horizontal face (side to side) of the structure on each floor, to be repeated at intervals of no more than 20 feet.

(b) When offsets and projections are used to fulfill articulation requirements, the offset or projection shall vary from other wall surfaces by a minimum of 2 feet. Such changes in plane shall have a minimum width of 6 feet.

(c) Individual and common entry ways shall be covered by roofs, awnings, or porticos.

(7) Site Landscaping.

(a) Landscaping shall be installed consistent with CBDC Chapter 17.335.060 Landscaping. The required landscaping shall be placed within the required front yard setback area and may be pierced by pedestrian and vehicular access ways. All areas of a site not devoted to structures, driveways, or walkways shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.

(8) Open Space. A minimum of 15% open space of the total site area shall be provided unless exempt under other provisions of the CBDC. Required open space may be provided as common open space and/or private open spaces with a minimum of 30% of the required open space shall be pervious area with living plant material.

(a) Common Open Space. Common open space may include any of the following:

(i) Outdoor areas incorporating:

(A) Lawn or hard surfaced areas to be used for active or passive recreation in which user amenities such as trees, shrubs, planters, pathways, tables, benches or drinking fountains have been placed.

(B) Ornamental or food gardens.

(C) Common open space for passive recreational use.

(D) Children's play areas.

(E) Roof terraces, patios, porches, and internal courtyards.

(ii) Common open space may also include up to 30% of the required area in natural resource areas, such as steep slopes greater than 25%, forested areas, conservation areas and delineated wetlands provided the area includes passive walking trails meeting the following standards in Table 17.335.120(8)(a)(ii) Common Open Space Natural Resource Areas:

Characteristic	<u>Requirement</u>
Width	<u>4' (with passing areas) - 10'</u>
Surface	Soil, gravel, Fiber (or engineered wood fiber equivalent), wood chips
Longitudinal Slope	<u>0-5% (8% for max. 50')</u>
Cross-Slope	<u>2%</u>
<u>Radius</u>	Aesthetic consideration
Sight Distance	N/A except road crossings
Easement Width	<u>Tread + 10' min.</u>
Side Slope	<u>Varies</u>

(iii) Outdoor common open space shall comply with all of the following:

(A) The minimum area for any single outdoor common open space shall be 225 square feet.

(B) At least one area of outdoor common open space shall be a minimum of 15 feet by 15 feet.

(C) The minimum dimensions for any portion of outdoor common open space in the front yard setback shall be at least 15 feet by 15 feet. The minimum dimensions for any other portion of outdoor common open space shall be at least 10 feet by 10 feet.

(E) Required setback areas and areas required to comply with landscape standards may be applied toward the minimum open space requirements when the minimum dimensions of such space meet the standards above in (A)-(C).

(F) Outdoor common open spaces shall not be used as parking areas.

(b) Private Open Space. Private open space is outdoor space directly adjacent to a dwelling unit providing an outdoor area for private use by the occupants of the dwelling unit. Private open space, where provided, shall meet the minimum standards in the following Table 17.335.025(8)(b) Minimum Private Open Space Sizes.

# Table 17.335.120(8)(b) – Minimum Private Open Space Sizes

Location	Minimum Area	Minimum Dimension
Ground Level	100 square feet	<u>10 feet</u>
Balcony	<u>18 square feet</u>	<u>3 feet</u>
Roof Terrace	80 square feet	<u>8 feet</u>

(i) Balconies located within 20 feet of property zoned LDR and SLR shall not be counted as private open space.

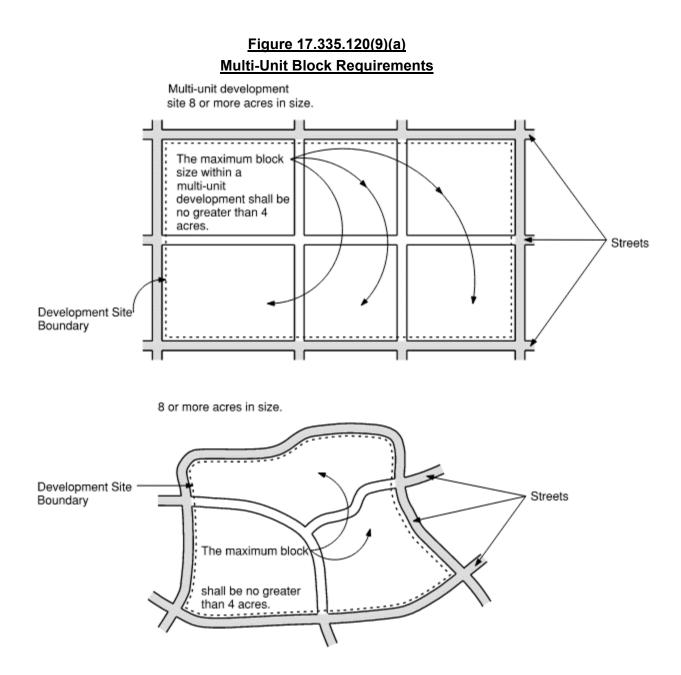
(ii) To be counted toward the minimum required, private open space may be covered, but cannot be enclosed. Private open space is considered enclosed when the space between a floor, decking, or ground level and a roof structure has more than three sides taller than 42 inches in height.

(iii) Ground level private open space shall be screened or buffered from adjacent private open space and dwellings by landscape, fencing or partitions. Such screening or buffering shall be a minimum of 30 inches in height.

(c) Ground level common and private open space shall be physically separated and screened from adjacent parcels per CBDC 17.335.060 Landscaping.

(9) Block Requirements.

(a) Block Structure. Multi-unit developments 8 or more acres in size shall be developed as a series of complete blocks bounded by public right-of-way or private drive aisles or streets. Natural areas, waterways, high voltage power lines, and other similar substantial physical features may form up to 2 sides of a block. The maximum block size within a multi-unit dwelling development shall be no greater than 4 acres in size. (See Figure 17.335.120(9)(a) Multi-Unit Block Requirements.)



# (10) On-Site Pedestrian Circulation.

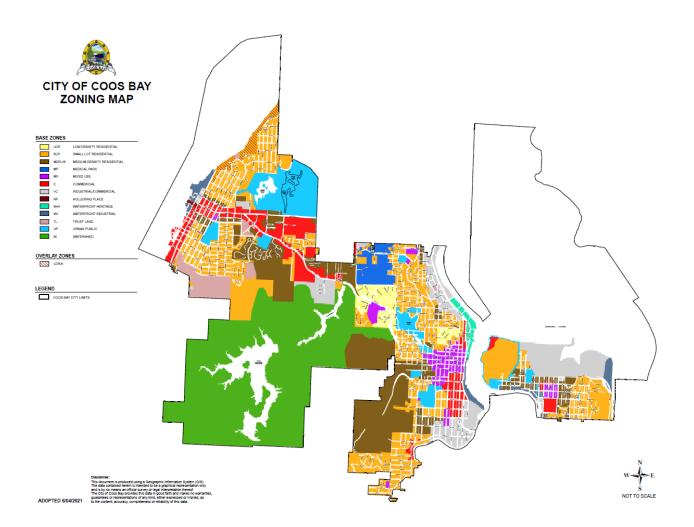
(a) Multi-unit dwelling developments shall provide safe on-site pedestrian circulation designed and constructed to provide a direct connection to existing public right-of-way and public accessways.

(b) To connect any new building entrances on a site to all other new and existing building entrances on the same site, except entrances used primarily for loading and unloading freight and egress only entrances.

(11) Recycling and Garbage Areas. Multi-unit developments shall provide screening for outdoor garbage and recycling collection areas according to CBDC 170.335.030 Solid Waste.

(12) Lighting. Multi-unit dwelling developments shall provide exterior lighting according to CBDC 170.335.040 Lighting.

# Exhibit 2 Zoning Map Amendment



# EXHIBIT 3

# Findings of Fact and Coos Bay Development Code (CBDC) Text and Map Amendments

# I. APPLICABLE CRITERIA

The following is a list of the decision criteria applicable to the request as stated in Coos Bay Development Code, Chapter 17.360.015 and 060. Each of the criteria is followed by findings or justification statements which may be adopted by the City Council to support their conclusions. Although each of the findings or justification statements specifically applies to one of the decision criteria, any of the statements may be used to support the Council's decision. Based on their conclusions the Council must approve, conditionally approve, or deny the proposed amendments.

# 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].

# 17.360.015 Initiation of Amendment

(2) A Type IV legislative process, CBDC <u>17.130.110</u>, 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].

#### 17.360.060 Approval Criteria

DECISION CRITERION (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.

DECISION CRITERION (B): The proposed amendment is in the public interest.

DECISION CRITERION (C): Approval of the amendment will not result in a decrease in the levelof-service for capital facilities and services identified in the Coos Bay capital improvement plan(s)

DECISION CRITERIA (D): The proposed amendment is consistent with the city of Coos Bay's planned transportation system as described within the transportation system plan;

DECISION CRITERIA (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

DECISION CRITERIA (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.

# II. FINDINGS OF FACT FOR DECISION CRITERIA:

#### 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].

**FINDING:** The proposed amendments to the CBDC are primarily text amendments. Map changes to the code do not include changes to district geography but do propose new naming for a number of zones. This is done to provide be more consistent with their associated purpose and standards.

#### 17.360.020 Initiation of Amendment

(2) A Type IV legislative process, CBDC <u>17.130.110</u>, 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].

**FINDING:** Adoption will be at the recommendation of the Coos Bay Planning Commission and adoption by the Coos Bay City Council.

**DECISION CRITERION (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:\_

**DISCUSSION:** Generally speaking, the proposed amendments to the Coos Bay Development Code bring residential elements of the code into alignment with Oregon House Bill 2001, or are otherwise necessary in response to significant changes in circumstances.

Following are findings of consistency of the proposed Development Code amendments with applicable Coos Bay Comprehensive plan policies and strategies (as that Plan is concurrently amended).

# 7.1 NATURAL RESOURCES AND HAZARDS

# Strategies

NRH.1 ...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. <u>Development shall be prohibited on slopes greater than 20%, regardless of soil content.</u> 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...

**FINDING**: The proposed amendments are mindful of natural resources and hazards. Included in the proposed amendments to both the CBCP and CBDC is an explicit prohibition of development on slopes of 20% or greater, in recognition of slope hazards. The proposal does not include any new provisions which would ostensibly threaten natural resources or increase risks of natural hazards. The proposed CBDC updates are consistent with the strategies of this Comprehensive Plan Element.

# 7.2 ENERGY CONSERVATION Strategies

EC.87 Coos Bay shall encourage the "infilling" development of undeveloped parcels of land, within the city limits for residential and commercial purposes, recognizing that such development, located in the vicinity of established traffic corridors and in areas already serviced by electrical, sewer, and water lines, are more energy efficient than new construction in "unserviced" undeveloped areas.

**<u>FINDING</u>**: None of the proposed CBDC changes is anticipated to impact Coos Bay's position or effectiveness in addressing energy matters.

The proposals are consistent with Policy EC.8, which mandates efficient use of urban lands for residential and commercial purposes through infill, which a number of proposed development code provisions will further encourage. The proposed CBDC updates are consistent with the strategies of this Comprehensive Plan Element

# 7.3 HISTORIC PRESERVATION

#### Strategies

HP.4 Coos Bay shall preserve and protect the integrity of city-owned structures and sites of identified historical significance by requiring review by the Planning Commission prior to development or modification of the subject properties.

This strategy recognizes that the city has a responsibility to preserve the cultural heritage of this area.

**<u>FINDING</u>**: None of the proposed CBDC changes is contrary to the Historic Preservation strategies of the Comprehensive Plan.

#### 7.4 RECREATION AND OPEN SPACE

**FINDING**: None of the proposed CBDC changes is contrary to the Recreation and Open Space strategies of the Comprehensive Plan.

#### 7.5 ECONOMIC DEVELOPMENT

#### **Economic Development Policies**

1.1 Enhance Coos Bay's role as a hub for support services for the south coast, commercial, financial, real estate, professional services (engineering, architecture), housing, etc.

1.3 Collaborate both locally and regionally to provide an adequate supply of industrial land.

1.5 Support and cooperate with community and regional partners to encourage economic growth.

**<u>FINDING</u>**: None of the proposed changes is contrary to the Economic Development strategy of encouraging and supporting economic growth. Amendments associated with employment lands serve to make more efficient and streamlined use of those lands in complimentary manner to economic aims and purposes of those districts.

2.1 Encourage expansion of recreational, cultural and eco-tourism industries by supporting, enhancing and expanding amenities and infrastructure from waterfront development to lodging options, including shopping, arts and entertainment.

2.2 Direct public investments toward creating an attractive downtown and waterfront setting that enhances Coos Bay and the Empire districts as areas where people want to live and do businesses.

2.3 Pursue the implementation of the Hollering Place Master Plan, adopted December 2, 2008 to 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 will be require.

3.3 Continue to enhance our core area as a place to do business.

4.1 Continue to support the creation of outdoor public gathering spaces as a way to strengthen community interaction with local businesses.

4.2 Continue to offer programs that strengthen local businesses.

6.1 Maximize the potential uses and benefits the waterfront and deep-water port offers to the city and region as a whole.

6.4 Promote the development of walking and bike trails throughout the City, ultimately linking with our neighbors, and continue to work towards the Coos Bay Waterfront Walkway to the North Bend Boardwalk for the mutual benefit of area residents, businesses and visitors.

**FINDING**: The proposed amendments encourage economic (and other supportive) activities in the downtown area, where it has been planned and desired but has not realized. More residents in any area have been proven to increase economic activity by supporting businesses, tourist attractions and other amenities, including increasing hours of activity. The proposed amendments, include multi-unit standards and promote alternatives that are more pursuable and realistic for the development community. This includes creating more workforce housing for populations necessary for a healthy economy but historically challenging to provide housing for. None of the proposed changes is anticipated to impact Coos Bay's ability to maintain or expand its economy.

# 7.6 HOUSING

# **Housing Policies**

**Goal 1:** Coos Bay shall designate and maintain an adequate supply of land zoned for a range of housing types and price ranges.

1.1 Coos Bay will continue to update its zoning provisions to allow for construction to provide a wide range of housing available at varied prices and rent ranges, and allow for flexible site and architectural design.

1.2 Coos Bay will regularly update the City's inventory of buildable land (at least every five years) and use it to both identify housing development opportunities and assess the ability to meet future housing needs. If growth is occurring at a faster rate than previously predicted, the city shall work with the County to update the county's coordinated population forecast and the City's housing needs analysis accordingly.

1.3 Coos Bay will explore and provide information about opportunities to consolidate buildable land where it will promote more efficient development.

**FINDING**: The key underlying motivation for these updates is Oregon House Bill 2001 which is explicit in its purpose to promote, in Oregon Cities, a wide range of housing available at varied prices and rent range. The proposed amendments have incorporated flexibility in a number of ways, including site and architectural design. Efficiency of development on existing residential buildable lands guided the review and is reflected in the proposed amendments. The proposed updates are consistent with the strategies of this Comprehensive Plan Housing Goal.

**Goal 2**: Support efforts of state, <u>Tribal</u>, 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.

2.1 Coos Bay <u>will\_shall\_consider</u> waiving or deferring city fees, such as development fees or system development charges, <u>and allowing deviation from development standards as incentives</u> for affordable housing projects that meet defined criteria, <u>including State and/or Federal</u> <u>Affordable Housing requirements</u>, and result in permanently affordable housing.

**<u>FINDING</u>**: The proposed CBDC amendments were pursued with this policy in mind, and are consistent with it.

**Goal 3:** Encourage the use of sustainable land use development practices and building materials including use of energy efficient materials and design principles.

3.1 Coos Bay will continue to apply i<u>I</u>nnovative regulations for planned unit development allowing flexibility in designing cluster housing, recognizing that such land development practicesshall be incorporated into the Development Code to (1) result in lower costs per site than conventional subdivisionsallow for flexibility in design (2) result in lower costs, (23) permit sound land economics, (34) enhance the environmental integrity of the land resources, (45) promote energy conservation, and potentially (56) provide additional open space and common areas.

3.2 To stimulate infill development, Coos Bay's Development Code shall allow for and incentivize a variety of housing types in the City's residentially zoned areas. Coos Bay will continue to allow for and encourage small scale cluster housing concepts in residentially zoned areas to stimulate infill development. This strategy (1) 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, and (5) provides the framework for development of needed housing.

3.3 Promote and encourage energy efficiency and sustainable building practices.

**<u>FINDING</u>**: The proposed CBDC amendments are consistent with the revised energy efficiency Comprehensive Plan strategies related specifically to housing. The proposed CBDC changes promote energy efficiency in Coos Bay.

**Goal 4:** <u>Ensure that the Review land development ordinance Development Code enables the development of to ensure promotion of development and affordable housing options that are affordable.</u>

4.1 <u>Coos Bay shall use the land use review permitting process to ensure the development of needed housing, to promote land uses that are harmonious with their surroundings, and to maintain a high quality of life for area residents. Coos Bay shall exercise its site plan review for major residential land developments, recognizing that site review is necessary to provide development that (1) fosters sound energy conservation practices, (2) is aesthetically pleasing, and (3) complements the natural characteristics of the site.</u>

**4.2** 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, (2) offer incentive programs, including, but not limited to, expansion of maximum density allowances by 20% for housing that is affordable, and 3) engage in collaborative housing partnerships.

**Goal 6:** The City of Coos Bay shall comply with federal and state fair housing laws which affirm access to housing opportunities for all people in Coos Bay.

**<u>FINDING</u>**: The proposed CBDC amendments are consistent with the revised housing affordability Comprehensive Plan strategies. The proposed CBDC changes promote housing affordability in Coos Bay by establishing new incentives for housing that is affordable and by creating more streamlined and predictable land use processes.

**Goal 5:** Allow for, encourage and support the development of housing units in conjunction with commercial development (e.g., housing located above commercial uses).

**<u>FINDING</u>**: The proposed amendments to CBDC, more clearly define and outline process for commercial residential (mixed use) development. By so doing, the proposed changes are in direct alignment with this policy.

# 7.7 PUBLIC FACILITIES AND SERVICES

#### Strategies

PFS.2 Coos Bay shall address, where possible, the impacts that community growth will have on the city's ability to provide facilities and services when considering various discretionary land use decisions, recognizing that every land use has a public price tag as its consequence.

**<u>FINDING</u>**: None of the proposed CBDC changes is anticipated to impact Coos Bay's ability to address Public Facilities and Services Strategy 2.

#### 7.8 TRANSPORTATION

Coos Bay Transportation System Plan, Chapter 2, Goals and Policies, which are incorporated herein by reference, have been developed to guide the City's vision of transportation system needs.

**<u>FINDING</u>**: (See findings for Decision Criteria D, E, & F)

# 7.9 URBAN GROWTH MANAGEMENT

# Strategies

UGM.4 Coos Bay shall consider all lands within its corporate limits as available over time for urban uses, except where natural hazard and other land characteristics preclude urban type development. This policy is based on the recognition that (1) lands contain within incorporated cities are appropriately targeted toward urban development, but that (2) such development should be consistent with sound development practices.

**FINDING**: The proposed CBDC amendments have taken UGM.4 into consideration. With the exception of land where natural hazards, resources or other constraints preclude urban development, the proposed amendments anticipate development at urban levels. The proposed amendments are consistent with the Urban Growth Management Element of the Comprehensive Plan.

# 8.1 PUBLIC PARTICIPATION

# Strategies:

CI.1 Coos Bay shall continue to utilize, support, and publicize its Citizen Involvement Program and the efforts of the Committee for Citizen Involvement (CCI), which is charged with the responsibility of coordinating general public knowledge about and involvement in all phases of the ongoing planning and community development process. The city recognizes the advantages of broad-based community input to the quality and public acceptability of its planning and community development decisions.

**<u>FINDING</u>**: The City has acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process. The code amendments do not amend the citizen involvement program. The process for adopting these amendments is consistent with the citizen involvement provisions in the following particulars:

• Citizen engagement was included in all phases of the planning process and included a representative Housing Advisory Committee and work sessions open to the public and dedicated to Planning Commission and City Council feedback. Effective communication between citizens and elected and appointed officials in the project was provided through open houses, work sessions, and public hearings all open to the public at which public input is sought and heard.

• Citizens and interested parties were provided access to project data through a City webpage containing links to draft iterations, meeting notes and background materials.

• Technical information is explained in staff reports and public presentations so information necessary to reach policy decisions is available in a simplified, understandable form. A copy of all technical information is available at City Hall offices.

# 8.2 AGENCY COORDINATION

# Strategies

AC.1 Coos Bay shall give timely notification to the county, local, state and federal agencies, and special districts of periodic reviews and amendments to the city's plan or implementing measures, particularly when the city's actions may affect their responsibilities or lands under their jurisdiction. This strategy is based upon the recognition that planning should be a coordinated process.

**<u>FINDING</u>**: The proposed CBDC amendments reflect a coordinated process. Amendment concepts were widely and developed with appropriate outreach and involvement of state and local agencies, including non-profits and other interest groups.

# 8.3 LAND USE AND COMMUNITY DEVELOPMENT PLANNING

# Strategies

LU.1 The City of Coos Bay shall create a procedure for public hearings which will be contained in the Land Development Ordinance and which shall comply with the requirements of Statewide Planning Goal 1, Citizen Participation, to provide the opportunities and procedures whereby the general public may be involved in the City's on-going land-use planning process. [ORD. 319 4/2/02] [RES 83-11 5/13/83]

**FINDING**: See Findings for Public Participation.

LU.2 The comprehensive Plan shall be the basis for all land use and community development regulations in Coos Bay. This is based on the recognition that zoning, subdivision and sign ordinance are simply implementation tools that carry out the expressed policies and intent of the plan; such regulations are not an end in and of themselves.

**<u>FINDING</u>**: Comprehensive Plan and Development Code amendments were developed and iterated in tandem with a clear awareness and express goal of any and all CBDC amendments having a clear policy foundation in the Comprehensives Plan. The proposed CBDC amendments are consistent with this Land Use policy.

LU.6 Coos Bay shall implement provisions of this plan and its implementing measures upon the City's adoption of the Coos Bay Comprehensive Plan and its implementing measures. This strategy is based on the recognitions that the plan and implementing measures are products of a lengthy planning process; they received due consideration, and they reflect local needs and desires.

LU.8 Coos Bay shall allow the continued existence of any land use activity found to be nonconforming with the provisions of this plan and its implementing ordinances provided that (1) the land use activity was duly permitted under Coos Bay's 1974 Comprehensive Plan and Zoning Ordinance No. 2685, and/or (2) the land use activity was authorized under a discretionary permit by the city. All conditions placed upon such discretionary zoning approvals must be completed within the prescribed period of time established at the time of approval, or lacing a time period, required conditions shall be satisfied by June 30, 1982. Moreover, all such discretionary conditions shall still apply even though the newly adopted comprehensive plan and applicable zoning ordinance will be in effect. This strategy is based on the recognition that (1) "grandfather privileges" are essential to protect property owners' rights, and (2) reasonable time periods should be provided to allow completion of projects initiated under Zoning Ordinance No. 2685.

LU.10 The City will consolidate procedures for applicants so they can apply at one time for all permits or zone changes needed for a development project.

**FINDING**: None of the proposed CBDC changes are inconsistent with these policies.

# 9. LAND USE AND IMPLEMENTATION PLAN

**FINDING**: The Land Use and Implementation Plan (LUIP) of the CBCP outlines plan designations and associated implementation objectives and rationale. These have been amended to reflect current conditions, including Oregon House Bill 2001 priorities. The proposed CBDC amendments are all carefully crafted in alignment with the new and existing language of the LUIP as relates to densities, uses and district distinctions.

#### DECISION CRITERION (B): The proposed amendment is in the public interest.

**DISCUSSION:** The proposed amendments to the CBDC enact principles of Oregon House Bill 2001, passed by the Oregon Legislature in 2019. This bipartisan bill was developed to help provide Oregonians with more housing choices, especially housing choices more people can afford. The new law lets people build certain traditional housing types that already exist in most cities, instead of being limited to a single housing type. House Bill 2001 requires updates of local rules that have limited what sorts of housing people could build. These limitations have led to increased housing costs. The 2020 Coos Bay Housing Needs Assessment indicates that residents are paying more than they can afford for the housing they have and are limited to renting or buying detached single-unit homes. The composition of households is also shifting; many households are made up of a single person living alone. Increased housing choices are needed to address residents in a range of life phases and circumstances.

**FINDING:** Prior to HB 2001, in 2016, the City of Coos Bay amended the CBDC allowing duplexes on single-dwelling lots; moving the City forward substantially on the matter of housing choice. Building on the City's 2016 action, this project strengthens the City's overall regulatory foundation promoting housing choice with a framework for planned development to occur. These updates also correct errors and organizes CBDC language for easier location and understanding of information by the public and developmers. As additional issues arise over time within this code they will be corrected through this public process as needed.

Improved housing choice will create parallel benefit to the local economy, providing housing and associated stability to Coos Bay's workforce, and bringing activity into Coos Bay's downtown and other commercial centers by providing housing in closer proximity to these centers.

The proposed CBDC amendments are established in the public's interest.

# DECISION CRITERIA (C): Approval of the amendment will not result in a decrease in the level-of-service for capital facilities and services identified in the Coos Bay capital improvement plan(s)

**FINDING**: The proposed CBDC amendment may have an affect the level-of-service for capital facilities and services identified in the Coos Bay capital improvement plan due to amendments aimed at increasing housing units within the community. The proposed uses will be considered/included in the Coos Bay Capital Improvement Plan when it is updated. The total impact of the proposed CBDC amendments cannot be fully accessed at this time, but it is not expected to result in a decrease in the level-of-service of the capital facilities and services identified in the current Coo Bay capital improvement plan(s).

#### DECISION CRITERIA (D): The proposed amendment is consistent with the city of Coos Bay's planned transportation system as described within the transportation system plan;

DECISION CRITERIA (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

DECISION CRITERIA (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.

Oregon Administrative Rule 660-012-0060 notes:

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

**FINDING:** The amendments have been developed with consideration for the provision and encouragement of a safe, convenient, and economic transportation system. A major aim of Goal 12 and the Transportation Planning Rule are to minimize the use of the automobile, vehicle miles travelled, and encourage multi-modal uses. The code amendments encourage development that puts employees near employment centers by encouraging more dense development in the downtown core, consequently reducing the need for more distant travel.

Regarding the TPR language quoted above, the amendments do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b). In regards to (c), the amendments will not significantly increase the level of development beyond that allowed currently. Therefore, the amendments are not anticipated to significantly affect any existing or future transportation facilities. Based on the above findings, the amendments are consistent with Statewide Planning Goal 12.

# DECISION CRITERIA (D): OREGON STATEWIDE PLANNING GOALS (OAR 660-015)

The proposal is consistent with the following applicable Statewide Planning Goals; Statewide Planning Goals not cited below are not applicable to this amendment.

**GOAL 1: CITIZEN INVOLVEMENT** [OAR 660-015-000(1)]. To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

**FINDING**: See Findings for Public Participation

# GOAL 2: LAND USE PLANNING [OAR 660-015-000(2)]

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

**<u>FINDING</u>**: See Findings for Local Land Use and Public Participation Policies

**GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES.** To conserve open space and protect natural and scenic resources.

**FINDING:** These CBCP amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, Statewide Planning Goal 5 does not apply.

**GOAL 6: AIR, WATER AND LAND RESOURCE QUALITY.** To maintain and improve the quality of air, water and land resources.

**FINDING:** Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water, and land from impacts from those discharges. The CBCP amendments do not affect the City's ability to provide for clean air, water, or land resources. In fact, one of the main objectives of the amendments is to implement transportation strategies that will have a net benefit on air quality. Therefore, Goal 6 is satisfied.

**GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS.** To protect life and property from natural disasters and hazards.

**FINDING:** Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits development in natural hazard areas without appropriate safeguards. The CBCP amendments strengthen the City's restrictions on

development in areas subject to natural disasters and hazards (slopes above 20%). Further, the amendments do nothing to increase allowance for new development that could result in a natural hazard. Accordingly, Goal 7 is satisfied.

**GOAL 8: RECREATIONAL NEEDS.** To satisfy the recreational needs of both citizens and visitors to the state.

**FINDING**: Goal 8 ensures the provision of recreational facilities to Oregon citizens, and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not negatively impact the City's provision for or access to recreation areas, facilities or recreational opportunities. Some CBCP updates enable residential developments to increase the potential for common public spaces. Accordingly, the code amendments are consistent with Goal 8.

**GOAL 9: ECONOMIC DEVELOPMENT.** To provide adequate opportunities for a variety of economic activities vital to public health, welfare and prosperity.

**<u>FINDING</u>**: Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The code amendments do not impact the supply of industrial and commercial lands. Accordingly, the amendments are consistent with Goal 9. See also Findings for Economic Development.

**GOAL 10: HOUSING.** To provide for the housing needs of citizens of the state. Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density. Goal 10 administrative rules are outlined in OAR 660-008 and 660-015-0000(10).

**FINDING:** The proposed amendments do not re-designate any land from residential to nonresidential use, and do not otherwise diminish the lands available for residential use. Rather, the amendments will increase the capacity of existing residential land. Prior to this package of code and plan updates, the City of Coos Bay had already adopted a provision to allow duplex units in all single-family zones – in the spirit of House Bill 2001. Those changes were reflected in the 2020 Housing Needs Assessment and Buildable Lands Inventory discussed further below.

The proposed changes go far to meet the Goal 10 Implementation objective of facilitating decisions on housing development proposals that are expedited when such proposals are in accordance with zoning ordinances and with provisions of comprehensive plans. It also aims to increase population densities in urban areas taking into consideration (1) key facilities, (2) the economic, environmental, social and energy consequences of the proposed densities and (3) the optimal use of existing urban. The proposals further local influence on housing through revised zoning and land use controls consistent with Goal 10, by providing "greater certainty" in the development process. The revision further clarifies and strengthens one of the City's implementation roles in the multi-front effort to improve housing in Coos Bay and the State.

# 660-008-0010 Allocation of Buildable Land

The mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by

type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation.

**<u>FINDING</u>**: In the Fall of 2020 the City of Coos Bay completed a Housing Needs Assessment (HNA) which included an Inventory of Buildable Lands Inventory (BLI) distinguished by district. The Coos Bay BLI/HNA estimated Coos Bay's current and future housing needs, including whether the City has enough appropriately zoned land to accommodate housing demand over the next 20 years. It concluded that there is a total of 480 residential buildable acres (i.e needs can be physically accommodated on land within the UGB.)

The analysis concluded that 604 new units will need to be accommodated over the next 20 years. Of these, approximately 28% are projected to be single-unit homes. Duplex through four-plex units is projected to represent 11% of the total need. This category also includes any other allowable middle housing types, such as cottage housing. The greatest need identified in the HNA is in the category of lower income units (64%). This need can be addressed through manufactured homes (as noted in the HNA) or multi-unit developments.

The HNA analyzed current housing dynamics in the context of historic and projected demographic and housing trends (including renter and owner split). The HNA analysis utilized a housing needs model to account for affordability categories consistent with Goal 10: including a comparison of the distribution of the existing population by income with the distribution of available housing units by cost; a determination of vacancy rates, both overall and at varying rent ranges and cost levels; a determination of expected housing demand at varying rent ranges and cost levels; allowance for a variety of densities and types of residences.

Both analyses rely on assumptions informed by industry standards, market conditions, and projected trends. Additionally, national and local demographic trends and factors influence assumptions about current and future housing demand. Although the analysis concluded that physical capacity exists for future housing needs, it also concluded that local regulation must be improved to better facilitate the realization of this housing, and specifically to better accommodate development to meet lower-moderate income category housing needs.

The proposed amendments do not re-designate any land from residential to non-residential use, and do not otherwise diminish the lands available for residential use.

#### 660-008-0015 Clear and Objective Approval Standards Required

(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:(a) Set approval standards under which a particular housing type is permitted outright;(b) Impose special conditions upon approval of a specific development proposal; or (c) Establish approval procedures.

**<u>FINDING</u>**: The proposed amendments have been developed to facilitate a clear and objective path for the development of needed housing types on buildable land. Standards or conditions are not attached in a manner that will deny the application or reduce the proposed housing density

provided the proposed density is otherwise allowed in the zone. Single unit, duplex through fourplex, multi-unit and other housing types such as cottage clusters and single-room occupancy units are addressed in the proposed amendments. These amendments establish relaxed development standards, expanded density options, addition of new criteria to support manufactured housing and incentives for affordable housing. The amendments directly facilitate the housing needs identified in the HNA.

## OAR 660-008-0020 Specific Plan Designations Required

(1) Plan designations that allow or require residential uses shall be assigned to all buildable land. Such designations may allow nonresidential uses as well as residential uses. Such designations may be considered to be "residential plan designations" for the purposes of this division. The plan designations assigned to buildable land shall be specific so as to accommodate the varying housing types and densities identified in the local housing needs projection.

**<u>FINDING</u>**: The City of Coos Bay's buildable lands have specific plan designations. The designations accommodate the varying housing types and densities identified in the 2020 Housing Needs Analysis.

#### OAR 660-008-0045, 050,055 Housing Capacity Analysis and Production Strategy

**<u>FINDING</u>**: The City of Coos Bay completed a Housing Needs Analysis in 2020 consistent with 660-008-045. The City is also completed a Housing Pre-Production Strategy recently in preparation for completing a Housing Production Strategy soon

**OAR Chapter 660 Division 46 Middle Housing in Medium and Large Cities.** Chapter 660 Division 46 embodies the requirements set forth in **Oregon House Bill 2001**. HB 2001 requires local governments to:

1) assist local governments with the development of regulations to allow duplexes and/or middle housing, as specified in the bill, and/or

2) assist local governments with the development of plans to improve water, sewer, storm drainage and transportation services in areas where duplexes and other middle housing types would not be feasible due to service constraints.

As a "medium sized" city, Coos Bay is required to allow duplexes "on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings." Additionally, medium cities must consider ways to increase accessibility (remove barriers) to affordable middle housing, including requiring code allowances for certain housing types and provisions where they do not exist. Cities may regulate siting and design of middle housing required to be permitted, provided that the regulations do not, individually, or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable cost or delay. The proposed amendments are designed to streamline and promote middle housing types consistent with OAR Chapter 550 Division 46.

The proposed updates go further in increasing the capacity of lands to accommodate identified housing need. ORS 197.296(6)(b), allows jurisdictions to assume up to a three percent increase in zoned capacity. The latest buildable lands inventory figure could be adjusted accordingly.

The amendments are consistent with Statewide Planning Goal 10.

**GOAL 11: PUBLIC FACILITY PLANNING.** To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Urban Facilities and Services-Refers to key facilities and to appropriate types and levels of at least the following: police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services.

**<u>FINDING</u>**: The amendments do not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 is satisfied.

**GOAL 12: TRANSPORTATION.** To provide of a safe, convenient and economic transportation system.

FINDING: See Findings for Local Transportation Policies.

**GOAL 13: ENERGY CONSERVATION.** Requires development and use of land that maximizes the conservation of energy based on sound economic principles.

**<u>FINDING</u>**: To the extent the amendments impact energy conservation, they are consistent with Goal 13. Consideration for energy consequences was considered in amendments in the context of the following elements: lot dimension, building height, orientation, density of uses, and compatibility of and competition between competing land use activities.

**GOAL 14: URBANIZATION.** Requires provision of an orderly and efficient transition of rural lands to urban use.

**<u>FINDING</u>**: The CBCP amendments comply with GOAL 14 because they support more efficient use of land in Coos Bay reducing the potential need for conversion of rural lands to urban uses.

## ORDINANCE NO.

# AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COOS BAY AMENDING, AS ESTABLISHED BY ORDINANCE 503, COOS BAY DEVELOPMENT CODE (CBDC) TITLE 17, PROJECT 187-20-000050-PLNG(C).

**Section 1.** Intent. It is the intent of Ordinance 541 to demonstrate the City of Coos Bay's compliance with the 2019 Oregon Legislature House Bill 2001 and City Council goals to support housing choices, housing affordability and economic development in Coos Bay.

**Section 2. Public review**. On May 4, 2021, the Planning Commission and City Council held a duly noticed public hearing on the amendments specified in Section 3. The Planning Commission has recommended City Council adoption of Ordinance 541.

**Section 3. Amendments to Title 17 Section 2. Zoning.** Each land use district in the City, the permitted and conditionally permitted uses in each district and basic development standards for each are identified in Section 2. Key amendments to the following five chapters of Section 2 include:

**17.230 Commercial/Mixed use.** Table 17.230.020 of uses, adding as permitted uses Single Room Occupancies, park model reference in authorization of campgrounds and a wider variety of educational services. In the Development standards Table 17.235.030, identification of permitted density, refinement of educational options, Section 17.230.030 and Table 17.230.030 identification of density and reduction of setback limits.

**17.235 Industrial Commercial.** Table 17.235.020 of uses, adding as permitted uses Single Room Occupancies and a wider variety of educational services. In the Development standards table 17.235.030, identification of permitted density.

**17.240 Waterfront Heritage.** Expanded references to use definitions, clean up on redundant architectural review language. Table 17.240.055 replaces but duplicates prior use Table 17.240.080 so the uses are at the front of the chapter. "Review authority" term related to land use added to be reflective of new Chapter 17.130 permit streamlining procedures.

**17.255 Urban Public.** Table 17.225.020 expands community recreation to include but not be limited to libraries and recreation facilities, added are single room occupancies, park model parks, and other uses deemed by the director to be similar to referenced uses. Section 17.225.030 added with development standards for future civic and recreational facilities.

**17.260 Medical Park.** Removes 17.260.010(6) medically related residential and changes Table 17.260.020 limiting multi-unit residential to medically related only. Table 17.260.030 – Development and Lot Standards added to provide medium density residential style standards.

**Section 4. Amendments to Title 17 Section 3. Land Development.** Standards for specific development types and functions are identified in ten chapters or sections of Title 17 Section 3. Notations identify whether the chapter or section is new or if it is modified.

**17.322 Manufactured home parks, RV Parks, and Park Model Parks.** <u>Chapter</u> <u>revised and expanded with new uses.</u> Moves and replicates the current manufactured home park standards in Chapter 17.225, adds standards for RV Parks and Park Model RV parks.

**17.330 Off street parking and loading.** <u>Revised and expanded chapter.</u> Purpose statement added. Table 17.330.010(A) – Off-Street Parking Requirements modified to add reference for duplex, park model parking, reduces requirement for retail stores, relaxes the requirement for parking in restaurants and museums/libraries to reflect current industry standards, adds a uses not defined caveat for director discretion, 17.330.030 Parking design standards (1) increases allowance for compact parking from 25% to 40%; (3a) includes requirement for permeable surface for parking areas; (3f) adds parking lot landscaping standards; (3g) specifies layout for back up, entry and exits, (3h) notes hammerhead criteria, (3i) specifies bumper guards and wheel stops; (5) specifies driveway standards, (6) indicates vehicle parking types, (7 and 8) notes allowances for parking area architectural elements and focus for street frontage; (9) indicates that the requirements may be considered for adjustment review.

**17.335.015 Exceeding height limits.** <u>Revised section.</u> Standards / exceptions added to exceeding height limits.

**17.335.040 Lighting.** <u>Revised section.</u> Addition of new lighting standards.

**17.335.060 Landscaping.** <u>Revised section.</u> Modification of and addition to landscaping standards.

**17.335.110 Zero Lot line Development.** <u>Revised section.</u> Minor change to criteria to accommodate emergency access.

**17.335.120 Multi-family development standards.** <u>New section.</u> Addition of standards to ensure that multi-unit dwellings provide for a physical environment with visual interest consistent with the Coos Bay Comprehensive Plan Land Use chapter. Includes figures and charts.

**17.225.130 Setback intrusion**. <u>Relocated and expanded section</u>. Identification of construction and development elements, with limitations, that may intrude into required yard and driveway setbacks.

**17.335.140 Affordable housing incentives.** <u>New section.</u> Addition of incentives are identified to support affordable housing consistent with HB 2001.

**17.335.150** Addition of solar use and placement. <u>New section</u>. In support of environmental comprehensive plan policies, allows solar panels subject to state criteria in all zoning districts.

**17.347 Conditional Use Permit review.** <u>Revised chapter</u>. Simplification of purpose statement, (.010); addition of requirement for a pre-application review (.020); expansion of review authority to the director rather than an absolute requirement for review by the Planning Commission, (040); Ownership, transfer and cessation of use, shifting authority to the "review authority, can include the Director, (050).

**17.349 Cultural Resources.** <u>Revised chapter</u>. Throughout modifies the requirement for Planning Commission review and assigns to the "review authority". Depending on a project size and scope, the Director may be the "review authority". This is a streamlining change.

**17.362 Planned Unit Development.** <u>Revised chapter.</u> 17.362.010, revises purpose to be specific to subdivisions only; 020, expands on contents for a PUD application; .030, specifies PUD application contents and adds requirement for use of a licensed land surveyor to prepare the application; .050, expands on standards and uses.

**17.36 Cottage cluster.** <u>New chapter.</u> 17.365.005, Cottage cluster concept purpose; 17.365.010, development standards and residential land uses; 17.365.015, a pre-application review requirement; 17.365.020 Review processes; 17.365.030 criteria and directives regarding the expiration and extension of preliminary plat approval for a cottage cluster subdivision; 17.367.040, criteria for construction prior to cottage cluster subdivision final plat approval; and 17.367.050 regarding the required improvement plans for Cottage cluster projects.

**17.367 Subdivisions.** <u>Revised chapter.</u> 17.367.020 provides review land use review options based on size and scope of project rather than immediate Type III review; 17.367.040 provides directives for subdivisions including flag lots for emergency access safety.

**Section 5. Public Notice and compliance with OAR 660-019-0020.** Notification of the subject amendments and public hearings was provided as follows:

Department of Land Use, Conservation and Development March 29, 2021 on-line posting. of the May 4, 2021 Planning Commission/City Council public hearing notice and all related proposed amendments.

Friday Update. On Friday, April 23, 2021, the subject amendments were noted in the City of Coos Bay Friday Update, the City's on-line publication of events/notifications of City business.

The World newspaper legal ad. On April 23, 2021, a public hearing notice of this May 4, 2021 public hearing was included in The World newspaper legal ads (Attachment A).

Community Development Department web page posting. April 27, 2021, this ordinance was posted at <u>www.coosbay.org/departments/community-development-department.</u>

Public hearing notice posting. On Friday, April 23, 2021, consistent with the City Charter, a public hearing notice of this ordinance identifying the May 4, 2021 joint Planning Commission/City Council public hearing time and place was posted in conspicuous place where it could be seen at the Coos Bay City Hall at 500 Central Ave.

**Section 6.** Authorization and Findings. The Council hereby authorizes approval of this Ordinance Coos Bay Development Code text (Exhibit 1) amendments based on the Findings of Fact found on Exhibit 2.

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

**Section 8.** Adoption. The foregoing ordinance was enacted by the Coos Bay City Council this 4<sup>th</sup> day of May 2021 by the following vote:

Yes: No: Absent:

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

ATTEST:

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

#### ATTACHMENT A Affidavit of Publication

#### AFFIDAVIT OF PUBLICATION

The World

Country Media Inc - Coos County 350 Commercial Ave. Coos Bay, OR 97420 P.O. Box 1840, Coos Bay, OR 97420

#### STATE OF OREGON - COUNTY OF COOS

City of Coos Bay 500 Central Ave., Coos Bay, OR 97420

#### **REFERENCE: 39789/ 314445**

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

PUBLISHED: April 23, 2021

TOTAL COST: \$144.69

Legal Clerk, Dawn Smith, Subscribed and sworn before on this 23col of april 2021

Notary Public of Oregon-My Commission

expires March 14 2025

OFFICIAL STAMP Kari Lynn Sholter NOTARY PUBLIC - OREGON COMMISSION NO. 1009729 MY COMMISSION EXPIRES March 14, 2025

City of Coos Bay Public **Hearing Notice** On Tuesday, May 4, 2021 at 7 PM, with social distancing, required masking and limited physical attendance, the City Council and Planning Commission will hold a public hearing at 500 Central Ave to consider two ordinances amending the City's Comprehensive Plan and Development Gode to facilitate House. Bill 2001 housing development mandate and stream ining of the land use review process. The meeting will be live streamed on https://-www.voutube.com/chan-nel/UC-w12ikBNWVkoVW/qJ0bk2g. The City Council will take action on amendments to Coos Bay's Comprehensive Plan, chapters 5, 6, 7, 8, and 9 and amend-ments to Coos Bay Municipal Code Title 17 chapters 17, 130 Procedures; 17, 150 Definitions; 17,210 Establishment of Zoning districts, 17.220 LDR Zoning district 17 225 MDR Zoning District; 17.312 Accessory Dwelling Units and 17:335.120 Multi-unit Dwelling Standards, 17:230 Commercial Zoning district: 17.235 Industrial- Commercial Zoning district, 17.240 Waterfront Hentage Zoning district: 17.255 Urban Public Zoning district: 17.260 Medical Park Zoning district; 17.322 Manufactured Home, RV and Park Model Parks; 17.335.040 Lighting, 17.335.060 Landscaping: 17:335.110 Zero lot line development: 17:335.140 iot line development, 17,335,140 Affordable Housing Incentives, 17,340 Variances, 17,349 Cultural Resources, 17,345 Cottage Clus-ters, 17,347 Conditional Use Per-mits, 17,362, Planned Unit De-velopment, 17,367 Subdivisions, 17,376 Subdivisions, 17.370 Single Room Occupancy and 17.372 Adjustment Review The proposed amendments can be found at http://coosbay.org/ departments/- community-development-department.under \*Long-Range Planning" A Council staff report for the public hearing will be posted 04/27/2021 at http:// coosbay.org/archive/agendasminutes . Comments? contact Carolyn Johnson' Community Development Administrator at 541-269-8924 or at cichnson@ coosbay org;or by US mail to the Community/Development/Department, City Hall, 500 Central Ave, Coos Bay. Published: April 23, 2021 The World & ONPA (ID: 314445)

# Exhibit 1 Text Amendments

#### Chapter 17.230

#### COMMERCIAL DISTRICTS (C AND MX)

Sections:

17.230.010 Purpose.

17.230.020 UsesLand uses and permit requirements.

17.230.030 Development <u>and lot</u> standards.

#### 17.230.010 Purpose.

(1) <u>The Cc</u>ommercial (C) <u>Dd</u>istrict. These commercial areas are is intended to provide for the regular shopping and service needs for the community and adjacent service areas. Typical allowed uses include convenience food markets, beauty and barber shops, bakeries and service industries. These areas are held to a high standard of site plan review due to the close proximity of residential zones. Development activity shall meet, as applicable, the design guidelines contained in this code and ensure that there is safe, interconnected, and multimodal transportation access to and within development sites.

(2) The mixed-use (MX) district requires mixed-use developments to provide the community with a mix of mutually supporting retail, service, office and medium- or high-density residential uses. The zone is designed to promote cohesive site planning and design that integrates and interconnects two or more land uses into a development that is mutually supportive. It can provide incentives to develop a higher density, active, urban environment than generally would be found in a suburban community. This type of development is further expected to:

(a) Achieve the goals and objectives of the city's comprehensive plan and capital facilities plans;

(b) Enhance livability, environmental quality and economic vitality;

(c) Maximize efficient use of public facilities and services;

(d) Create a safe, attractive and convenient environment for a variety of uses including living, working, recreating and traveling by all transportation modes.

(3) Applicability.

(a) General. The provisions of this section shall be applied to parcels or groups of contiguous parcels designated mixed-use on the city's official zoning map.

(b) Interpretation. If the requirements of the mixed-use district conflict with other regulations, the more stringent shall apply.

(4) Definitions. For the purposes of this section, the following definitions shall apply:

(a) "Mixed-use development" shall mean a group of structures planned as a single entity and containing within and/or among them a variety of complementary and/or mutually supporting uses (such as housing, offices, retail, public service or entertainment).

(b) "Net acre" means an acre of the developable portion of the site, which is derived from the total (gross) acreage of the site minus the area required to be, or voluntarily, set aside, as critical and environmentally sensitive lands and the corresponding buffers, public rights-of-

way, road easements and any similar public facilities. [Ord. 532 § 2 (Att. B), 2020; Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

#### 17.230.020 UsesLand uses and permit requirements.

The following uses in Table 17.230.020 in the commercial/mixed-use (C/MX) zone are permitted (P), conditional (C) or prohibited (X). The permitting type for each use shall be subject to the land use process noted in Table 17.230.020 and the criteria specified in subsections (1) through (3) of this section.

Land uses and permit requirements are listed in Table 17.230.020. The table identifies those uses in the commercial districts that are:

P = Permitted use;

C = Conditional use;

S = Permitted uses that are subject to special standards; or

X = Prohibited.

The applicable procedural requirements are found in CBDC 17.130.

(1) Type I Review. A Type I process involves nondiscretionary standards or standards that require the exercise of professional judgment by the director about technical issues. Type I reviews include:

(a) Residential proposals creating less than 10 new units.

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

(c) Installation or replacement of underground utilities.

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

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

(2) Type II Review. A Type II process involves a mix of discretionary and nondiscretionary standards that require the exercise of limited discretion by the director about nontechnical issues and about which there may be a limited public interest. Type II reviews include:

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

(b) New construction or expansions of existing develop which does not exceed:

(i) Four thousand square feet of floor area.

(ii) Twenty new parking spaces.

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

(iv) All changes in the use of a structure that increase the intensity of use by increasing the gross floor area by more than 20 percent up to a total of 4,000 square feet or

introducing a use requiring more than 15 percent of the parking required by the original use up to and including 20 new spaces.

(c) Property line adjustments and partitions.

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

(3) Type III Review. A Type III process involves standards that require the exercise of substantial discretion by the planning commission or a hearings officer and about which there may be a broad public interest. Type III reviews include:

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

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

- (ii) Twenty-one or more new parking spaces.
- (iii) Residential proposals with more than 10 units.

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

(c) Subdivisions.

(d) Conditional use permits.

#### Table 17.230.020 – Uses Land Uses and Permit Requirements

Use	С	МХ
Residential		
Residential uses above the ground floor or story and up to 30% of ground floor or story Mixed use projects combining commercial and rResidential uses; commercial development shall comprise above the ground floor or story and up to 30% of the project floor area, ground floor or story		Ρ
A single dwelling for a caretaker or night watchman that is secondary to a primary use.	ļ	<u>P</u>
Existing single-familyunit residential uses may be rebuilt if discontinued for a period of not less than 24 months		Ρ
Tourist habitation <del>/bed and breakfast</del>		Р
Home occupations Single Room Occupancy subject to standards at CBDC 17.370.	P	<u>PS</u>
Medium density residentialDwelling, Multi-unit (16 dwelling units per acre) (minimum of 25 dwelling units per acre and (subject to standards at CBDC 17.335.120)	S	₽ <u>S</u>
Zero lot line development <u>(</u> subject to <del>requirements of</del> <u>standards at CBDC</u> 17.335. <del>100<u>110)</u></del>	F	2 <u>S</u>
Retail Sales – Food		
Markets in excess of 15,000 square feet gross floor area	Р	С
Markets – Under 15,000 square feet of gross floor area		P
Bakery		P

Use	С	MX
Retail Sales – General		•
General retailer		Р
Single purpose/specialty retailers		Р
Yard and garden supplies, including nurseries	Р	Х
Adult entertainment	С	Х
Retail Sales – Restaurants, Drinking Establishments		
Restaurants and drinking establishments, including outdoor dining, portable walk-up vendors (not including drive-through facilities) such as but not limited to espresso carts, and food stands, and other uses generally conducted outside in conjunction with a permitted commercial food and drink service use, unless otherwise prohibited by the CBMC or state law		Ρ
Drive-through, drive-in or drive-up facilities <u>(</u> subject to <del>the requirements of</del> <u>standards at</u> CBDC 17.335.070 <u>)</u>	F	<u>2</u> S
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.	С	х
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.	С	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.		Ρ
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	Р	Х
Cleaning – Washing and polishing of automobiles. Typical uses include auto laundries or car washes.	Ρ	С
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.	Ρ	x
Commercial off-street parking facilities	Ρ	С
Storage, nonoperating vehicles – Storage of nonoperating motor vehicles. Typical uses include storage of private parking tow-away or impound yards.	Ρ	х
Transportation terminals		
– Freight	С	Х

Use	С	MX
– People		Ρ
Retail Sales – Building Materials and Farm Equipment		
Lumber and other building materials stores and yards, with only incidental cutting and planing of products sold	Ρ	х
Heating and plumbing equipment, including incidental fabrication (operated entirely within an enclosed building)	Ρ	С
Hardware, home repair and supply stores (over 20,000 square feet gross floor area)	£	X
Hardware, home repair and supply stores <del>(up to and including 19,999 square feet</del> <del>gross floor area)</del>	Ρ	С
Farm equipment and implement dealer	Ρ	Х
Hay, grain, and feed stores	Ρ	Х
<b>Retail Sales – Products</b> (Finished product retailers with primary fabrication or assembly on site and within an entirely enclosed building.)		Р
Sales and Services – Personal		
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.		
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.		Ρ
Funeral and interment services: undertaking – Undertaking services such as preparing the dead for burial and arranging and managing funerals		Ρ
Marijuana retail sales subject to the requirements of CBDC 17.335.080(1) through (8) and (10)		Ρ
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.		Ρ
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.		Ρ

Jse	С	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.		Ρ
Moving and storage (mini-storage)	С	Х
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 <del>(less than 10,000 square feet)</del>	Ρ	С
Event facilities (greater than 10,000 square feet)		₽
RV storage	Ρ	С
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.		Ρ
Campground – Campground services involving but not limited to transient habitation areas for travelers in recreational vehicles or tents. Typical uses include par model and recreational vehicle parks.	С	х
Services – Medical and Health		
Hospitals		Х
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		Ρ
Ambulance services		Ρ
Sanitaria, convalescent and rest homes		Ρ
Orthopedic equipment and supplies, rental, sales and services		Р
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.		Х
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.		Ρ
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.	С	Х
Animal sales and service: pet shop – Establishment for the retail sale of household pets and pet supplies		Ρ
Animal sales and service: veterinary (small animals) – Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.		С
Veterinary (large animals) – Veterinary services for large animals. Typical uses include animal hospitals or veterinary hospitals.	С	Х

I

se	С	M)
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		Х
Aquaculture – Raising, feeding, planting, harvesting fish and shellfish, and associated facilities as necessary for such use, including commercial harvest of naturally occurring clam beds		Х
ervices – Amusement		
Community recreation – Recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, or community recreation buildings		С
Theaters, indoor		Ρ
Drive-in theaters, stadium and arena facilities		С
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.	Ρ	С
Participant sports and recreation: outdoor – Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, or swimming pools.	Ρ	С
Zoos, circuses, carnivals, or amusement rides, excluding temporary civic events endorsed by the city council	С	Х
ervices – Educational		
Educational Services Nursery schools, preschools	Ρ	С
<u>Child Day</u> care facilities		Р
Libraries		Ρ
Vocational schools		<del>C</del>
Artistic studios and schools including but not limited to dance, music and martial arts (less than 10,000 square feet)		Ρ
Artistic studios and schools including but not limited to dance, music and martial arts (greater than 10,000 square feet)	₽	c
Public parks, parkways, recreation facilities, trails and related facilities	Ρ	С
Public/private educational institutions	Ρ	С
Outdoor events related to grand openings and similar special business events		Ρ
ervices – Membership Organizations		
Business, professional and religious (not including churches)		Ρ
Civic, social, fraternal, charitable, labor and political <del>(less than 5,000 square feet)</del>		Ρ
Civic, social, fraternal, charitable, labor and political (greater than 5,000 square feet)		₽
Churches		Р

Use	С	MX
Distribution facilities	С	Х
Public Services and Facilities		•
Buildings entirely dedicated to public services, such as city hall, police and fire substations		Ρ
Sewer, water and utility transmission lines	Ρ	С
Wireless communications facilities		P
Museums, historic and cultural exhibits and the like		Р
U.S. post offices		Р
Public transit facilities including park and ride facilities		Р
Bus shelters		Р
Accessory Uses and Activities		
On-site hazardous waste treatment and storage facilities, subject to state siting criteria		Х
Drive-through or drive-up facilities		С
Open Air Activities		
Open air display of plants and produce in conjunction with a permitted use		Р
Open air storage of materials		С
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		Ρ
Open air storage of company vehicles, such as cars and light duty trucks, in conjunction with a permitted use	Ρ	С
Other Uses		
Temporary uses		Р
Solid waste handling and disposal sites		Х
Agricultural uses		Х
Other similar uses deemed by the director to be compatible with the C/MX districts and adjacent land uses.	depe upo a inter	ew type endent n size and nsity of ise.

[Ord. 532 § 2 (Att. B), 2020; Ord. 513 § 7 (Exh. 2), 2019; Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

# 17.230.030 Development <u>and lot</u> standards.

(1) New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Table 17.230.030.

(2) Landscaping.

(a) In commercial and mixed-use zoning districts, not less than 15 percent of the total lot area shall be landscaped. Pedestrian plazas, sidewalks over the minimum width and other pedestrian amenities may be used to meet the required landscaping at a one-to-one ratio.

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

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

(3) Development Standards.

(a) Residential/Commercial. All residential or mixed residential/commercial areas shall provide a minimum of eight residential units per net acre and a maximum of 24 residential units per net acre.

(b) Lot Standards.

(i) All development applications in the MX zone shall comply with the applicable standards for lot area dimensions, building height, and setbacks in Table 17.230.030.

(ii) Single-familyunit structures that are used for accessory commercial uses shall use the single-familyunit 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.

Standard	Commercial	Mixed	Single-/Multi- <del>family_uni</del> <u>dwelling</u>	
			Attached	Detached
Dwelling Units Per Acre				
<u>Minimum</u>	<u>N/A</u>	<u>No Minimum</u>	<u>12</u>	<u>12</u>
<u>Maximum</u>	<u>N/A</u>	<u>No Maximum</u>	<u>No Maximum</u>	No Maximum
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	<del>5,000</del> <u>1,200</u> square feet	<del>3,000</del>
Maximum lot area	N/A	N/A	N/A	15,000 square feet
Maximum lot coverage	85%	85%	<del>75<u>65</u>%</del>	65%
Maximum height	35 feet	35 feet	35 feet	35 feet

Table 17.230.030 – <u>Development and Lot Standards</u>

Standard	Commercial	Mixed	Single-/Multi- <del>family <u>unit</u> <u>dwelling</u></del>	
			Attached	Detached
Setbacks (see also CBDC 17.335	.130 Setbacks-Intr	usions permitted)		
Minimum front setback	0 feet	10 feet	10 feet	10 feet <u>or 10%</u> of the lot <u>depth,</u> <u>whichever is</u> <u>less</u>
Min. garage setback from public street	20 feet	20 feet	20 feet	20 feet
Minimum garage setback from alley	20 feet	20 feet	20 feet	20 feet
Minimum side setback	0 feet or 10 feet abutting <del>single-</del> <del>family<u>LDR</u> zones</del>	0 feet or 10 feet abutting <del>single-</del> <del>family<u>LDR</u> zones</del>	0 feet attached, 5 feet nonattachedto abutting properties.	5 feet <u>or 10%</u> <u>of the lot</u> <u>depth,</u> <u>whichever is</u> <u>less</u>
Minimum street side setback	0 feet	0 feet	10 feet	10 feet <u>or 20%</u> of the lot width, whichever is less.
Minimum rear setback	0 feet, or 10 feet abutting <del>single-</del> <del>family<u>LDR</u> zones</del>	<u>0 feet, or</u> 10 feet <u>abutting LDR</u> <u>zones</u>	<del>10<u>5</u> feet</del>	<del>10<u>5</u> feet</del>

(c) Site Planning Design GuidelinesStandards.

(i) Commercial and Mixed-Use Development.

(A) Blank walls facing public streets are discouraged. Features providing visual interest such as windows (genuine, false, or display), artwork, varied building materials, relief panels, trim, balconies, ledges or other techniques shall be employed to enhance building facades facing public streets.

(B) Rooflines shall be a minimum of 4:12 for pitched roofs. Lower pitched roofs or parapet rooflines shall provide additional architectural detailing including but not limited to: cornice, cap, relief panels, bay windows, shade projections, rain protection, eaves, dormers, ledges or overhangs as approved by the director.

(C) Rain protection shall be located at the primary entrance that is effectively designed to provide a minimum of 50 square feet of rain protection. This protection may use a single or combination of techniques such as awning, eave, alcove, airlock, recessed entry or porte-cochere.

(D) Finished surfaces on building elevations shall emphasize use of architectural grade natural building products such as wood, masonry, metal, glass, stucco, fiber cement, cultured stone or other stone materials. Use of plywood, vinyl, plastic

composites, fiberglass or similar are prohibited unless otherwise permitted by the director.

(E) A diverse use of color is encouraged to display individuality within the community. Finished surfaces suitable for painting shall incorporate a color palette of at least two colors consisting of a base color and an accent (trim color). Repetitive or predictable alternate color schemes are discouraged.

(F) Hardscaping (i.e., curb-to-facade sidewalks with pedestrian amenities) may be substituted in lieu of landscaping requirements subject to review and approval of the review authority.

(ii) Multi-unit dwellings are-development is subject to the standards at CBDC 17.335.120 Multi-Uunit Development-dwelling Sstandards.

(4) Special Limitations on Uses. All uses in the <u>C and</u> MX district(s) shall meet all of the following conditions:

(a) Odor, noise, emissions, vibration, heat and glare (except for exterior lighting) shall be controlled within the confines of the building or structure.

(b) No movement of heavy equipment on and off the site shall occur, except for truck deliveries.

(c) No outdoor testing of products or processes shall take place on the site.

(d) No highly combustible, explosive, or hazardous materials or waste shall be permitted on site.

(e) Outdoor storage must be screened from public view.[Ord. 532 § 2 (Att. B), 2020; Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

#### Chapter 17.235 INDUSTRIAL-COMMERCIAL DISTRICT (I-C)

Sections:

17.235.010 Purpose.

17.235.020 Permitted uses Land uses and permit requirements.

17.235.030 Dimensional requirements Development and lot standards.

17.235.040 Industrial-commercial development standards.

#### 17.235.010 Purpose.

It is the city's intent that, <u>industrial uses be encouraged</u> in accordance with the comprehensive plan, the Industral-Commercial district uses serve as an <u>and that potential industrial areas be</u> retained as an essential element for <u>aand</u> vital economic base for the population of Coos Bay. <u>The intent of This this</u> district is to provides suitable areas for a variety of industrial and commercial uses, including manufacturing, wholesale trade and distribution activities. <u>This district</u> also provides residential locations to support industrial and commercial uses.

The industrial-commercial district is intended to contain uses that will not generate excessive noise, pollution, vibration, smoke, dust, gas, fumes, odors, radiation and other violation characteristics. Conditional uses are those which may have some violation characteristics that may be mitigated and where such uses may be appropriately sited in Coos Bay. Industrial-commercial districts are only intended to be located in areas with relatively level topography, adequate water and sewerage facilities, and access to arterial streets and highways. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

#### 17.235.020 Permitted uses Land uses and permit requirements.

The following uses in the industrial commercial (I-C) zone are permitted (P), conditional (C) or prohibited (X). The permitting type for each use shall be subject to the land use process noted in Table 17.235.020 and the criteria specified in subsections (1) through (3) of this section.

Land uses and permit requirements are listed in Table 17.235.020. The table identifies those uses in the I-C district that are:

P = Permitted use;

C = Conditional use;

<u>S = Permitted uses that are subject to special standards; or</u>

X = Prohibited.

The applicable procedural requirements are found in CBDC 17.130.

(1) Type I Review. A Type I process involves nondiscretionary standards or standards that require the exercise of professional judgment by the director about technical issues. Type I reviews include:

(a) Residential proposals creating less than 10 new units.

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

(c) Installation or replacement of underground utilities.

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

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

(2) Type II Review. A Type II process involves a mix of discretionary and nondiscretionary standards that require the exercise of limited discretion by the director about nontechnical issues and about which there may be a limited public interest. Type II reviews include:

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

(b) New construction or expansions of existing develop which does not exceed:

(i) Four thousand square feet of floor area.

(ii) Twenty new parking spaces.

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

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

(c) Property line adjustments and partitions.

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

(3) Type III Review. A Type III process involves standards that require the exercise of substantial discretion by the planning commission or a hearings officer and about which there may be a broad public interest. Type III reviews include:

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

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

(ii) Twenty-one or more new parking spaces.

(iii) Residential proposals with more than 10 units.

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

(c) Subdivisions.

(d) Conditional use permits.

The authorization process for land uses is subject to the requirements as indicated in Table 17.235.020 and CBDC 17.130.030(3)(a) through (c); if there is a conflict between the two sections, the requirements of CBDC 17.130.030(3)(a) through (c) shall prevail.

# Table 17.235.020 – I-C UsesLand Uses and Permit Requirements

Use	I-C
Residential	
<u>Mixed-Use with</u> 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	Р
A single dwelling for a caretaker or night watchman that is secondary to a primary use.	P
Existing single- <u>familyunit</u> residential uses may be rebuilt if discontinued for a period of not less than 24 months	Р
Tourist habitation <del>/bed and breakfast</del>	Р
Home occupation	₽
Medium density residential Dwelling, Multi-unit <u>10 units or less (subject to standards at CBDC</u> <u>17.335.120)</u>	₽ <u>S</u>
Medium density residential <u>Dwelling, Multi-unit (1625</u> dwelling units per acre) with more than 10 units <u>(subject to standards at CBDC 17.335.120)</u>	<u>C/S</u>
Institutionalized residential-living facilities, such as personal-care homes, nursing homes, convalescent homes, group <u>residential</u> homes, continuing care retirement facilities and similar uses of five or fewer persons	Р
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	С
Homeless shelter meeting Type II permitting criteria	₽
Homeless shelter meeting Type III permitting criteria	С
Single Room Occupancy (subject to standards at CBDC 17.370)	<u>PS</u>
Retail Sales – Food and Beverages	
Retail establishment selling food and/or beverages	Р
Bakery	Р
Retail Sales – General	
General retailer	Р
Yard and garden supplies, including nurseries	Р
Adult entertainment	Р
Retail Sales – Restaurants, Drinking Establishments	
Eating and drinking establishments	Р
Wineries, breweries and distilleries	Р
Retail Sales and Services – Automotive and Equipment	
Sales/rentals, light equipment – Sale, retail, or wholesale, and/or rental from the premises of autos, noncommercial trucks, motorcycles, motor homes, recreational vehicles, boats, and trailers with generally less than a 10,000-pound gross cargo weight, together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational	Р

Use	I-C
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.	Ρ
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.	Ρ
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.	Ρ
Manufactured home sales	Р
Cleaning – Washing and polishing of automobiles. Typical uses include auto laundries or car washes.	Ρ
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.	Ρ
Commercial off-street parking facilities	Р
Storage, nonoperating vehicles – Storage of nonoperating motor vehicles. Typical uses include storage of private parking tow-away or impound yards.	Ρ
Tire retreading and recapping	Р
Junkyards, wrecked motor vehicle compounds and used auto or other vehicle parts yards	С
Welding and machine shops	Р
Transportation Terminals	
Freight	Р
People	Р
Distribution facilities	Р
Bulk gasoline storage and fuel oil distributors	С
Retail Sales – Building Materials and Farm Equipment	
Lumber and other building materials stores and yards, with only incidental cutting and planing of products sold	Ρ
Heating and plumbing equipment, including incidental fabrication (operated entirely within an enclosed building)	Р
Hardware, home repair and supply stores (over 100,000 square feet gross floor area)	Р
Hardware, home repair and supply stores (10,000 to 100,000 square feet gross floor area)	Р
Hardware, home repair and supply stores (under 10,000 square feet gross floor area)	Р
Farm equipment and implement dealer	Р
Hay, grain, and feed stores	Р

Use	I-C
Lumber yards, saw mills	С
Retail Sales – Products (finished product retailers with primary fabrication or assembly and within an entirely enclosed building)	on site
Uses of less than 10,000 square feet gross floor area	Р
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.	Ρ
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.	Ρ
Funeral and Interment Services	
Undertaking – Undertaking services such as preparing the dead for burial and arranging and managing funerals	Ρ
Cemetery – Places primarily for the burial of human remains; may include crematory and interring services. Typical uses include mausoleums, columbariums, and crematoriums.	Ρ
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.	Ρ
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.	Р
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.	Ρ
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.	Ρ
Moving and storage (mini-storage)	Р
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.	Р
Event facilities (commercial recreation facilities enclosed and unenclosed and auditoriums and civic centers)	Р
Art galleries, libraries and museums	Р
RV storage	Р
Services – Tourist Habitation	

Use	I-C
Lodging – Lodging services involving the provision of room and/or board. Typical uses include hotels or motels.	Ρ
Campground – Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.	Ρ
Services – Medical and Health	
Hospitals	Р
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	Ρ
Ambulance services	Р
Sanitaria, convalescent and rest homes	Р
Orthopedic equipment and supplies, rental, sales and services	Р
Research and scientific laboratories	Р
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.	С
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.	Ρ
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.	Ρ
Animal sales and service: pet shop – Establishment for the retail sale of household pets and pet supplies	Ρ
Animal sales and service: veterinary (small animals) – Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.	Ρ
Veterinary (large animals) – Veterinary services for large animals. Typical uses include animal hospitals or veterinary hospitals.	Ρ
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	Х
Aquaculture – Raising, feeding, planting, harvesting fish and shellfish, and associated facilities as necessary for such use, including commercial harvest of naturally occurring clam beds	Х
Exterminators and pest control businesses	Р
Services – Amusement	
Community recreation – Recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, or community recreation buildings	С
Theaters, indoor	Р
Drive-in theaters, stadium and arena facilities	С
Participant sports and recreation: indoor – Those uses conducted within an enclosed building.	Р

Use	I-C			
Typical uses include bowling alleys, skating rinks (ice and/or roller), billiard/pool parlors, video arcades, swimming pools, physical fitness centers, or racquetball centers.				
Participant sports and recreation: outdoor – Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, or swimming pools.				
Zoos, circuses, carnivals, or amusement rides, excluding temporary civic events endorsed by the city council				
Services – Educational				
Educational ServicesNursery schools, preschools	Р			
<u>Child Care</u> Day care facilities	Р			
Libraries	Р			
Public/private educational institutions including colleges, universities and vocational sSchools	₽			
Artistic studios and schools including but not limited to dance, music and martial arts (less than 10,000 square feet)				
Public parks, parkways, recreation facilities, trails and related facilities				
Services – Membership Organizations				
Clubs, lodges, fraternal institutions and other places of assembly for membership groups				
Civic, social, fraternal, charitable, labor and political (less than 5,000 square feet)				
Civic, social, fraternal, charitable, labor and political (greater than 5,000 square feet)	Р			
Religious assembly				
Public Services and Facilities				
Buildings entirely dedicated to public services, such as City Hall, police and fire substations	Р			
Sewer, water and utility transmission lines	Р			
Wireless communications facilities	Р			
Museums, historic and cultural exhibits and the like	Р			
U.S. post offices	Р			
Public transit facilities, including park and ride facilities	Р			
Bus shelters	Р			
Utilities and communication facilities, such as telephone exchanges, radio and television studios, electric substations and public television stations	Р			
Radio, television and cellular phone towers and antennas				
Transportation, communication and utility facilities, not otherwise specifically permitted	Ρ			
Accessory Uses and Activities				
On-site hazardous waste treatment and storage facilities, subject to state siting criteria	С			
Drive-through or drive-up facilities (subject to the requirements of standards at CBDC 17.335.070	₽ <u>S</u>			

Use	I-C	
Accessory uses and structures which are incidental to one or more permitted principal uses in this zone		
Open Air Activities		
Open air display of plants and produce in conjunction with a permitted use	Р	
Open air storage of materials	Р	
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		
Open air storage of company vehicles, such as cars and light duty trucks, in conjunction with a permitted use	Р	
Storage buildings and storage yards, for nonhazardous raw materials and finished products	Р	
Sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources.	Р	
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	Ρ	
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	Ρ	
Marijuana-related businesses (subject to the requirements of standards at CBDC 17.335.080)	₽ <u>S</u>	
Cold storage plants, frozen food lockers and ice manufacture	Р	
Asphalt plants	Х	
Fertilizer manufacture	Х	
Explosives manufacture and storage	Х	
Acid manufacture	Х	
Rubber manufacture	Х	
Other Uses		
Dry-cleaning plants	Р	
Solid waste handling and disposal sites	С	
Temporary uses which may be approved by the director	Р	
Warehouses, wholesale and storage establishments, mail order houses and distribution facilities	Р	
Agricultural uses indoors	Р	
Agricultural uses outdoors	С	

Use		
Conical burners and incinerators, including biomedical waste		
Land fill	Х	
Paper and pulp mills	Х	
Recycling plants, including any processing facilities	Х	
All uses or services not listed, unless determined to be similar to a listed use	Х	
Other similar uses deemed by the director to be compatible with the I-C district and adjacent land uses	Ρ	

[Ord. 532 § 2 (Att. B), 2020; Ord. 513 § 7 (Exh. 2), 2019; Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 486 § 2, 2017; Ord. 473 § 3 (Exh. A), 2016].

#### 17.235.030 Dimensional requirements Development and lot standards.

Table 17.235.030 establishes dimensional requirements for industrial-commercial districts:

## Table 17.235.030 - I-C Dimensional Requirements Development and Lot Standards.

Standard	I-C				
Dwelling Units Per Acre					
Mixed-use with Residential	No Minimum, No Maximum				
<u>Multi-unit Dwellings (residential-only)</u>	Minimum 12, No Maximum				
Minimum lot size	No requirements				
Minimum lot frontage	No requirements				
Minimum lot width	No requirements				
Setbacks (see also CBDC 17.335.130 Setbacks-Intrusions permitted)					
Front and street side yard building setback	10 feet side yard setback if abutting residential zone				
Side and rear yard building setback	10 feet if abutting residential zone				
Minimum distance between principal buildings	As per t <del>he Oregon Structural Specialty Code<u>CBMC Title 15</u></del>				
Maximum building coverage	As per t <del>he Oregon Structural Specialty- Code</del> CBMC Title 15				
Maximum height	<u>35'</u>				
Landscaping <del>consistent with CBDC 17.335.060(2)</del> — <del>(15)</del>	As required in CBDC 17.335.060. Landscaping may include vegetated stormwater treatment facilities and/or pedestrian plazas no less than 100 square feet with a minimum lot size of 650 square feet. If a pedestrian plaza is proposed a minimum of 80 percent of the area shall be paved in a decorative paver or textured, colored concrete. Asphalt is prohibited as a paving material.				

[Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

#### 17.235.040 Industrial-commercial development standards.

Developments in the I-C zoning district shall be designed and constructed in accordance with the following standards:

(1) Shared access points with abutting or adjacent development shall be provided whenever practicable as determined by the director.

(2) Service Roads, Spur Tracks, Hard Stands, Outside Storage Area. No service road, hard stand or outside storage area, or similar use, shall be permitted within required setbacks adjoining residential districts.

(3) Fences and Walls. Sight-obscuring fencing or walls, visible from the public right-of-way, shall be screened with dense sight-obscuring plant materials.

(4) Site Landscaping and Design Plan. A landscaping and design plan shall be approved by the director prior to the issuance of a building permit, which review may be conducted concurrent with the processing of building permits. The following requirements shall apply:

(a) If a blank wall is adjacent to residential zones the applicant shall provide and maintain a vegetative buffer of at least 11 feet high that creates a varied appearance to the blank wall. Other features such as false or display windows, artwork, and varied building materials are acceptable.

(b) Building facades facing public streets shall have 50 percent of the total surface area of the wall transparent.

(c) Private parking areas adjacent to city rights-of-way shall be physically separated from the rights-of-way by landscaping or other features to a height of three feet; a combination thereof may be permitted at the discretion of the director.

(d) Primary building entrances shall be physically oriented to the street or to a pedestrian walkway with entry way features at a pedestrian scale.

(e) If a development is located within 250 feet of an existing or proposed transit stop, the applicant shall comply with transit authority requirements for a transit stop and/or shelter.

(f) All off-street parking areas shall be planted with a minimum of one deciduous tree for every six parking spaces. Trees shall be of such species and spacing that a canopy effect shall result. Trees must be dispersed throughout the parking lot.

(g) Required setback areas adjacent to streets and those abutting a residential district shall be continuously maintained in lawn or live ground cover. Allowed uses in these areas are bikeways, pedestrian paths and water quality facilities.

(h) A minimum of 20 percent of the site shall be landscaped. Vegetated stormwater treatment facilities and pedestrian plazas may be used to satisfy the requirement.

(i) To qualify as a pedestrian plaza the following conditions must be met:

(i) Minimum Size. A minimum of 10 feet depth and width with a minimum size of 650 square feet.

(ii) Paving. A minimum of 80 percent of the area shall be paved in a decorative paver or textured, colored concrete. Asphalt is prohibited as a paver in pedestrian plazas.

(iii) Structures and open spaces should be clustered on site to maximize the campus and open space qualities within the development.

(j) When security fencing is required, it shall be a combination of solid wall, wrought iron, dense hedges or other similar treatment. Long expanses of fences or walls shall be interspersed with trees or hedges to break up the appearance of the wall at least every 50 feet for a distance of at least five feet.

(5) Pedestrian Access Plan. An on-site pedestrian circulation system must be provided, which connects the street to the public entrances of the structure(s) on site.

(a) The circulation system shall be hard-surfaced and be at least five feet wide.

(b) Where the system crosses driveways, parking, and/or loading areas, the system must be clearly identifiable through the use of elevation changes, speed bumps, varied paving materials or other similar methods approved by the reviewing authority and in compliance with the Americans with Disabilities Act (ADA).

(c) The on-site pedestrian circulation system and parking areas must have a minimum average illumination level of 10 lux (1.0 FC). The uniformity ratio should be designed for 3:1 to provide adequate pedestrian lighting so that parking areas can be used safely when natural light is not present.

(6) Performance Standards.

(a) No land or structure shall be used or occupied within this district unless the activity complies with the following minimum performance standards:

(i) Maximum permissible noise levels shall not exceed permitted levels measured at the appropriate measuring points established by the Oregon Department of Environmental Quality. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about the level of noise, the owner or agent may be required to show written compliance with state regulations.

(ii) Vibration. Vibration other than that caused by highway vehicles, trains, and aircraft, which is discernible without instruments at the property line of the use concerned, is prohibited.

(iii) Smoke and Particulate Matter. Air emissions must be within legal limits as approved by the Oregon Department of Environmental Quality.

(iv) Odors. The emission of noxious gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.

(v) Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from violation and glare.

(b) Administration. As a condition for the granting of a building permit and/or site plan approval, at the request of the responsible official, the applicant shall furnish information sufficient to determine the degree of compliance with the standards in this section. Such

request may include submission of continuous records of operation for periodic checks to assure maintenance of standards, and special surveys.

(7) Light and Glare Standards.

(a) Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.

(b) Exterior lighting shall be shielded and directed away from lots in adjacent uses.

(c) Interior lighting in parking structures shall be shielded to minimize nighttime glare affecting lots in adjacent uses.

(d) When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of this section.

(8) Outdoor Storage Standards.

(a) All storage areas (including but not limited to areas used to store raw materials, finished and partially finished products and wastes) shall be screened from adjoining properties or public rights-of-way. Storage areas which adjoin residential districts or in areas where differences in elevation defeat the purpose of this requirement shall be screened with a fence which shall be placed on top of a berm in order to effectively screen the use.

(b) Screening shall be placed on all sides of storage areas other than where a building wall would act as a screen.

(c) Outdoor storage is prohibited as follows:

(i) In floodways;

(ii) On slopes greater than 15 percent;

(iii) In parking stalls;

(iv) In areas where outdoor storage or display causes traffic or pedestrian circulation problems as determined by the responsible official or where a minimum five-foot-wide walkway does not remain clear and free of obstructions;

(v) Any materials that attract animals, birds or vermin; and

(vi) In fire lanes.

(d) The applicant shall demonstrate that both outdoor storage and the screening for outdoor storage are in the appropriate locations on the site to minimize impacts, given the operational practices of the facility.

(9) Vibration. Site-generated ground vibrations shall not be perceptible by a person of ordinary sensitivity, without instruments, at any point of any property line of the property on which a use or structure is located. Vibrations from temporary construction activities and vehicles that leave the property (such as trucks, trains, airplanes and helicopters) are excluded.

(10) Electromagnetic Interference. Electric fields and magnetic fields shall not be created that adversely affect the normal operation of equipment or instruments or normal radio, telephone, or

television reception from off the premises where the activity is conducted. This section does not apply to telecommunication facilities which are regulated by the Federal Communications Commission under the Federal Telecommunications Act of 1996 or its successor.

(11) Sufficient right-of-way shall be dedicated to ensure space necessary for freight access, as determined by the street functional classification and right-of-way standards in CBMC 18.15.010(2), Table 3-1. [Ord. 532 § 2 (Att. B), 2020; Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

#### Chapter 17.240

## WATERFRONT HERITAGE DISTRICT (WH)

Sections:

- 17.240.010 IntentPurpose.
- 17.240.020 <u>Waterfront heritage district</u> <del>WH</del> zoning subdistricts.
- 17.240.030 Permitted uses.
- 17.240.040 Conditional uses.
- 17.240.050 Uses expressly prohibited.
- 17.240.055 Land uses and permit requirements
- 17.240.060 Preexisting uses.
- 17.240.070 Property development requirements.
- 17.240.080 Architectural design.

#### 17.240.010 IntentPurpose.

The <u>waterfront heritage district</u> WH (WH) district is created to achieve the following objectives:

(1) To diversify the local economy.

(2) To preserve the city's historical waterfront and guide private and public development in a direction that strengthens a relationship to that setting.

(3) To guide the construction of private and public improvements to evoke historic architectural styles which existed in the Coos Bay area between the 1870s and the 1920s.

(4) To provide for a mix of uses and improvements that include:

- (a) Existing waterfront industrial uses;
- (b) New water-oriented, water-related and non-water-related service businesses;

(c) Amenities and attractions which encourage public access to and enjoyment of the waterfront;

- (d) Urban residential opportunities; and
- (e) Non-water-dependent industrial uses.

(5) To provide an opportunity to reclaim the city's waterfront heritage and express pride in our past and present by redevelopment which evokes, but does not necessarily duplicate, the appearance of the early days of Euro-American settlement.

(6) To promote physical, cultural and commercial links among Front Street, the boardwalk and the downtown core area.

(7) To ensure that there is safe, interconnected, and multimodal transportation access to and within development sites.

(8) To accommodate pedestrian connectivity to and along the Coos Bay waterfront. [Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

#### 17.240.020 <u>Waterfront heritage district WH</u> 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 <u>CBDC</u> 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 <u>ChapterCBDC</u> 17.347 <u>CBDC</u>, Conditional Uses:

(1) Civic Use Types <u>as defined in 17.150</u>. Bus shelter (administrative conditional use, see ChapterCBDC 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<u>as defined in 17.150.</u>. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

#### 17.240.050 Uses expressly prohibited.

The following uses are expressly prohibited in the WH district:

- (1) Civic Use Types.
- (a) Educational service.
- (2) Commercial Use Types.
- (a) Automobile and Equipment.

(i) Cleaning.

(ii) Fleet storage.

- (iii) Repairs, light and heavy equipment.
- (iv) Sales/rental, light and heavy equipment, except boats.
- (v) Storage, nonoperating vehicles.
- (b) Agricultural sales/services.
- (c) Building/property maintenance service.
- (d) Fuel sales, other than marine.

(e) Transportation services, except rail and marine. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

#### 17.240.055 – Land uses and permit requirements

Land uses and permit requirements are listed in Table 17.240.055. The table identifies those uses in the Waterfront Heritage district that are:

P = Permitted use;

C = Conditional use;

- S = Permitted uses that are subject to special standards; or
- X = Prohibited use.

The applicable procedural requirements are found in CBDC 17.130.

#### Table 17.240.055 – Waterfront Heritage DistrictLand Uses and Permit Requirements

<u>Use</u>	WH-1 Core Area		WH-2 Transition Area		WH-3 Central Dock <u>Area</u>			
	<u>Ground</u> <u>Level</u>	<u>Upper</u> Level	<u>Ground</u> <u>Level</u>	<u>Upper</u> Level	<u>Ground</u> <u>Level</u>	<u>Upper</u> Level		
Residential Uses								
Condominium		P		P	P	P		
Dwelling, Single-unit		<u>P</u>		<u>P</u>		<u>P</u>		
<u>Dwelling,</u> <del>d</del> Duplex		<u>P</u>		<u>P</u>		<u>P</u>		
<u>Dwelling.</u> multifamily <u>Multi-unit</u>		<u>P</u>		<u>P</u>		<u>P</u>		
Rowhouse Townhouse			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Civic Uses								
Administrative service		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Community recreation	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		

<u>Use</u>	WH-1 Core Area		WH-2 Transition Area		<u>WH-3 Central Dock</u> <u>Area</u>	
'	Ground Level	<u>Upper</u> Level	<u>Ground</u> <u>Level</u>	<u>Upper</u> Level	<u>Ground</u> Level	<u>Upper</u> Level
Library service and cultural exhibit	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Lodge, club, fraternal or civic assembly – small and large		<u>P</u>		<u>P</u>		<u>P</u>
Public safety service	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Visitor information center	<u>P</u>		<u>P</u>		<u>P</u>	<u>P</u>
Commercial Uses						
Business support service		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Child care facility (fewer than 13), accessory to permitted use		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Clinic		<u>P</u>		<u>P</u>		<u>P</u>
Convenience sales and personal services	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Dining establishments – fast order food and sit-down	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Drive-in or drive-through facility compliant with the requirements of CBDC 17.335.070	P	X	<u>P</u>	X	<u>P</u>	X
Farmer's market/fish market	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Financial, insurance and real estate services	<u>P</u>	<u>P</u>	P	<u>P</u>	<u>P</u>	<u>P</u>
Food and beverage retail sales	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Fuel sales – marine	<u>P</u>		<u>P</u>		<u>P</u>	
<u>Galleries</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Manufacturing, limited, which provides public viewing of on- site production and retail sales of finished products	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	<u>P</u>
Market place retail sales	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Parking services – prohibited east of Front St. except in WH-3	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Participant sports and recreation – indoor and outdoor	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Personal services – general	P	<u>P</u>	P	P	<u>P</u>	<u>P</u>
Postal service	<u>P</u>		<u>P</u>		<u>P</u>	
Professional and administrative services	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

<u>Use</u>	WH-1 Core Area		WH-2 Transition Area		<u>WH-3 Central Dock</u> <u>Area</u>	
	<u>Ground</u> <u>Level</u>	<u>Upper</u> Level	<u>Ground</u> <u>Level</u>	<u>Upper</u> Level	<u>Ground</u> <u>Level</u>	<u>Upper</u> Level
<u>Retail sales – general (less than</u> <u>10,000 sq. ft. building)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Spectator sports and</u> entertainment – indoor and outdoor	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P
Tourist habitation – waterfront heritage bed and breakfast	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Transportation service – rail and marine only	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Watercraft sales/rentals	<u>P</u>		<u>P</u>		<u>P</u>	
Other similar uses deemed by the director to be compatible with the MP district and adjacent land uses	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

## 17.240.060 Pre<u>-</u>existing uses.

Notwithstanding <u>CBDC</u> Chapter 17.328 <del>CBDC</del>. 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 <u>CBDC</u> Chapter 17.130 <del>CBDC</del>, Procedures.

(4) Maintenance. Nothing in this chapter shall be construed to prohibit normal repair, maintenance, and nonstructural alterations, nor the alteration, strengthening, or restoration of any improvement housing a preexisting use to safe condition as required by law. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

## 17.240.070 Property development requirements.

The following property development requirements shall apply to all land and improvements in the WH district:

(1) For property adjacent to the waterfront, primary ground level uses that are not waterdependent or water-related and are permitted or conditionally permitted in the WH zone are allowed, provided the following standards are met:

(a) Commercial or civic uses are water-oriented and provide goods and services to the general public.

(b) Except for non-water-dependent industrial uses in the WH-3 subdistrict:

(i) A structure on the land abutting the waterfront provides a view of the water from the interior of the building.

(ii) At least one pedestrian access point to the waterfront is encouraged for each structure.

(iii) Row houses are exempt from the standards in this subsection in the WH-2 and WH-3 zoning subdistricts.

(2) All development shall demonstrate compliance with this chapter. For the purposes of this chapter, "development" is defined as any new structure or an extension or increase in floor area or height of an existing structure, or change to the style, signage, color, window (size/pattern/material), siding or detailing on the exterior of any existing building.

(a) Existing water-dependent/water-related uses established on May 1, 2001, the date this provision is adopted, are exempt from the architectural design review.

(b) The provisions of this chapter shall not prevent construction, reconstruction, alteration, restoration, demolition or removal of any building or portion of a building when the building official or fire marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition.

(c) Ordinary maintenance or repair of the exterior of a structure that does not involve a change in design or external appearance is exempt from design review. Similar or like materials must be used for the maintenance or repair.

(d) The color of paint or stain to be applied to the exterior of the building is a ministerial decision to be made by the director or designee. The proposed colors must be from, or similar to, the historical color palette, located in the community development department.

In a 12-month period, if less than 10 percent of the paintable wall area is to be covered with the building's existing paint color or stain, approval of the color is not necessary.

(3) Lot Standards.

(a) Minimum Lot Width. Each lot shall have a minimum width of 25 feet.

(b) Minimum Lot Area. Each lot shall have a minimum lot area of 2,000 square feet.

(4) Building Coverage. No minimum requirement.

(5) Building Height.

(a) WH-1 and WH-2 Zoning Subdistricts. All buildings or structures shall be no more than three stories, or 35 feet in height, whichever is lower.

(b) WH-3 Zoning Subdistrict. No building or structure shall be greater than four stories, or 60 feet in height, whichever is lower.

(6) Yards. Except for a bus shelter, the setback from a property line abutting Front Street shall be not more than two feet from the edge of the public right-of-way except that up to 25 percent of the facade may be set back a maximum distance of 10 feet. There are no side yard or waterfront setback requirements.

Structures on other streets in the WH district have no setback requirements other than those imposed under state or local building codes.

(7) Fences and Walls. Where fences or walls are used to reduce noise, provide security, create privacy, or for any other purpose, a pedestrian scale along the street shall be maintained. Techniques used to maintain a pedestrian scale may include, but are not limited to, the following:

(a) Small setbacks, indentations, stepped fence heights, or other means of breaking up the fence or wall surface and heights;

(b) Different textures, colors, or materials (including landscape materials) to break up the wall surface; or

(c) Special lighting, canopies, awnings, horizontal trellises and other pedestrian-oriented features that break up the size of the blank wall surface.

(8) Parking.

(a) WH-1 and WH-2 Zoning Subdistricts. Off-street parking is not required except in WH-2 for the conditionally permitted use, tourist habitation – waterfront inn. All off-street parking, if provided, shall be on the interiors of lots or behind buildings, to the maximum extent practicable and in accordance with <u>CBDC</u> Chapter 17.330 <u>CBDC</u>, Off-Street Parking and Loading Requirements. Off-street parking should be as unobtrusive as possible and screened in such a manner so that it is not visible from adjacent streets or public pedestrian walkways.

(b) WH-3 Zoning Subdistrict. Off-street parking shall be provided in accordance with <u>CBDC</u> Chapter 17.330 <u>CBDC</u>, Off-Street Parking and Loading Requirements.

(9) Screening. Mechanical equipment, outdoor storage areas, utility vaults, trash receptacles and satellite dishes or other mobile communications equipment shall be screened in a manner so that they are not visible from adjacent streets, public pedestrian walkways, or the water. Satellite dishes and mobile communications cell sites should be ground- or wall-mounted unless technically infeasible. The dish/antenna should be screened and located in such a manner so as to reduce visibility from adjacent roadways and pedestrian ways.

(10) Utility Lines. Utility lines, including, but not limited to, those used for electricity, communications, street lighting and cable television, shall be placed underground for new

construction or major remodeling. The director may waive the requirements if topographical, soil or other conditions make such underground installation or screening of aboveground equipment impracticable.

(11) All uses within the WH district which are served by Alder, Birch, Cedar, Date and Fir Streets are encouraged to use these streets for vehicular ingress and egress. Curb openings onto Front Street and North Bayshore Drive are discouraged.

#### (12) Repealed by Ord. 511.

(123) All development shall provide adequately sized trash receptacles, screened from public view.

(1<u>3</u>4) Decks and Docks.

(a) WH-1 Zoning Subdistrict. Owners of improvements along the Coos Bay waterfront between Alder Street and Date Street shall be encouraged to with the city and adjacent property owners in the development of a dock street to provide public access to the waterfront and water-oriented uses for pedestrians, emergency and service vehicles, and other community-oriented uses. Design specifications shall be in accordance with CBDC 17.240.080, Architectural design.

(b) WH-2 and WH-3 Zoning Subdistricts. Public access to the waterfront shall be encouraged.

(1<u>4</u><del>5</del>) Landowners shall sign a waiver of remonstrance against the creation of any local improvement districts if the improvements are part of a project adopted by the urban renewal agency.

(1<u>5</u><del>6</del>) Trip Analysis. For the purposes of this section, a "trip analysis" is a study or report consistent with methods described in CBMC 18.40.010.

(a) Prior to approval of any use, or the expansion of a use, in the area comprised of subdistrict WH-3 and the portion of subdistricts WH-1 and WH-2 lying east of Front Street, it is necessary to ensure that the cumulative ADT generated in this area only, by existing uses and the proposed use, does not exceed a total 8,000 ADT.

(b) The applicant must complete a trip analysis for development or re-development of 20 or more residential units or 20,000 square feet or more of commercial or industrial development or as required by the director. The trip analysis must conform to the methods described within CBMC 18.40.010.

(c) A copy of the analysis and cumulative figures shall be sent to the Oregon Department of Transportation, Region 3, which will have 10 days to respond to the city in writing before approval may be granted.

(d) The 8,000-ADT limitation for the area shall be removed or modified only in accordance with OAR 660-012-0060.

(1<u>6</u>7) For non-water-dependent manufacturing in the WH-3 subdistrict, development must be oriented on the site to minimize adverse impacts and to protect the privacy of adjacent uses to the maximum extent possible.

(a) Manufacturing operations must be conducted in completely enclosed buildings;

(b) The city may require landscaping, walls or other buffering to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties;

(c) Mechanical equipment, lights, emissions, shipping/receiving area, and other components of an industrial use that are outside enclosed buildings shall be located away from other nonindustrial uses to the maximum extent possible; elements listed in subsection (17)(b) of this section may also be subject to this requirement;

(d) Uses which are likely to create significant adverse impacts beyond the industrial site property boundaries with respect to noise, light/glare, dust, or vibrations shall minimize the impacts to the maximum extent possible. The following criteria shall be used to determine whether or not the adverse impacts of a use are likely to be "significant":

(i) Maximum permissible noise levels shall not exceed permitted levels measured at the appropriate measuring points established by the Oregon Department of Environmental Quality. If there is doubt that the proposed use will violate these standards, or if a valid complaint has been registered about the level of noise, the owner or agent may be required to show written compliance with state regulations.

(ii) Vibration. Vibration other than that caused by highway vehicles, trains, and aircraft, which is discernible without instruments at the property line of the use concerned, is prohibited.

(iii) Smoke and Particulate Matter. Air emissions must be within legal limits as approved by the Oregon Department of Environmental Quality.

(iv) Odors. The emission of noxious gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.

(v) Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from glare.

(1<u>7</u>8) Land to accommodate the planned Coos Waterfront Walkway alignment, as shown in Figure 12 of the TSP and described in the Tier 2 TSP Project List, shall be provided through either existing right-of-way, right-of-way that is created and dedicated to the city, or easements dedicated through development approval. Minimum boardwalk right-of-way width shall be 14 feet. [Ord. 526 § 5 (Exh. D), 2020; Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

#### 17.240.080 Architectural design.

(1) Intent. The intent of the architectural design review goals and standards is to ensure that proposals for construction of new structures and for major remodeling of existing structures evoke the appearance of the prevailing architectural styles of the buildings in the WH district as they might have existed if constructed between the 1870s to the 1920s. For the purposes of this section, these styles are referred to as the "designated historic styles." "Historical Buildings of Empire and Front Street," a notebook of photographs from the historical time period, is available for review at the community development department.

(2) Architectural Design Review Goals and Standards. In order to be approved, a design proposal must comply with both the architectural design review goals and standards.

(a) Architectural design review goals are the conceptual framework establishing the underlying objectives to be achieved by new development and modifications to existing development in the

district. Architectural design review standards are the approval criteria developed to implement these architectural design review goals and used to review new development and modifications to existing development. Adherence to the architectural design review standards ensures the conservation and enhancement of the special characteristics of each district.

(b) Architectural design review standards are mandatory approval criteria used in the design review process. A design review application will be approved if the review <u>authority body</u> finds the applicant has shown the proposal complies with the architectural design review standards; provided, however, one or more of the guidelines may be waived as part of the design review process if the applicant can demonstrate that the proposal satisfies the architectural design review goals for the district.

(c) The factors which will be used in the evaluation process include architectural style of the proposal, compatibility with scenic values and architectural resources in the district, design quality, structural placement, dimensions, height, bulk, lot coverage by structures, exterior appearance of the building, open areas, and landscaping.

(3) Architectural Design Review Goals.

(a) Building Design – Massing. "Massing" is defined as a composition of two-dimensional shapes or three-dimensional volumes which gives the impression of weight, density and bulk. If the following architectural design review goals are met in the architectural design of development, acceptable massing may be accomplished:

(i) Design should result in buildings with a perceived size that maintains a human scale that is comfortable and attractive for pedestrians.

(ii) Design should result in a quality street environment that is attractive to pedestrians and development.

(iii) Buildings of special historic significance and merit should be preserved. Maintain or restore as many of the proportions, dimensions and architectural details of historical significance, which were original or added to the building during the designated historic period.

(iv) New or remodeled structures abutting or directly across from buildings that have been identified as historic should be designed so as to preserve, and not detract from, the historic context and merit of the building.

(v) Buildings should have consistent visual identity from all sides visible to the general public.

(b) Building Design – Articulation. "Articulation" is defined as the emphasis given to architectural elements (such as windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces. If the following architectural design review goals are met in the architectural design of development, acceptable articulation may be accomplished:

(i) The pattern and proportion of doors and windows should be similar to existing historic buildings in the WH district, and/or evoke the designated historic styles.

(ii) Finish materials, details and colors should evoke the designated historic styles.

(iii) Signage. Design for signs should emulate signage that existed during the designated historic period.

(4) Architectural Design Review Standards. The purpose of these architectural design review standards, along with the notebook "Historical Buildings of Empire and Front Street," is to serve as a resource for designing development that will satisfy the architectural design review goals for the WH district. Design proposals may be approved if the following architectural design review standards are met: in the architectural design of development:

(a) Building Design – Massing.

(i) Use articulation on either new or existing building facades to reduce the bulk of buildings. Methods include, but are not limited to, the following:

(A) Modulation;

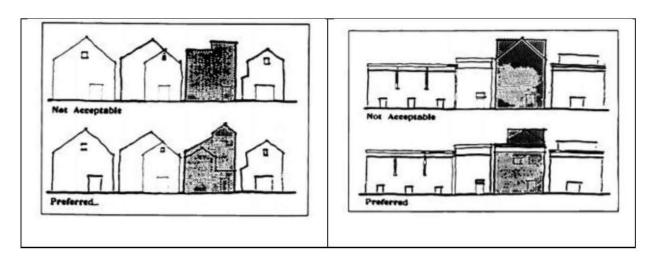
(B) Broken rooflines; or

(C) Building elements such as balconies, chimneys, porches or other entry details, and landscaping.

(ii) Use architectural features such as cornices or other details that lower the apparent height of the building.

(iii) Place display windows at the street level around the exterior of larger commercial buildings.

The pattern and proportion of windows, doors and other glazed areas is important in determining the building's architectural character. Rooflines can reinforce the architectural character of a street. Architectural features like cornices can relate to adjacent buildings, lowering the apparent, conflicting height of the building.



(iv) The front elevation of large structures should be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the front elevation should be divided into distinct areas by:

(A) Creating a bay window or other building extension of at least one foot or more from the main structure;

(B) Creating a roof pediment that is the full width of the structure; or

(C) Setting part of the facade back one or more feet from the rest of the facade.

(v) For existing buildings of historic significance (in the WH district, these buildings are the Marshfield Sun at 1049 North Front Street, the Coos Bay Iron Works at 896 North Front Street and the Cahill Building, formerly Ferguson Transfer, 318 North Front Street):

(A) Restore or retain as many historic features as possible;

(B) Maintain or restore original proportions, dimensions and architectural elements;

(C) Select paint and material colors which are historically accurate, coordinate the entire facade, and do not conflict with adjacent buildings; and

(D) Consult available historical resources such as the Coos Historical Society, private historians or photographic archives.

(vi) At locations abutting or adjacent to buildings of historical significance:

(A) Use a roofline that emulates the historic building;

(B) Use doors, windows, materials and details similar to the historic building; and

(C) Break up the building facade using articulation which reflects the scale and proportions of the historic building.

(vii) Continue exterior materials, architectural detailing, and color scheme around all sides of the building. Buildings must present an equivalent level of quality of materials, detailing and fenestration on all sides visible to the general public.

(viii) Reserve bright colors for trim or accents unless it is common to the architectural style.

(ix) Use of reflective exterior materials where glare would shine into nearby buildings is prohibited.

(b) Building Design – Articulation – Finish Materials.

(i) Buildings should use wood or simulated wood products as their exterior finish material on elevations exposed to view from locations accessible by the public. Horizontal wood or simulated wood siding and wood shingles should be applied with exposure of each course not exceeding eight inches in width. Vertical siding should be rough-sawn "board on board" typical to the designated historical styles.

(ii) Plain plywood or grooved plywood panels should not be used as exterior finish materials on elevations exposed to view from locations accessible by the public.

(iii) Concrete or concrete block should not be exposed to view as exterior finish materials except for foundation walls not extending more than one foot above the finished grade level adjacent to the wall.

(iv) Wavy corrugated metal siding (rather than bold rib, box rib or v-beam) may be used as the finish material on exterior walls only if combined with other materials and details in such a way as to create a design that reflects the designated historic styles.

(v) The design, detailing and trimming of the rooflines, porches, windows, doors and other architectural features should be in a manner that is in keeping with the designated historic styles.

(vi) Glass should be clear or ornamental stained glass. Translucent glazing should be used only for restrooms.

(vii) Roofing materials exposed to view should be wood shingles, composition roofing, or corrugated metal roofing in a subdued color that is in keeping with the historic styles noted.

(viii) Decorative features such as cupolas, cresting, chimneys, barge (rake), and soffit/fascia trim are encouraged if keeping with the architectural style.

(ix) Light fixtures should be integrated with architectural elements.

(A) Decorative light fixtures that are in keeping with the historic styles are encouraged.

(B) Exterior light fixtures must not compete with city-furnished sidewalk period lights. Building lights should be metal halide or incandescent and are to be directed away from pedestrians and street traffic so as to avoid glare.

(5) Signage. Signs will be reviewed by the design assistance team (DAT) based on the standards set forth below. A sign permit is also required which will be reviewed by staff pursuant to the provisions in <u>CBDC</u> Chapter 17.333 <del>CBDC</del>, Signs. If the provisions conflict, the stricter shall apply.

(a) Design for signs should emulate signage that existed during the designated historic period, and be consistent with the character of the storefront, the building on which they are situated and the area as a whole. Review for consistency includes, but is not limited to, evaluation of size, shape, position, materials and illumination in relationship to the facade and abutting and adjacent structures.

(b) Signs on a business front are limited to a building sign on each building face (identifying the building name), a sign for each business entry (vehicular or pedestrian), and interior painting of street-front windows.

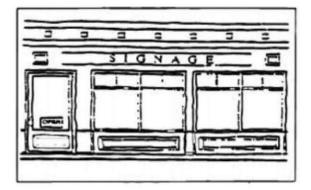
(c) Signs shall have a minimum clearance of eight feet above a pedestrian walkway and 15 feet above a public street or alley, driveway, or parking lot. Signs shall not be closer than two feet to any curbline. A projecting sign shall not project more than eight feet beyond the property line.

(d) All signs shall:

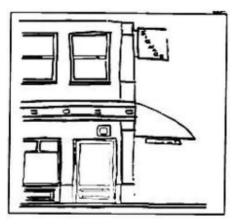
(i) Be of an appropriate size and design;

- (ii) Be sited sympathetically on the building;
- (iii) Not obscure or remove detailing on the building;
- (iv) Be designed as part of the building and not treated as an unrelated addition; and
- (v) Be related to the style and character of the building and general area.
- (e) Allowed Sign Types.

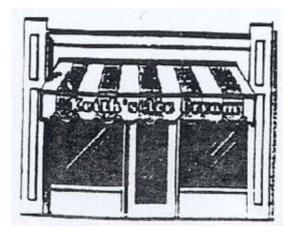
(i) "Wall/fascia sign" means a sign placed on the vertical surface of a wall or fascia where the wall or fascia is suitable for sign attachment. A wall/fascia sign must not extend across two storefronts or across separate buildings.



(ii) "Projecting or hanging sign" means a sign where the message area is displayed perpendicular to the building fascia.



(iii) "Awning sign" means a structure made of fabric or similar material with a painted metal frame which is attached to a building and projects over a public walkway. An awning shall have no soffits, plastic components or internal lighting. Plastic awning fabrics are prohibited. Advertising material attached to an awning is an awning sign.



(iv) "Marquee sign" means either a fascia sign, projecting sign or awning sign which contains movable letters or devices. A marquee sign shall not contain any plastic parts and shall not be internally illuminated.

(v) Interior Painted Window Signs. These signs are regulated. However, interior painted window signs with holiday themes are allowed up to 45 days without approval of a sign permit.

(vi) Miscellaneous. Sign types not otherwise listed which comply with the requirements of this subsection may be allowed upon approval by the <u>review authority upon recommendation of the</u> DAT.

(vii) Neon Sign. Any sign where neon or other gas contained in tubing is illuminated by the application of electric current is prohibited, except property abutting North Bayshore Dr. (U.S. Highway 101) where signage would be allowed if placed within 10 feet of the west property line.

(viii) Sandwich Board. Portable signs that are not permanently affixed to the ground or a structure are prohibited.

(ix) Off-premises signs are prohibited.

(x) Readerboard signs are prohibited, except for properties abutting North Bayshore Dr. (U.S. Highway 101) if<u>and properties on North Front Street from Fir Ave. to Ivy Ave. if the reader board sign is placed within 10 feet of the west property line.</u>

## Table 17.240.080 – Waterfront Heritage District – Uses

	WH-1 Core Area		WH-2 Transition Area		WH-3 Central Dock Area	
Use	<del>Ground</del> Level	<del>Upper Level</del>	<del>Ground</del> Level	<del>Upper Level</del>	<del>Ground</del> Level	<del>Upper Level</del>
Residential Uses	Residential Uses					
Condominium	-	₽	-	₽	₽	₽
<del>Dwelling</del>	-	₽	-	₽	-	P
<del>Dwelling, duplex</del>	-	₽	-	₽	-	₽

	WH-1 Core Area				WH-3 Central Dock Area	
<del>Use</del>	Ground- Level	<del>Upper</del> Level	Ground- Level	<del>Upper</del> - Level	<del>Ground</del> Level	<del>Upper</del> <del>Level</del>
<del>Dwelling, multifamily</del>	-	₽	_	₽	-	₽
Row houses	-	-	₽	₽	₽	₽
Civic Uses	1	1		1	L	
Administrative service	_	₽	₽	₽	₽	₽
Community recreation	₽	₽	₽	₽	₽	₽
Library service and cultural exhibit	₽	₽	₽	₽	₽	₽
Lodge, club, fraternal or civic assembly – small and large	-	₽	-	₽	-	₽
Public safety service	₽	₽	₽	₽	₽	₽
Visitor information center	₽	-	₽	-	₽	₽
Commercial Uses	•	•		4		•
Business support service	_	₽	₽	₽	₽	₽
Child care facility (fewer than 13), accessory to permitted use		₽	₽	₽	₽	₽
Clinic	-	₽	_	₽	-	₽
Convenience sales and personal services	₽	₽	₽	₽	₽	₽
Dining establishments – fast order food and sit-down	₽	₽	₽	₽	₽	₽
Drive-in or drive-through facility compliant with the requirements of CBDC 17.335.070		×	₽	×	₽	×
Farmer's market/fish market	₽	₽	₽	₽	₽	₽
Financial, insurance and real estate services	₽	₽	₽	₽	₽	₽
Food and beverage retail sales	₽	₽	₽	₽	₽	₽
<del>Fuel sales – marine</del>	₽	_	₽	-	₽	-
Galleries	₽	₽	₽	₽	₽	₽
Manufacturing, limited, which provides public viewing of on-site production and retail		₽	₽	₽	₽	₽

	WH-1 Core Area		WH-2 Transition Area		WH-3 Central Dock Area	
<del>Use</del>	<del>Ground</del> <del>Level</del>	<del>Upper</del> <del>Level</del>	<del>Ground</del> <del>Level</del>	<del>Upper Level</del>	<del>Ground</del> <del>Level</del>	<del>Upper</del> <del>Level</del>
sales of finished products						
Market place retail sales	₽	₽	₽	₽	₽	₽
Parking services – prohibited east of Front St. except in WH-3		₽	₽	₽	₽	₽
Participant sports and recreation – indoor and outdoor	₽	₽	₽	₽	₽	₽
Personal services – general	₽	₽	₽	₽	₽	₽
Postal service	₽	-	₽	-	₽	-
Professional and administrative services	₽	₽	₽	₽	₽	₽
Retail sales <u>general</u> (less than 10,000 sq. ft. building)	₽	₽	₽	₽	₽	₽
Spectator sports and entertainment indoor and outdoor	₽	₽	₽	₽	₽	₽
Tourist habitation – waterfront heritage bed and breakfast	₽	₽	₽	₽	₽	₽
Transportation_service – rail and marine only	₽	₽	₽	₽	₽	₽
Watercraft sales/rentals	₽	-	₽	-	₽	-

#### P = Permitted use.

[Ord. 532 § 2 (Att. B), 2020; Ord. 511 § 6 (Exh. 2), 2019; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

# Chapter 17.260

# MEDICAL PARK DISTRICT

Sections:

17.260.010 IntentPurpose.

17.260.020 UsesLand uses and permit requirements.

17.260.030 Property development requirements Development and lot standards.

17.260.040 Repealed.

## 17.260.010 IntentPurpose.

The Medical Park (MP) 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 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 UsesLand uses and permit requirements.

The uses set out in Table 17.260.020 are examples of uses allowable in the medical park district. Land uses and permit requirements are listed in Table 17.260.020. Where a specific use is not listed in the table, the director shall determine the most appropriate similar use in the table. The table identifies those uses in the MP district that are:

- P = Permitted use.
- C = Conditional use.
- X = Prohibited use.
- P = Permitted use;
- C = Conditional use;

<u>S = Permitted uses that are subject to special standards; or</u>

X = Prohibited.

Use	MP
Non-Residental	
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	Р
Ambulance services	С
Sanitaria, convalescent and rest homes	С
Other similar uses deemed by the director to be compatible with the MP district and adjacent land uses.	С
Residential	
Group residential care facility	Р
Multifamily which is medically related or fulfills a direct need to the district which cannot be fulfilled in other areas Dwelling, Multi-unit (subject to standards at CBDC 17.335.120)	<u>68</u>
Residential uses not authorized by this chapterDwelling, Single-unit	<u> ХР</u>
Civic	
Bus shelters	С
Other similar uses deemed by the director to be compatible with another use in the MP district and adjacent land uses	<u>P</u>

# Table 17.260.020 – Uses Land Uses and Permit Requirements

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

# 17.260.030 Property development requirements Development and lot standards.

.

Development and lot standards for uses specified in Table 17.260.020 are identified in Table 17.260.030.

Standard	Non-residential	Multi-Unit Dwellings	Single-Unit Dwellin	igs
			Attached	Detached
Dwelling units per gross area	No minimum and no maximum as a part of a mixed use project. Non- commercial uses must comprise a minimum of 30% of the lot coverage.	Maximum 12 dua	Maximum 10_dua	Maximum 10_dua
Minimum lot width	NA	40 feet	<u>20</u> feet	40 feet

Standard	Non-residential Multi <u>-Unit Dwellings</u>		Single- <u>Unit Dwelling</u>	<u>s</u>
			Attached	Detached
Minimum lot depth		60 feet	60 feet	60 feet
Minimum <u>lot</u> size	NA	3,360_sf	4,300	4 <u>,300 </u> sf
Maximum lot coverage	50%	50%	50%	50%
	35' and not greater than thr	ee stories	·	
Setbacks <u>(see al</u> s	so CBDC 17.335.130 Setba	cks-Intrusions permitte	ed)	
Minimum front setback	As required by the Building Code	10 feet, <u>or 10% of lot</u> depth, whichever is less	10 feet <u>, or 10% of lot</u> depth, whichever is less	10 feet <u>, or 10%</u> of lot depth, whichever is less
Minimum garage setback from public right- of-way		20 feet	20 feet	20 feet
Parking Location	To the rear of the subject project.	NA	NA	NA
Minimum side setback	As required by the	No setback to attached <u>units</u> , 5 feet to abutting property line	No setback <u>for</u> attached <u>units</u> , 5 feet <u>nonattached to</u> <u>abutting property</u> line	5 feet <u>or 10%</u> of lot width, whichever is less
Minimum street side setback	10 feet <u>or 20% lot width,</u> whichever is less.	10 feet <u>or 20% lot</u> width, whichever is less.	10 feet <u>or 20% lot</u> width, whichever is less.	10 feet <u>or 20%</u> lot width, whichever is less.
Minimum rear setback	As required by the Building Code	5 feet	5 feet	5 feet
Landscaping and screening	Except for solar panels, ro	of mounted equipment	will be screened from	view.
Storage and trash placement	All storage and trash shall	•	lic view.	
Parking and Loading	As specified in CBDC cha	pter 17.330		

# Chapter 17.255

## URBAN PUBLIC DISTRICT (UP)

#### Sections:

- 17.255.010 Purpose Establishment of district designation.
- 17.255.020 Land uses and permit requirements.
- 17.255.030 Development standards.

#### 17.255.010 Purpose Establishment of district designation.

The Urban Public (UP) District is intended to accommodate public services and ancillary uses to accommodate residents and long- term visitors. The urban public (UP) district applies to areas designated at the time of the adoption of the ordinance codified in this chapter. This designation may be applied to additional areas pursuant to a zone change. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

#### 17.255.020 Land uses and permit requirements.

The permitted uses in the UP district include public facilities, public parks, playgrounds, open spaces, cemeteries, and natural resource preservation or enhancement, subject to the applicable provisions of this and other applicable provisions of this title.

Land uses and permit requirements are listed in Table 17.255.020. The table identifies those uses in the Urban Public District that are:

- P = Permitted use;
- C = Conditional use;
- <u>S = Permitted uses that are subject to special standards; or</u>
- X = Prohibited.

The applicable procedural requirements are found in CBDC 17.130.

## Table 17.255.020 –Land Uses and Permit Requirements

Residential		
A Single-unit dwelling in conjunction with a permitted use	<u>P</u> <del>C</del>	
Civic Use Types	•	
Community <u>facilities including but not limited to libraries and</u> recreation <u>facilities</u>	Р	
Parking service	Р	
Government offices and related uses	<u>P</u> <del>C</del>	
Bus shelter	<u>P</u> <del>C</del>	
Educational services and related buildings	Р	
Commercial Use Types		

Funeral and interment services – cemetery	Р
Dining establishments, only in conjunction with a permitted use	<u>P</u> <del>C</del>
Other Uses	
Park Model Parks (subject to standards at 17.322.030)	<u>C/S</u>
Single Room Occupancy (subject to standards at CBDC 17.370)	<u>S</u>
Other uses and development deemed by the director to be similar to and/or compatible with Table 17.255.020, the CBDC and state regulations	P
Uses Expressly Prohibited	
All non-related uses	Х

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

# 17.255.030 Development standards.

.(1) The development standards specified in Table 17.225.030 shall apply to land uses and structures in the UP district, unless otherwise specified for specific land uses noted in Table 17.255.020:

Standard	
<u>Density</u>	Maximum 12 dua per gross acre.
Minimum lot width	20 feet
Minimum lot depth	60 feet
Maximum lot coverage	75%
Maximum height	35 feet, not to exceed three stories.
Minimum front setback	10 feet
Minimum rear setback	10 feet 20 feet abutting residential zone
Minimum side setback	0 feet but 10 feet abutting residential zones
Minimum street side setback	10 feet
Minimum rear setback	0 feet, or 10 feet abutting single-familyLDR zones

## Table 17.255.030 – <u>Development and Lot Standards</u>

## (2) Additional Development standards.

- (i) Features providing visual interest such but not limited to as windows, artwork, varied building materials, relief panels, trim, balconies, ledges or other techniques shall be used to provide visual interest to all building facades.
- (ii) 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.
- (iii) 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.

- (iv) 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.
- 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 prohibited.
- (vi) 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.
- (vii) Outdoor storage must be screened from public view.
- (3) Riparian Vegetation.

(i) Riparian vegetation surrounding Empire Lakes is considered significant habitat in the comprehensive plan. This habitat shall be protected by leaving the existing vegetation undisturbed to its full width, if possible, but at least to a width of 50 feet measured horizontally from the shoreline. If there is less than 50 feet of vegetation, all of it shall be protected. The shoreline shall be the line of nonaquatic vegetation.

(ii) Water access, trails/paths, picnicking areas, or other recreation uses may be permitted if the activities are part of a master plan for the park, and if they constitute no more than a 20 percent cumulative reduction in the total vegetation surrounding the lake within the zoning designation.

(iii) The riparian vegetation along the shoreline in the Eastside area will be protected based on Policy 23 of the Coos Bay estuary management plan. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

## Chapter 17.322

# MANUFACTURED HOME CERTIFIED MANUFACTURED HOME, RECREATIONAL VEHICLES AND PARK MODELS PARKS AND INDIVIDUAL LOT STANDARDS

Sections:

17.322.005 Purpose

17.322.010 Manufactured Dwellings on existing lots of record Type Type and size.

17.322.020 Manufactured Dwelling ParksSiting requirements.

17.322.030 Recreational Vehicle Parks

17.322.040 Park Model Parks

17.322.050 Park Models on existing lots of record

17.322.030 Roof.

<del>17.322.040 Siding.</del>

17.322.050 Insulation.

17.322.060 Unauthorized location.

**17.322.050** Purpose. This chapter articulates Manufactured Home recreational vehicle parks and park model parks to provide affordable and safe shelter.

<u>**17.322.010**</u> Type and size. <u>Manufactured Homes on existing lots of record</u> A manufactured home must be multi-sectional and enclose a space of not less than 1,000 square feet.

- 1. Development Standards
  - a) <u>17.322.020</u>-Siting requirements. The home shall be enclosed at the perimeter with a solid material approved by the Building Official compatible with the manufactured home and surrounding stick-built homes. The material will extend from the bottom of the excavated area to the underside of the manufactured home. The required material must be trimmed at the meeting with the home to approximate the appearance of a foundation for a conventional single-dwelling dwelling. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.365.020].
  - b) <u>17.322.030</u> Roof. The manufactured home must have a sloping roof with a minimum pitch of three feet in height for each 12 feet in width (3:12). [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.365.030].
  - c) <u>17.322.040</u> 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 <u>17.365.040].</u>

<u>d) State of Oregon requirement compliance. A manufactured home must comply with all State of Oregon requirements. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.365.010].</u>

## 17.322.050 Insulation.

(1) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope that meets the performance standards equivalent to that required for a single-family dwelling constructed pursuant to specialty code as defined in ORS 455.010.

(2) Documentation that the home meets "Super Good Cents" energy efficiency standards is acceptable in lieu of the manufacturer's certification. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.365.050].

#### 17.322.060 Unauthorized location.

Manufactured homes are not permitted on property located 100 feet from the external boundaries of property identified in the State Inventory of Historic Property, the National Register of Historic Property, or property designated in the comprehensive plan as a historic district or cultural resource. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.365.060].

#### 17.322.020 Manufactured Home Parks

(1) Existing Parks. All extensions or improvements made to existing residential certified manufactured home parks made after the enactment of the ordinance codified in this title shall comply with the provisions of this title.

(21) New Parks. All Manufactured Home Parks proposed and developed after the enactment of the ordinance codified in this title shall comply with the provisions of this title.

(3) Development Standards.

(a) Minimum park area: one acre.

(b) Unit density: As specified in the underlying zone.

(c) Separation. Building separation in a mobile home park for each mobile home and its accessory structures shall not be located closer than 15 feet from any other mobile home, closer than 10 feet from a park building within the mobile home park, or closer than five feet from a park property boundary line or street right-of-way.

(c) Building Height. No dwelling or accessory building shall be erected or installed with a height in excess of 17 feet.

(d) Parking as specified in 17.330.070.

(e) Access and Roads.

(1) Dedicate and improve vehicular and pedestrian access to the park from the improved street.

(2) Pave roads within a park according to the following minimum standards:

(i) Twenty-two feet where no on-street parking is allowed.

(ii) Twenty-eight feet where on-street parking is allowed on one side of the street.

(iii) Thirty-six feet where parking is permitted on both sides of the street.

(3) All private streets and ways within the park shall be built as approved by the public works department.

(4) An additional five feet from each edge of the pavement or two feet from the edge of the sidewalk shall be designated as right-of-way from which setbacks are to be measured.

(d) Services.

(1) Sewer. Every residential certified factory-built home park shall be connected to a sanitary sewer. Each space shall be provided with a connection to the sewer.

(2) Water. Every residential certified factory-built home park shall be connected to a supply of potable water for domestic use. Each space shall be provided with a connection to the water supply.

(3) Utilities. All utilities, including telephone, television, and electricity, shall be installed underground throughout the park and shall be provided at each space.

(e) Fire Protection. No space shall be occupied that is not located within 500 feet of a fire hydrant, following the street right-of-way. Existing spaces now located or occupied at a distance greater than 500 feet from an approved hydrant may continue until such time as the park is expanded in size or number of spaces.

At the time of such expansion, the owner or operator of the park shall have installed one or more hydrants at locations such that no occupied space remains at a greater distance than 500 feet, following the street right-of-way, from any hydrant. The Coos Bay fire department shall be authorized by the owner to inspect the hydrants in accordance with current standard procedures and to require periodic tests when deemed necessary. No parking shall be permitted within 10 feet of fire hydrants.

(f) Lighting. All roads within the park shall be lighted at night to provide a minimum of 0.35 footcandles of illumination.

(4) Open Space and Recreational Area.

(a) Minimum Area. Open space shall constitute six percent of the total gross area of the park. Improved recreational areas shall have a minimum area of 8,000 square feet or 100 square feet per dwelling unit, whichever is greater.

(b) Plan. The site plan shall contain information required by the State of Oregon and the following:

(1) Boundaries of the proposed areas.

(2) Written explanation of the purposes of the areas and a description of any improvements to be made.

(3) Description of the manner in which the area will be perpetuated, maintained, and administered.

(5) Guarantee. The preservation and continued maintenance of property and/or structures commonly owned and/or held for common use shall be guaranteed by a covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents shall be filed with the community development department before occupancy of any dwelling.

(6) Landscaping. All exposed ground surface in all parts of the park shall be protected and maintained with landscaping to include plant material, paving, gravel, and/or other solid material that will prevent soil erosion, mud, and dust within the park. The ground surface in the park shall be graded and furnished with drainage facilities to drain all surface water in a safe, efficient, and sanitary manner.

(7) Fences and Walls. A visual barrier shall be provided and maintained such as a solid fence, a concrete wall, or an approved buffer of trees or shrubs between the mobile home park and abutting properties. The barrier shall have a minimum height of six feet, except the area defined as the entrance of the park where the wall may be three feet for vision clearance.

(10) Special Manufactured Home Siting Requirements.

(a) Residential certified factory-built home parks and units shall be required to meet the following and all state requirements.

(i) Skirting. Mobile homes shall be skirted to provide an appearance of permanency.

(ii) Storage Facilities. Each space shall have a minimum of 50 square feet of totally enclosed storage space.

(iii) Accessory Buildings. Accessory buildings and other similar permanent structures may be installed or erected in conjunction with a space and shall require a building permit. These structures shall be deemed to be a part of the certified factory-built.

(11) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes.

(12) Park Improvements.

(a) Construction Plans and Specifications. As part of the site plan application, the applicant shall submit to the community development department construction plans, profile and cross-section drawings, and specifications for the required utilities and streets, accompanied by a plan check fee. These plans will be reviewed and the applicant will be notified in writing of compliance with city requirements or of any necessary modifications. The final drawings and specifications shall be permanently filed with the department. A copy of the water system plans shall be submitted to public works by the applicant.

(b) Contract for Improvements. Within 48 months of site plan and review of the improvement plans and specifications, but prior to the issuance of any development permits, the applicant shall be required to enter into an agreement to construct and/or improve facilities to serve the development. At the time the improvement agreement is executed, the applicant will submit the inspection fee and also post a performance bond, cash, or security deposit guaranteeing the

completion of the contractual provisions. All contracted improvements shall be completed within 24 months after the bond or surety is posted. If the applicant is unable to complete the improvements within two years with good cause, a one-year extension may be granted by the public works department. Further extensions must be approved by the planning commission.

(c) Bond and/or Surety, Cash or Security Deposit Provisions. The assurances for completion of improvements shall be filed with the city in the nonnegotiable amount established by resolution of the city council. The bond or deposit shall:

(i) Name the city as obligee.

(ii) Be in a form approved by the city attorney.

(iii) Be conditioned upon the final approval and acceptance of the development.

(iv) Provide full warranty for the improvements for a minimum of two years from the date of final acceptance by the city.

(v) Be forfeited to the city if the applicant does not complete the requirements within the agreed-upon time limit, or if the applicant has created a hazard causing imminent danger to the public health and safety within or adjacent to the development which the developer fails to correct.

(vi) Cover any costs, attorney's fees, and liquidation damages resulting from delay or failure to meet the deadline.

(d) Construction. Construction of improvements may begin in accordance with the agreement. During this phase of development, the applicant shall be required to prepare record drawings of all improvements. Special attention shall be given to underground utilities.

(e) Acceptance of Improvements. Upon completion of the improvements, the applicant shall submit record drawings to the public works department of the street and sanitary/storm sewer plan profiles. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

# 17.322.030 Recreational Vehicle Parks

- 1. Permitting process: As specified in CBDC Chapter 17.130 and Building Codes Division Chapter 918 Division 650.
- 2. Permitted land uses: Recreational Vehicles as defined in 17.150 and one park manager's unit. Tents, cabins and other shelter forms are not permitted.
- 3. Development standards:

(a) Minimum lot size – 1 acre

(b) Occupied area surface treatment of asphalt, concrete or permanently contained crushed rock.

(c) Number of spaces available for Recreational Vehicles shall comply with the density of the underlying zoning district.

(d) Parking as specified in 17.330.070

(e) The park shall be buffered from surrounding use and development by a fifteen (15) foot minimum setback from the side property line when adjoining a residential district; and twenty-five (25) foot setback from the rear property line when adjoining a residential district. The parks shall be buffered from a public

	street or highway by a twenty (20) foot minimum setback from the property line. A
	five-foot setback from side and rear property lines shall be required in all other
	instances.
(5)	

(f) All applicable State of Oregon and Coos Bay sanitation, water, plumbing, electrical and sewerage installations standards.

#### 17.322.040 Park Model Vehicle Parks

- 1. Permitting process: As specified in CBMC Title 17.130 and CBMC Title 15 Chapter 15.520 - Oregon Manufactured Dwelling Park and Specialty Code.
- 2. Permitted land uses: Park Models as defined in 17.150 and one park manager's unit. Tents, cabins and other shelter forms are not permitted.
- 3. Development standards:
  - (a) Minimum lot size 1 acre
  - (b) Occupied area surface treatment of asphalt, concrete or permanently contained crushed rock.

(c) Number of spaces available for Park Models shall comply with the density of the zoning\_district where the property is located.

- (d) Parking as specified in 17.330.070.
- (e) Front yard setbacks and landscaping specified landscape standards for each individual Park Model consistent with the underlying zone.
- (f) The park shall be buffered from surrounding use and development by a fifteen (15) foot minimum setback from the side property line when adjoining a residential district; and twenty-five (25) foot setback from the rear property line when adjoining a residential district. The parks shall be buffered from a public street or highway by a twenty (20) foot minimum setback from the property line. A five-foot setback from side and rear property lines shall be required in all other instances.
- (a)(g) All applicable State of Oregon and Coos Bay sanitation, water, plumbing, electrical and sewerage installations standards.

## 17.322.050 Park Models on existing lots of record

- 1. Permitting process: As specified in Chapter 17.130 and CBMC 15.25 Oregon Residential Specialty Code
- 2. Development Standards: As identified in the zoning district where the property is located.
- 3. Density: As identified in the underlying zoning district.
- 4. Parking: As specified in Table 17.330.010(A) Off-Street Parking Requirements.

## Chapter 17.330

# **OFF-STREET PARKING AND LOADING REQUIREMENTS**

Sections:

- 17.330.005 Purpose
- 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 Multi-<u>unitfamily</u> <u>dwelling</u> parking lots and circulation.
- 17.330.070 Parking requirements of manufactured home parks.

# 17.330.005 Purpose

(1) Ensure that adequate off-street parking is provided for new land uses and major alterations to existing uses, considering the demands likely to result from various uses, combinations of uses, and settings, and to avoid the negative impacts associated with spillover parking into adjacent neighborhoods and districts;

(2) Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand;

(3) Ensure that parking and loading areas are designed to operate efficiently and effectively and in a manner compatible with onsite and surrounding land uses;

(4) Ensure that adequate off-street bicycle parking facilities are provided;

(5) Promote safe and attractive parking lot design ;design;

(6) Accommodate and encourage increased use of alternative fuel and zero-emissions vehicles.

# 17.330.010 Off-street parking requirements.

(1) General Parking Requirements. Off-street parking shall be provided in compliance with Table 17.330.010(A).

(a) Where the number of required off-street parking spaces contains a fraction, that fraction shall be rounded up to the next whole parking space.

# Table 17.330.010(A) – Off-Street Parking Requirements

Use	Minimum Number of Parking Spaces
Residential:	
<u>Dwelling,</u> Single <u>-unit</u> or <del>d</del> Duplex	2 spaces per <u>each single unit or 2 spaces for a</u> <u>duplex</u> dwelling unit
<u>Dwelling,</u> Multi <del>family_unit, group- residential</del>	1.5 spaces <del>for multifamilyper dwelling unit</del>
Group residential care or treatment facility or senior citizen housing	1 space per 3 beds
Accessory Dwelling Unit	Exempt
Certified factory- built home Park Model	<u>1 space</u>
Commercial:	
Auto, boat, trailer/mobile home sales or service or nursery	1 space per 500 square feet
Retail stores	1 space per <u>400<mark>250</mark> square feet of floor area</u>
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	<del>1 space per 3 beds</del>
Hospital	3 spaces per 2 beds
Restaurants or drinking establishments	1 space per <u>200</u> 100 square feet of floor area
Religious institutions	1 space for each 6 seats or 12 feet of bench in the principal place of worship
Skating rink or dance hall	2 spaces per 100 square feet plus 1 per 2 employees
Bowling alley	2 spaces per lane
Schools and Civic Uses:	
Preschool, elementary and middle school	2 spaces per classroom and 1 space per additional office
High school and further education	6 spaces per classroom and 3 spaces per additional office
Library, museums, art galleries	1 space per <u>6</u> 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

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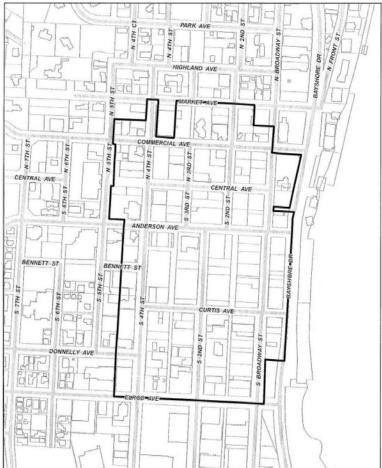
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Use	Minimum Number of Parking Spaces
	institution, or other auditorium. Such space may not be provided in the required first 10 feet of any yard which abuts a street.
Place of assembly without seating	1 space per 4 persons, based on the occupancy load
Uses not identified.defined:	Requirement as determined by the Director

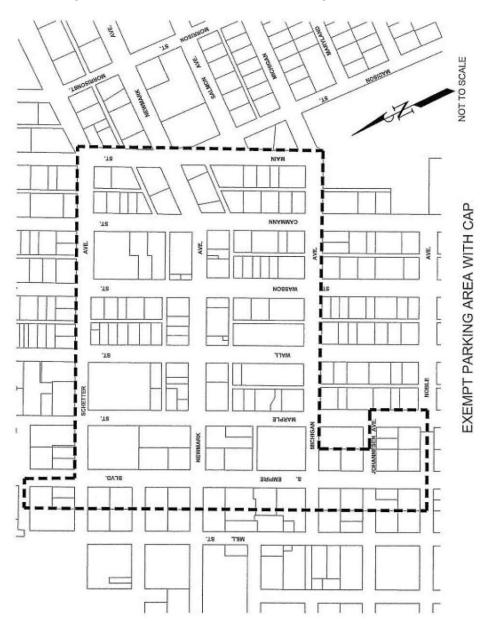
# (2) Exempt Parking.

(a) There shall be no off-street parking requirements for any property included within the area identified in Figure 17.330.010(B), Downtown Parking District. This area includes property within the parking lot assessment district, city-owned property, public right-of-way, and private property that has provided land for public parking.



# Figure 17.330.010(B) – Downtown Parking District

(b) Any use included in the area identified in Figure 17.330.010(C), Exempt Parking Area with Cap, must provide off-street parking for the number of spaces required in Table 17.330.010(A), Off-Street Parking Requirements, in excess of 25 spaces.



#### Figure 17.330.010(C) – Exempt Parking Area with Cap

[Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.340.010].

## 17.330.020 Joint use of facilities.

Joint parking and/or loading facilities serving two or more uses, structures, or parcels of land may be approved to satisfy the requirements of both facilities, provided the owners or operators of the uses, structures, or parcels show that their operations and parking needs do not overlap in point of time. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

Parking spaces and parking areas may be used for transit related uses such as transit stops and park-and-ride/rideshare areas, provided minimum parking space and design requirements for the site can still be met. Development required to provide park-and-rides shall be consistent with the

location and design specifications of the Coos County transit master plan. [Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.340.020].

#### 17.330.030 Parking design standards.

(1) Size of Parking Space. Each off-street parking space shall not be less than nine feet by 18 feet. Up to 4025 percent of all required parking spaces can be used for compact vehicles and shall be identified as compact parking spaces. - These compact spaces shall not be less than eight feet by 16 feet. Each space shall be provided with adequate ingress and egress.

(a) Parking Stall Design and Minimum Dimensions. Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with the CBMC. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other city-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 17.330.030(A) and Figure 17.330.030. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way.

Parking Angle	Curb Length	Stall Depth		Aisle Width		Bay Width		Stripe
		Single D1	Double D2	One Way A1	Two Way A2	One Way B1	Two Way B2	Length
90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
60°	10'	20'	40'	17'	18'	57'	58'	23'
45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

Table 17.330.030(A) – Parking Area Minimum Dimensions

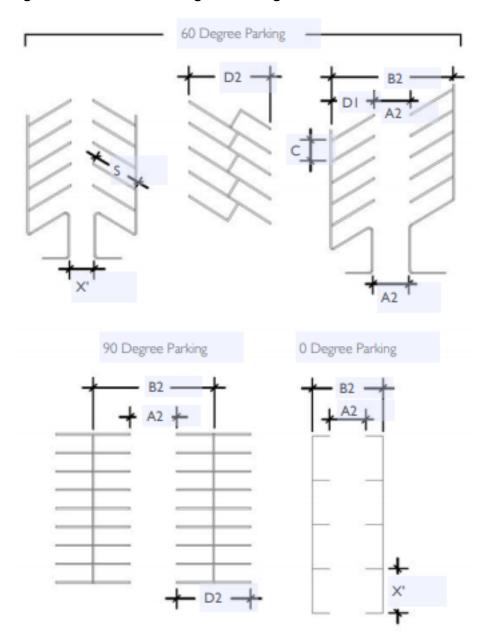


Figure 17.330.030 – Parking Stall Design and Minimum Dimensions

(2) Location. Off-street parking facilities shall be located on site to the extent feasible. Off-site parking shall be no further than 300 feet from the site, measured from the nearest point of the parking facility to the nearest point of the nearest building that the facility is required to serve. Off-site parking shall be primarily employee parking.

Parking areas that have designated employee parking and more than 20 automobile parking spaces shall provide at least 10 percent of the employee parking spaces (minimum two spaces) as preferential carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the employee entrance of the building than other parking spaces, with the exception of ADA-accessible parking spaces.

(3) Materials, Design, and Lighting.

(a) Off-street parking facilities shall be surfaced with a <u>permeable</u>, durable and dustless surface, shall be graded and drained so as to dispose of surface water to the satisfaction of the public works department and shall be maintained in good condition, free of weeds, dust, trash, and debris.

(b) Except for a single-<u>familyunit</u> or duplex dwelling, groups of more than two parking spaces per lot must:

(i) Provide aisles or turnaround areas so that all vehicles may enter the street in a forward manner;

(ii) Serve a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one-way driveways be less than 20 feet and 12 feet, respectively, and arranged so as not to use any part of adjoining public sidewalks, street, or alley rights-of-way, except for ingress and egress;

(iii) Provide internal pedestrian connections in parking lots with more than 10 parking spaces located in commercial districts and in parking lots with more than 30 parking spaces located in noncommercial districts. These connections shall be a minimum of five feet wide and distinguished from vehicular areas through changes in elevation or contrasting paving materials (such as light-color concrete inlay between asphalt). Paint or thermo-plastic striping and similar types of nonpermanent applications may be approved for crossings of parking lot areas that do not exceed 24 feet in crossing length; and

(iv) Provide at-grade pedestrian lighting-level of no less than two foot-candles.

(c) Delays – Unimproved Rights-of-Way. Off-street parking and loading for residential and nonresidential uses on existing unpaved streets are allowed a delay from the surfacing requirements prior to the issuance of an occupancy permit. However, the property owner must consent and present a recorded deed restriction or covenant which states that remonstrance against any future street improvement project has been waived and that the required paving will be completed within 12 months after the street is improved.

(d) Improvements to the parking facilities of residential uses, such as the addition of a carport or garage, shall require compliance with the surfacing requirements of the driveway and maneuvering areas if the dwelling gains access from an improved street. At a minimum, the paved access must be 20 feet in length measured from the property line in which access is gained.

(e) Lighting used to illuminate off-street parking facilities shall be arranged so as to reflect light away from any adjoining residential area(s).

(f) Parking Lot landscaping includes the following requirements:

(i). Open Parking and driveway areas landscaping: Seven percent of any open parking or driveway areas containing parking spaces for ten or more vehicles shall be landscaped. Landscaping shall be distributed through the entire parking area as evenly as possible as required by the review authority.

(ii) Landscaping Along Property Lines for Parking Lots. A three-footwide landscape strip, with planting maintained at either a height of two and onehalf feet or a height determined acceptable by the review authority will be provided along the property lines adjacent to any public or private street or alley (except within the approved exit and entrance ways) whenever the parking or circulation abuts these streets.

- (iii) Plantings around Driveways for Parking Lots. Any of the following driveways or open parking areas shall be separated by a planting strip three feet wide:
  - a. Where there are two or more parking lots or vehicles adjacent to one another which do not use a common driveway;
  - b. Where a parking lot for vehicles abuts a driveway, which does not provide access to that parking lot;

(g) Layout. Parking lots with four or more spaces must be designed so that automobiles will not back up onto public streets and will have at least one entrance and exit.

(h) Hammerheads or other such turnarounds may be required by the review authority -for dead-end driveways. The dimensions of the hammerhead shall be adequate to meet the requirements of the public works and fire departments.

(i) Bumper Guards and Wheel Stops. Permanent bumper guards or wheel stops shall be provided for parking spaces located adjacent to walls, fences, buildings, landscaping, etc., to prevent damage to any such objects or landscaped areas. However, if a landscaping curb is used in lieu of a wheel stop, it must be of sufficient width so as not to damage landscaping for a minimum of twelve inches, and must not encroach into the required space area more than twenty-four inches at front of parking space.

(4) All uses, except for single-<u>familyunit</u> dwellings and duplexes, required to provide off-street vehicle parking shall provide bicycle parking consistent with the standards in Table 17.330.030(B).

Type of Use	Number of Bicycle Parking Spaces
<u>MultifamilyMulti-</u> <u>unit</u> residential	One space per dwelling unit
Commercial	One space per use plus one space per 15 vehicle parking spaces
Industrial, institutional and public uses	Schools – One space per 25 students Transit Stops – Two spaces Transit Centers – Four spaces or one per 10 vehicle spaces, whichever is greater Other Uses – One space per use plus one space per 10 vehicle parking spaces

# Table 17.330.030(B) – Bicycle Parking

(a) Bicycle parking space may be located within garage, storage shed, basement, utility room or similar area.

(b) Bicycle Parking Location. Bicycle parking shall be located in lighted, secure locations within 50 feet of the main entrance to a building, but not further from the entrance than the closest general-purpose automobile parking space. Where a building has multiple entrances, required bicycle parking shall be no farther than 50 feet from an entrance. Bicycle parking shall be located and designed so as to not impede or create a hazard to pedestrians (at least 36 inches between bicycles and other obstructions or buildings).

(c) Bicycle Parking for Transit. The location and design of bicycle parking for transit stops and transit centers shall be determined through the development review process. [Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.340.030].

(5) Driveways. Driveways and parking drives shall be designed in accordance with the following standards:

(a) Driveways. Driveways provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Driveways are intended to be used primarily for vehicular circulation where the following standards apply: ds apply:

(i) Two-way driveways shall be a minimum width of 20 feet, one-way driveways shall be a minimum width of 12 feet.

(ii) The maximum driveway width is 28 feet.

(b) Alley Access. Lots with alley access, either at the rear yard or along the side yard, shall use the alley to provide access to the development site if either:

(i) The alley right-of-way width is 20 feet for the length of the alley between the lot and the street; or

(ii) The lot's only street frontage is on an arterial or collector street.

(c) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria CBDC 17.372 Adjustment Standards.

(6) Vehicle Parking.

(a) Parking Element Types. On-site parking shall be provided as part of any multi-unit development project in the form of garages (private or common), carports, and open parking areas. All parking, except common garages, shall be designed as parking clusters according to CBDC 17.330.030(6) Parking Clusters.

(b) Parking Clusters.

(i) Maximum Size of Parking Clusters. Individual parking courts shall be no more than 9,000 square feet in size and shall be physically and visually separated by a landscape area a minimum of 20 feet in width. No more than 3 individual parking courts may be connected by an aisle or driveway.

(c) Parking Cluster Separation. Landscape areas shall be placed between parking clusters to visually interrupt rows of parked vehicles and to separate individual parking clusters. Landscape areas between parking clusters shall have a minimum width of 20 feet and a

minimum area of 360 square feet. Each of these islands shall provide a minimum of one 20' canopy shade tree.

(7) Architectural elements such as trellises, porches, and stairways may extend into planting islands between parking clusters.

(8) Limitation on Parking Frontage. To strengthen the presence of buildings on the street, parking and vehicle use areas and garages adjacent to any public or private street frontage shall extend across no more than 50 percent of any street frontage. No parking spaces, with the exception of underground parking, shall be placed within any required front yard area. Parking areas shall not be located between buildings and the street. unit

(9) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria CBDC 17.372 Adjustment Review.

#### 17.330.040 Loading.

Every use for which a building is erected or structurally altered which will require the receipt or distribution of materials or merchandise by truck or similar vehicle shall provide off-street loading space on the basis of minimum requirements as follows:

(1) Commercial, industrial, and public uses shall provide truck loading or unloading berths in accordance with Table 17.330.040(A):

Square Feet of Floor Area	Number of Berths Required
Less than 5,000	0
5,000 - 30,000	1
30,000 - 100,000	2
100,000 and over	3

## Table 17.330.040(A)

(2) Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar uses shall provide off-street truck loading or unloading berths in accordance with Table 17.330.040(B):

## Table 17.330.040(B)

Square Feet of Floor Area	Number of Berths Required
Less than 30,000	0
30,000 - 100,000	1
100,000 and over	2

(3) A loading berth shall contain space 12 feet wide, 35 feet long, and have a height clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

(4) Existing loading space shall not be eliminated, if elimination would result in less space than is required to adequately handle the needs of the particular use.

(5) Off-street parking areas used to fulfill the requirement of this title shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

(6) Loading docks shall be located on the side or rear of the building. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.340.040].

#### 17.330.050 Vehicles in residential zones.

(1) Purpose. Parking lots and outdoor storage of vehicles or recreational vehicles shall not be a primary use for any property located within a single-<u>familyunit</u> residential zone.

(2) Where Applicable. These regulations apply to all residential users in <u>LDR-6SLR</u> and LDR-8.5 zoning districts unless otherwise expressly indicated.

(3) Off-Street Parking. Each single-familyunit residence, constructed after the date of adoption of the ordinance codified in this title, shall provide for at least two off-street parking spaces. Off-street parking must provide a minimum of 20 feet of lineal parking between the street and the dwelling setback. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.340.050].

## 17.330.060 Multifamily-unit dwelling parking lots and circulation.

Except for townhouse structures containing garages, parking lots and garages for <u>multi-unit</u> <u>dwelling</u> developments in MDR zoning districts shall be located in the rear portions of the property, with building construction occurring toward the front, closest to employment centers, shopping centers and transit corridors to minimize walking distance. Parking lots and garages located between buildings and streets are not permitted, except for townhouse structures that contain garages, in which case no more than 40 percent of the front of each townhouse dwelling unit shall be devoted to garage door space.

(1) At least one and one-half parking spaces shall be provided on site for each multiple-family dwelling unit.

(21) A minimum of 10 feet of landscaped buffer area shall separate parking lots from adjoining properties and streets. Driveways to townhouse garages, which provide off-street parking, shall not be considered parking lots.

(32) MDRMulti-unit dwelling development projects shall provide access to collector or arterial streets; however, individual dwelling units within an MDRmulti-unit dwelling development project shall not have direct access to an arterial or a collector street.

(a) Within <u>ana\_MDRmulti-unit dwelling</u> 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) MDRMulti-unit dwelling development projects shall not have direct primary access to existing local residential streets within an MDR zoning district unless the review authority finds, by substantial evidence, that environmental, topographic or other issues relating directly to public safety or welfare require general access to a local, public residential street.

(4<u>3</u>) Pedestrian access shall be provided to transit corridors without having to pass through a parking lot whenever possible.

(54) (a) Parking lots associated with conditional and nonconforming uses in this district are subject to planning commission approval.

(b) Parking lot expansion for nonconforming uses shall be subject to the requirements of <u>CBDC</u> Chapter 17.328 <del>CBDC</del>.

 $(\underline{65})$  In no event shall on-site parking facilities exceed 50 contiguous spaces per parking cluster. Where more than 50 spaces are required, there shall be a landscaped buffer, not less than 20 feet wide, between parking clusters. Where the applicant desires more than one parking cluster on a lot or contiguous lots, the director, through the site review process, shall require that each cluster be designed to accommodate bicycle parking facilities, and that pedestrian walk lanes are provided and clearly marked.

(7<u>6</u>) 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 <u>site reviewapplicable</u> process, shall require that each cluster be designed to accommodate bicycle parking facilities, and that pedestrian walk lanes are provided and clearly marked.

(87) All new townhouse developments shall include four additional off-street parking spaces for every three units. These spaces are to be evenly dispersed throughout the development with no more than four spaces being located in any one specific area. The director is authorized to establish final location of these parking spaces. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.340.060].

## 17.330.070 Parking requirements of manufactured home and RV and Park Model Parks.

(1) Off-street parking shall be provided

(A) For Manufactured home parks, for at least Ttwo auto parking spaces mobiles per dwelling unit, each with a dimension of 10' x 20', shall be located on the lot or property which they are intended to serve. Off-street parking shall be provided within a garage or carport.

(B) For RV and Park Model Parks. One 10' x 20' auto parking space per unit located on the lot or property which they are intended to serve.

(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:

00000013.	
17.335.010	<u>Purpose</u> Generally.
<u>17.335.015</u>	Exceeding height limits
17.335.020	Height and location of fences and walls and hedges.
17.335.030	Solid waste.
17.335.040	Lighting.
17.335.050	Noise.
17.335.060	Landscaping.
17.335.070	Drive-ins/drive-throughs.
17.335.080	Indoor marijuana-related businesses.
17.335.090	Pedestrian and bicycle access.
17.335.100	Transit facilities.
17.335.110	Zero lot line development.
<u>17.335.120</u>	<u>Multi-unit dwelling standards.</u>
<u>17.335.130</u>	Setbacks-intrusions permitted.
17.335.140	Affordable housing incentives.

17.335.150 Solar use and placement

**17.335.010** Generally. **Purpose.** In addition to other development standards in this land use code, this chapter provides specific development standards for certain development and uses. In the event of a conflict between the general development standards and the supplementary development standards, the provisions of the supplementary development standards control. The purpose of the standards in this chapter is to provide standards specific to certain development and uses and uses within the City. These standards are to be used \_\_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].

**17.335.015** Exceeding Height Limits. The features listed below shall be exempt from the established height limits in the zoning districts provided the limitations indicated for each are observed.

(1) Mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure, including chimneys, ventilators, plumbing vent stack, cooling towers, water tanks, panel, or devices for the collection of solar or wind energy, and the window-washing equipment, together with required visual screening for any such equipment and appurtenances.

(2) The minimum additional height required for elevators, stairs, mechanical penthouses, fire towers, skylights, flag poles, aerials, and similar objects but not including storage space or other equipment unless listed in standard (1) above.

3. Ornamental and symbolic features not exceeding 200 square feet in gross floor area including towers, spires, cupolas, belfries, and domes, where such features are not used for human occupancy.

## 17.335.020 Height and location of fences and walls and hedges

(1) Residential fences <u>and</u>, walls <del>and hedges</del> not greater than eight feet in height shall be permitted on or within all property lines which are not within any vision clearance area.

(2) -Fences and walls that conform with the standards required by the specific zones and CBDC 17.335.020 may be constructed in required front yard, side yard and rear yard setbacks.

(<del>2</del>3) Commercial fences or walls located in the following areas shall only be allowed subject to approval of a Type II review (<u>CBDC</u> Chapter 17.130):

(a) Bayshore Drive between Elrod Avenue and Highland Avenue.

- (b) Bayshore Drive north of Fir Avenue.
- (c) South Empire Boulevard south of Newmark Avenue.
- (d) 6th Avenue south of "F" Street.

(e) All area located in the downtown Coos Bay and Empire urban renewal areas in commercial land use districts.

(f) Chain link fences are prohibited in the areas noted in subsections (2)(a) through (e) of this section. [Ord. 532 § 2 (Att. B), 2020; Ord. 524 § 7 (Exh. A), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.362.020].

#### 17.335.040 Lighting.

(1) Street lighting shall be a required component of all residential, commercial and industrial developments within the city of Coos Bay. Lighting plans shall be a required component of complete preliminary subdivision, partition and site plan applications. All lighting plans shall be approved by the director.

(2) Lighting, including permitted illuminated signs, shall be designed and arranged so as to not:

- (a) Reflect or cast glare into any residential zone;
- (b) Rotate, glitter, or flash; or
- (c) Conflict with the readability of traffic signs and control signals.

(3) Lighting features on any site shall not exceed 15 feet in height if located on abutting property lines, 25 feet in height for freestanding outdoor light features on industrial property, and a 20-foot height limit for fixtures on all other nonresidential property.

(3) General Light Location. Lighting shall only be installed adjacent to structures, walkways, driveways, or activity areas (decks, patios, spas and pools, and similar use areas) and focal landscape areas close to the residence or activity area.

## (4) Mounted Light Location.

(a) Building-mounted lights shall be installed below the eave line.

(b) Exterior light fixtures may be mounted on any exterior wall or structure at a minimum of 8 feet above the adjacent finished floor level. However, a light fixture adjacent to a second story

balcony, deck, or exterior doors may be mounted on the wall at a maximum height of eight feet above the finished floor level.

(c) Lighting features on any site shall not exceed 15 feet. and 25 feet in height for freestanding outdoor light features on industrial property.

(5) Fixtures. Exterior lighting shall be hooded and arranged to reflect away from adjoining properties and streets.

(6) Level of Illumination. Exterior lighting shall represent the minimum level of illumination necessary to meet the aesthetic and security needs of the property. Light sources, intensity of light, and color of light shall be designed and located to achieve security or decorative lighting goals without causing an adverse impact on neighboring properties. Light sources shall be designed and located to minimize spillover of light or glare onto neighboring properties.

(7) Lighting Intensity. The lighting intensity within parking lots and adjacent areas shall be at least 1.0 foot-candle at all points, but shall not exceed an average of 3.0 foot-candles over the entire parking lot.

(8) Lighting Plan. A lighting plan is required for all applicable development demonstrating compliance with these Lighting standards. Lighting plans shall be a required component of complete preliminary subdivision, and partition applications. All lighting plans shall be approved by the director.

[Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.362.040].

## 17.335.060 Landscaping.

The following standards apply to landscaping and screening on private property required pursuant to this title. The city's public works department shall review and authorize landscaping and screening within public rights-of-way.

## (1) Applicability.

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

(b) At a minimum, 15 percent of new multi-unit dwelling developments must be landscaped to the standards within this chapter.

## (2) General.

(a) Applicants are encouraged to provide flexible landscaping design that takes advantage of natural features and addresses the use and function of the proposed development. Landscaping choices should consider the aesthetic qualities of the existing site and provide attractive variety in tree and shrub species, texture, color, height and density.

(3b) Existing vegetation may fulfill landscaping and screening requirements of this chapter if the existing landscaping provides at least an equivalent level of screening as the standard required for the development in question.

(4<u>c</u>) 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<u>d</u>) Landscaped areas required for stormwater management purposes may be used to satisfy the landscaping area requirements of this chapter.

#### (3) Landscape standards.

(6a) Required landscaping and screening shall be located on the perimeter of a lot or parcel. Required landscaping and screening shall not be located on a public right-of-way or private street easement, unless authorized by the city's public works department.

(b) Multi-unit dwelling developments shall provide a minimum 5-feet wide landscape screen along all property lines that abut a low density residential zoning district, per the standards of (i) - (iii).

(i) High shrubs that form a continuous screen, at least 6 feet high, within 5 years of planting.

(ii) 1 canopy tree per 30 linear feet as measured along interior lot lines.

(iii) Living plant materials covering a minimum of 70 percent of the required landscape area within 5 years of planting.

(iv) A masonry wall at least 6 feet high shall be permitted as a substitute for the shrubs but the trees and other plant materials are still required.

(7c) Parking and loading areas shall be landscaped as follows:

(ai) A minimum five-foot-wide landscaped strip shall be provided where vehicle parking or loading adjoins a public road right-of-way.

(bii) Parking areas throughout the development that contain at least seven spaces are required to provide perimeter parking area landscaping and parking area landscaping along street and driveway entrances landscaping islands. A landscape island shall contain at least 25 square feet, shall be at least four <u>4</u> feet wide, and shall prevent vehicles from damaging trees overhanging into this required area by using a wheel stop or curb. If a curb is used, the landscape islands shall be at least 6 feet wide.

(<u>8d</u>) The applicant shall install required landscaping and screening consistent with the approved site plan or development, or an approved modification thereto, before the city issues an occupancy permit or final inspection for the development in question; provided, the city may defer installation of plant materials for up to six months after the city issues an occupancy permit or final inspection for the development in question if doing so increases the likely survival of plants.

## (4) Plant materials.

(a) Landscape materials should be selected and sited to produce a hardy and droughtresistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance. Landscaping materials shall be selected in accordance with a list of plant materials adopted by reference as the Sunset Western Garden Book. (b) The applicant shall demonstrate and comply with the following:

(i) Plant materials shall be installed to current nursery industry standards.
(ii) Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.
(iii) Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain-link or other sturdy fence placed at the drip-line of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the drip-line of trees to be retained.

(9c) All required ground cover plants and shrubs must be of sufficient size and number to meet the required standards within three years of planting. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for living ground cover plants, lawn or approved flowers.

(10d) Shrubs shall be supplied in a minimum of two-gallon containers or equivalent burlap balls, with a minimum spread of three inches. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.

(11e) Trees shall be measured from the ground level at final planting to the top of the tree.

(ai) 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.

(bii) 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.

(ejii) Required evergreen trees (other than street trees) shall be fully branched and a minimum of six feet high at the time of planting.

(div) The review authority may reduce the minimum size of trees (other than street trees) if the applicant submits a written statement by a landscape architect registered in Oregon or expert in the growing of the tree(s) in question certifies that the reduction in size at planting will not decrease the likelihood the trees will survive.

(12) Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance. Landscaping materials shall be selected in accordance with a list of plant materials adopted by reference as the Sunset Western Garden Book.

(13) The applicant shall demonstrate and comply with the following:

(a) Plant materials shall be installed to current nursery industry standards.

(b) Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.

(c) Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain-link or other sturdy fence placed at the drip-line of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the drip-line of trees to be retained.

(5) Maintenance and Irrigation.

(14<u>a</u>) 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.

(<u>15b</u>) 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:

(ai) A permanent built-in irrigation system with an automatic controller will serve the landscape area in question, and the system will be installed and operational before the city grants an occupancy permit or final inspection for the development in question; or

(bii) A temporary irrigation system will be acceptable, provided the applicant <u>must</u>-submits a statement from a landscape architect registered in Oregon or expert in the growing of the vegetation in question which certifies that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall; or

(eiii) A permanent or temporary irrigation system will not <u>be installed</u> serve the landscape area in question; provided the applicant submits the following:

(iA) A statement from a landscape architect registered in Oregon or expert in the growing of the vegetation in question certifying that the materials to be planted will survive without watering other than natural rainfall; and

(iiB) A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the city. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.362.060]

## 17.335.110 Zero lot line development.

(1) Standards. The general conditions of the district shall prevail in addition to the special standards listed in this section: (See Figure 17.335.110.)

(a) The lot(s) contiguous to the zero-setback yard must be under the same ownership at the time of initial construction, or the applicant must produce written evidence that the contiguous property owner consents to this type of construction and is willing to enter into the required covenant agreement.

(b) The yard setback on the lot contiguous to the zero-lot line development must comply with the requirements of the <u>applicable building code authorized by Title 15 and determined by the</u> building official.

(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 <u>emergency</u> 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:

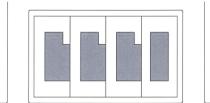
(i) In case of destruction of one or more units, new construction must follow the same concept of construction as previously designed.

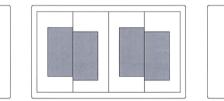
(ii) Each owner shall carry fire and liability insurance on their portion of the building with the contiguous owner(s) also listed on the policy.

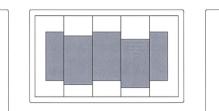
(iii) Provisions for the maintenance of the zero-lot line wall, the roof and any common facilities are included.

(iv) The procedures for the resolution of disputes are specified.

# Figure 17.335.110 - Examples of Zero Lot Line Development







[Ord. 532 § 2 (Att. B), 2020].

## 17.335.130 Setbacks-Intrusions Permitted.

(1) Applicability. Except as restricted by easements or other restrictions on title, the intrusions in this section may project into required front, side and rear yard setbacks to the extent and under the conditions and limitations indicated.

(2) Depressed Areas. In any zone, fences, hedges, guard railings or other landscaping or devices for safety protection around depressed ramps, stairs or retaining walls, may be located in required setbacks, provided that such devices are not more than 42 inches in height.

## (3) Projecting Building and Site Features.

(a) Notwithstanding projection limitations authorized or limited by CBMC Title 15, intrusions permitted in setbacks include the following Table 17.335.130(3)(a) except as provided in subsection (b):

	<u>Setback</u>		
Architectural Feature	Front	<u>Side</u>	<u>Rear</u>
Awnings	18 inches	=	<u>18 inches</u>
Balconies	48 inches	=	48 inches
Bay windows, garden windows	18 inches	18 inches	<u>18 inches</u>
<u>Chimneys</u>	18 inches	18 inches	<u>18 inches</u>
Cornices, belt courses, buttresses, pilasters, pilars, sills	12 inches	<u>12 inches</u>	<u>12 inches</u>
Eaves	24 inches	24 inches	24 inches
Trellis structures and patio covers	24 inches	18 inches	48 inches

# Table 17.335.130(3)(a) - Setbacks-Intrusions Permitted

(b) Permitted Mechanical Equipment Projections. Mechanical equipment shall not be located within any required front or side yard setback and shall not be set back less than three feet from the rear lot line; however tankless water heaters may encroach 24 inches into interior side or rear yards.

(4) Fences and Walls. Fences and walls that conform with the standards required by the specific zones and CBDC 17.335.020 may be constructed in required front yard, side yard and rear yard setbacks.

(5) Public Bus Shelters. Public bus shelters may be located in required front yard, side yard and rear yard setbacks, provided vision clearance is maintained for vehicles passing on the street and leaving the development site.

(6) Driveways. Except as provided in CBDC 17.330 Off-Street Parking and Loading Requirements and Chapter 15, driveways or accessways providing ingress and egress to or from parking spaces, parking areas, parking garages, or structured parking shall be permitted, together with any appropriate traffic control devices, in any required setback.

## (7) Parking Spaces in Required Setbacks.

(a) Except as provided in CBDC 17.330 Off-Street Parking and Loading Requirements and Chapter 15, in areas with a broad zone category of residential, parking in required front, side and rear yard setbacks are permitted with the following restrictions:

(i) Parking spaces in required front yard setbacks are permitted in conjunction with a single-unit dwelling, accessory dwelling, or duplex, provided the parking spaces are located on driveways.

(ii) For lots and parcels with at least 50 feet of frontage, driveways shall cover a maximum of one-half of the area in the required front yard setback. All portions of required front

yard setbacks not otherwise covered by legal driveways shall be landscaped and maintained.

(iii) Within the required front yard setback, recreational vehicles, boats, boat trailers, and other vehicles not in daily use, may only be parked on the paved driveway portion of the required front yard setback. No parking shall occur in the landscaped portion of the required front yard setback nor shall parking occur in the side yard. These vehicles not in daily use, are allowed to park in the front setback for not more than 48 consecutive hours.

(b) Except as provided in CBDC 17.330 Off-Street Parking and Loading Requirements and Chapter 15, in areas with the Industrial Commercial zone, parking spaces and parking areas are permitted in any required rear yard setback that is not adjacent to a residential or commercial zone,

(8) Utilities.

(a) Structures necessary for the operation and maintenance of public and private utilities may be located in required front yard, side yard and rear yard setbacks, provided these structures are screened as per CBDC 17.335.060 Landscaping and vision clearance is maintained.

(b) With director approval, features such as below grade transformers, back flow prevention devices and closures, which have a low visual impact may be located in required front yard, side yard and rear yard setbacks, provided these structures are screened as per CBDC 17.335.060 Landscaping and vision clearance is maintained.

(9) Poles. Poles for outdoor lights or government flags shall be permitted in any required setback.

17.335.140 Affordable Housing Incentives.

<u>17.335.140</u> Affordable Housing Incentives. Development incentives are provided to encourage the development of affordable housing as supported in the Coos Bay Comprehensive Plan.

(1) <u>Housing Location and Type.</u> The incentives in 17.335.140 may be considered in any zoning district where housing is permitted for the following housing types:

(a) Housing for Sale. Housing for which the mortgage, amortized interest, taxes, insurance, and condominium or association fees meet the United States Department of Housing and Urban Development (HUD) defined fair market sales prices in Coos County for HUD income eligible households.

(b) Housing for Rrent. Housing for which the rent and related costs meet the HUD defined fair market rent for HUD income eligible households.

(2) Incentive Types. A variety of incentives may be considered by the city and may include but are not limited to the following:

(a) Density Bonus. A density bonus for affordable housing (as defined in CBDC 17.150) may be authorized as a part of the land use review process but prior to the issuance of a building permit or recordation of a final map related to a development project for density bonuses specified in Table 17.335.140. The owner must enter into an affordable housing development agreement and execute any and all documents deemed necessary by the city in a form to be

established by the city attorney, including, without limitation, restrictive covenants, deed restrictions, and related instruments (including requirements for income qualification for tenants of for-rent units) for the following:

(i) Ensure the timely completion of affordable housing.

(ii) Establish the length of time the units will remain affordable,

(iii)related to units for sale, resale limitations to retain affordability for the duration of the agreement for individuals and families meeting the criteria of CBDC 17.335.140-(1)-(a). (iv) related to units for rent, specific criteria related to retention of rental rates for affordability to individuals and families meeting the criteria in CBDC 17.335.140(1)

# Table 17.335.140

Residential Zone	Density Range	Percent/number of affordable units based on max density	<u>imum</u>			
For purposes of calculating maximum rounded down to the next whole unit.	<u>10%</u>	<u>20%</u>				
number of affordable units and density						
are rounded up to the next whole unit.						
Small Lot residential (SLR)	10-12 units/gross acre	<u>1 unit</u>	<u>2 units</u>			
Low Density Residential (LDR)	Max 10 units/gross acre	NA	<u>1 unit</u>			
Medium Density Residential (MDR)	17-25 units/gross acre	<u>2 units</u>	<u>5 units</u>			
For example, on a 10,000 square foot lot, nine units are permitted. Of the nine units, the developer						
proposes 20 percent of the units to be affordable (nine units * 20 percent = 1.8 units, which is rounded up to two units). Therefore, of the nine units, two must be affordable. Since the applicant is proposing 20						
percent of the units as affordable, the developer may receive a corresponding density bonus of 20						
percent (nine units * 20 percent = 1.8 units, which is rounded up to two additional units). Therefore, the proposed project may have eleven units, two of which must be affordable.						
proposed project may have oleven an						

(b) Residential Zone Building Height lincentive. An increase in building height not to exceed ten (10) feet above the height of the zoning district may be allowed for multi-unit dwelling when the additional units gained by the height increase are affordable housing units.

(c) Commercial Zone Building Height lincentive. An increase in building height not to exceed fifty-two (52) –feet above the height of the zoning district may be allowed for multi-unit dwelling when the additional units gained by the height increase are affordable housing units.

(d) Lot Coverage Incentive. For affordable housing developments where 50 percent or more of the dwelling units are deemed affordable in conformance with 17.335.140(1) the entire development may develop with an 80 percent lot coverage.

(e) Lot Area and Dimensions lincentive. For affordable housing developments where 50 percent or more of the dwelling units are deemed affordable in conformance with 17.335.140(1), the required lot area and dimensions for the proposed lots or parcels may be

reduced up to 30 percent for the entire residential development. For affordable housing developments where less than 50 percent of the dwelling units are deemed affordable in conformance with 17.335.140(1), the required lot area and dimensions for the proposed affordable housing dwelling units' lots or parcels may be reduced up to 30 percent.

(f) –Parking Requirement Reduction. The parking requirement for affordable dwelling units is one on-site parking space per affordable dwelling unit.

# 17.335.150 Solar Use and Placement

The use of solar energy systems, both active and passive, including solar collectors, storage facilities, and other necessary components for space heating and cooling, swimming pool heating, and water heating is a permitted use in all districts subject to the requirements of Title 15.

## Chapter 17.340

#### VARIANCES

Sections:

- 17.340.010 Pre-application review.
- 17.340.020 Review process.
- 17.340.030 Application contents.
- 17.340.040 Approval criteria.
- 17.340.050 Expiration and extension.

## 17.340.010 Pre-application review.

An application for one or more variances subject to Type I or Type II review is not subject to preapplication review, unless filed concurrent with an application that is subject to pre-application review. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.330.010].

#### 17.340.020 Review process.

(1) Review of a technically complete application for variance of up to 10 percent of the numerical standards for the following: setbacks, buffers, building heights, landscaping, lot coverage and lot dimensions <u>or</u>, lot area <u>or density</u>, is subject to a Type I process, CBDC 17.130.080.

(2) Review of a technically complete application for all other variances greater than 10 percent are subject to a Type II process, CBDC 17.130.090.

(3) An application for a variance(s) necessarily associated with another application(s) subject to this title shall be combined with the associated application(s) for processing and review. The variance application shall be subject to the highest number review procedure applicable to the combined applications.

(4) If an application for a variance(s) is approved and an application(s) subject to an equal or higher number review procedure type is subsequently filed, the decision approving the variance may be altered for good cause by the decision on the merits of the subsequent application(s).

(5) An application for a variance(s) proposed as a post-decision action shall be subject to the post-decision review procedures of CBDC 17.130.150. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.330.020].

## 17.340.030 Application contents.

An applicant for a variance(s) shall submit the requisite fee and the information required by CBDC 17.130.040, except as otherwise provided therein. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.330.030].

## 17.340.040 Approval criteria.

The approval authority may impose appropriate conditions to ensure compliance with the criteria. The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared:

(1) <u>Reasonable use of the property cannot be achieved without the variance.</u> The variance is the minimum variance necessary to make reasonable use of the property.

(2) The variance will not result in violation(s) of any other code standard, and the variance will meet the purposes of the regulation being modified.

(3) The need for the variance was not created by the applicant and/or owner requesting the variance.

(4) If more than one variance is requested, the cumulative effect of the variances results in a project that is consistent with the overall purpose of the zone. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.330.040].\_

(5) The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

#### 17.340.050 Expiration and extension.

A decision approving a variance expires and can be extended as provided in CBDC 17.130.140. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A),

## 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, conditions, minor modifications and revocation.
- 17.347.050 Ownership, transfer and cessation of use.

## 17.347.010 Purpose of a conditional use.

The purpose of the conditional use process is to allow desirable uses possessing unique or special characteristics that require r "conditions" for the use to be successfully integrated into a particular zone.

## 17.347.020 Pre-application review.

Applications for conditional use review or modification of a conditional use review are subject to the requirement for a pre-application consistent with CBDC 17.130.020, Pre-application review. [Ord. 506 § 1 (Exh. A), 2018; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.325.010].

## 17.347.030 Application content and review processes.

An application 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 determines necessary to review the application for consistency with the approval criteria.

(1) Review of a technically complete application for conditional use review and Conditional Use Permit processing by the city is subject to either a Type II or a Type III threshold, contingent upon the development or use type and/or size. See CBDC 17.130.090 Type II procedure and 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 17.130.145. [Ord. 506 § 1 (Exh. A), 2018; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.325.020].

## 17.347.040 Criteria for approval, conditions, minor modifications and revocation.

(1) Criteria for approval. The review authority will assess potential impacts of the proposal related to building mass, parking, access, traffic, noise, vibration, exhaust and emissions, light, glare, erosion, odor, dust, heat, fire hazards, visibility, and safety, and shall approve or approve with conditions an application for conditional use review if it finds the applicant has sustained the burden of proof for the following:

- (A) The use is listed as a conditional use in the underlying district;
- (B) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;
- (C) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;
- (D) The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.

- (E) <u>There are adequate utilities, access roads, drainage, and other necessary improvements</u> to allow the land use, or improvements.
- (F) Negative impacts from the proposal can be mitigated by imposing reasonable conditions to reduce impacts.

(2) Conditions. The review authority 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

(I) Mitigations for adverse impacts as further specified in Chapter 17.325 CBDC, Mitigation of Adverse Impacts.

(3) Minor Modifications. The Director may approve a minor modification, alteration or expansion of an approved conditional use pursuant to a Type II process if:

(a) The modification, alteration or expansion will result in less than a 20 percent cumulative enlargement or relocation of the structure, floor area, parking area or exterior improvement area, up to a total maximum of 5,000 square feet;

(b) The existing use is in compliance with the intent, use and all conditions of approval of the original review; and

(c) The proposed modification, alteration or expansion is not expressly prohibited by the zone or the conditional use review issued for the existing use.

(4) Revocation of a Conditional Use Permit. Revocation of an approved conditional use permit is subject to a Type II process. Revocation shall be initiated by the director and is subject to CBDC Chapter 17.130. Revocation shall not be the exclusive remedy for violation. The Director may revoke or amend a conditional Use permit if the director finds one or more of the following:

(a) The conditional use is not being conducted consistent with the decision or conditions of approval authorizing the conditional use review or other applicable standards of this title;

(b) The applicant has failed to remedy the alleged violation within a reasonable time required by the director or within 60 calendar days after the city mails notice of such alleged violations to the operator of the conditional use or owner of the property, whichever is first. [Ord. 506 § 1 (Exh. A), 2018; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.325.040].

(c) The conditional use has not been executed within 24 months of its authorization.

(d) The conditional use ceases to operate for a period of more than one year.

#### 17.347.050 Ownership, transfer and cessation of use.

(1) An approved conditional use review is specific to the subject property and development proposal and cannot be transferred to another property.

(2) The review authority may limit the conditional use to a specific business or owner, if necessary, to help assure compliance with all conditions of the original conditional use approval; otherwise, a conditional use approval is for the use, not for the specific business, business name, or ownership which may change. However, all conditions of approval continue to apply.

(3) The review authority may limit the conditional use to a specific time frame and require periodic review of the authorized use.

(4) A conditional use approval is automatically revoked if the use is discontinued for a period of 24 months. [Ord. 506 § 1 (Exh. A), 2018; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.325.050].

#### Chapter 17.349

#### **CULTURAL RESOURCES**

Sections:

- 17.349.010 Purpose.
- 17.349.020 General provisions.
- 17.349.030 Development, alteration, or demolition of cultural resources.
- 17.349.040 Hearing.
- 17.349.050 Decision.
- 17.349.060 Waiting period.
- 17.349.070 Conditions.
- 17.349.080 Maintenance and repair.

## 17.349.010 Purpose.

The recognition, protection, enhancement, recovery, and adaptive use of cultural resources embodying Coos Bay's historical heritage can improve civic identity and add cultural and educational enrichment. The purpose of the following regulations is to: identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses; promote the continued use of historic buildings without detrimentally affecting their significance; enhance the visual character of the city by encouraging the renovation of historic structures; foster public appreciation and a sense of community identity based on the beauty and heritage of the city; and protect and enhance the city's attraction to residents, tourists, and visitors. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.010].

## 17.349.020 General provisions.

Any property identified as a cultural resource shall not be developed, altered, remodeled, relocated, or demolished if this activity will detrimentally affect the significance of the resource. Determination of a site's significance and consideration of the proposed changes against the site's cultural value shall be made in accordance with the provisions of this chapter. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.020].

## 17.349.030 Development, alteration, or demolition of cultural resources.

(1) General. This section establishes the procedure to determine the site's significance and to weigh potential conflicts between conservation and alteration or removal before approval of any such activity.

(2) Application. Prior to the issuance of any general or specific development permit, the property owner or authorized agent shall provide the department, as applicable:

(a) Property legal description.

(b) Plans or drawings showing the property and existing building dimensions and the character or details of the exterior, structural alterations (including additions), and, if a demolition is planned, the proposed use of the site.

(c) Statement explaining why the resource should or should not be preserved or protected. Supporting evidence from a qualified resource specialist is encouraged.

(d) If a demolition is proposed, a statement from the State Historic Preservation Office relating to the resource's value and a structural survey by the building official.

(e) If an archaeological site will be disturbed, proof that the Coos, Siuslaw, and Lower Umpqua Tribal Council and the State Historic Preservation Office have been notified and given the opportunity to respond.

(3) Exception. A cultural resource permit shall not be required of a certified cultural resource if:

(a) The owner or agent has received a special assessment for historic properties from the State Historic Preservation Office; and

(b) The approval of special assessment includes a review of the proposed development, alteration, or remodel.

To be eligible for this exception, the owner or agent shall submit plans for the work and documentation that these plans have received state approval. If a development or building permit is issued for the work, the city shall assure that the work is completed in conformance with the state-approved plan. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.030].

#### 17.349.040 Permit requirement Hearing.

The <u>review authority planning commission shall conduct a Type III hearing prior to the shall</u> <u>consider</u> designation, development, alteration, or demolition of a cultural resource <u>with</u> <u>authorization of a land use permit.</u> [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.040].

#### 17.349.050 Decision.

The <u>review authority planning commission</u> shall approve, conditionally approve, or deny an application after adopting findings of fact based on substantial evidence in the record.

(1) Cultural Resource Value. The <u>review authority commission</u> must make findings to support at least one of the following conclusions:

(a) The resource exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, or architectural history; or

(b) The resource is identified with persons or events significant in local, state, or national history; or

(c) The resource is representative of the notable work of a builder, designer, or architect; or

(d) The resource embodies distinctive characteristics of a style, type, period, or method of construction or is valuable as an example of the use of indigenous materials or craftsmanship.

(2) Development, Alteration, or Relocation of a Structure. The <u>review authority commission</u> must make findings to support the conclusion that the proposal is compatible with the character and value of the resource. Applicable criteria include:

- (a) Building coverage and height;
- (b) Yards;
- (c) Predominant architectural features and fixtures, appurtenances, or detailing;
- (d) Building materials; and

(e) Visual characteristics, such as paint color and surface texture, grading, surface paving, and landscaping.

(3) Demolition of a Structure or Disturbance of an Archaeological Resource. Prior to issuance of a permit to demolish a structure or disturb a resource, the <u>review authority commission</u> must make findings to support all of the following conclusions:

(a) All feasible and prudent alternatives to the proposed activity have been explored;

(b) Whether it is feasible to maintain or preserve the resource; and

(c) The proposed use is compatible with the zoning and current use of the land and its immediate surroundings. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.050].

#### 17.349.060 Waiting period.

If a demolition or disturbance to an historic or archaeological site is proposed, the <u>review</u> <u>authority commission</u> may impose a waiting period up to 120 days to enable the applicant to seek other alternatives. If the demolition of a structure is proposed, the alternatives shall include but not be limited to:

(1) Public or private acquisition and restoration;

(2) Sale of the premises to a party capable of maintaining, restoring, or relocating the resource; and

(3) Salvage of Significant Features. If a disturbance to an archaeological site is proposed, or a previously unknown or unrecorded archaeological site is encountered during the development, the alternatives shall include but not be limited to:

(a) Clustering development to avoid disturbing the resource;

(b) Designing the development so that the sensitive resource area is used for non-impacting activities, such as storage, parking, or open space;

(c) If permitted pursuant to the requirements of state law, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reinterring the human remains in accordance with the wishes of Tribal Council; and

(d) Using civic means to ensure adequate protection of the resources such as acquisition of easements, public dedications, or transfer of title.

(4) At the next regularly scheduled commission meeting after the end of the waiting period, the <u>review authority commission</u> shall reconsider evidence that alternatives were pursued in good faith and shall evaluate this information against the decision criteria in CBDC 17.349.050. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.060].

## 17.349.070 Conditions.

The <u>review authority planning commission</u> may impose other conditions deemed to be necessary to ensure the value of the resource will be protected. These conditions shall be stated in terms that are specific and measurable so the applicant is fully aware of the intent and justification of the condition and how and when implementation is to be accomplished.

(1) These conditions may include those specified in Chapter 17.347 CBDC, Conditional Uses.

(2) File a pictorial or graphic record of the structure with the department prior to alteration or demolition. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.070].

#### 17.349.080 Maintenance and repair.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material, or external appearance. This chapter shall not prevent the construction, reconstruction, alteration, restoration, demolition or removal of any feature if the building official certifies to the commission that the action is required for public safety by <u>CBMC</u> <u>Title 15. the State Structural Specialty Code.</u> [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.372.080].

## Chapter 17.362

## PLANNED UNIT DEVELOPMENT

Sections:

17.362.010 Purpose.

- 17.362.020 Preliminary PUD application contents.
- 17.362.030 Approval criteria for a preliminary PUD.
- 17.362.040 Property development requirements.
- 17.362.050 Expiration and extension of preliminary PUD approval.
- 17.362.060 Construction prior to final plat approval Bonds.
- 17.362.070 Improvement plans.

**17.362.010 Purpose**(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.

## 17.362.020 Preliminary PUD application contents.

(1) An applicant for a preliminary partition shall submit the materials required of CBDC 17.130.040 and 17.130.050 and the subdivision requirements of CBDC 17.367.030, Preliminary plat application contents.

(2) Applicant use of the services of an Oregon licensed land surveyor, or architect civil engineer, or landscape architect, is required to prepare the project design and application for a subdivision of four acres or less. For areas exceeding four acres, a professional design team comprised of at least a licensed Oregon architect, civil engineer, land surveyor and a landscape architect.

## 17.362.030 Approval criteria for a preliminary 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.

## 17.362.040 Permitted uses and property development requirements.

(1) Permitted Uses. With a PUD, the city may allow any permitted or conditional use with a Conditional use Permit in addition to the PUD in any zone of the city as a part of the land use

permitting process.(2) Density. Dwelling unit densities for subdivisions and residential nonsubdivision development projects may exceed the allowed density of the zoning district but remain in compliance with the CBCP. The difference between the expanded density and the permitted density in the underlying zone shall be designed, sized and developed for affordability to individuals and families within 50% of the Coos Bay median income.

(3) Open space and public access for recreation. For subdivisions and commercial projects on more than five (5) acres, open space and public access easements for use as recreation areas and / or open space on slopes less than 20% for over 40 percent of the total gross project area is required. The preservation and continued maintenance of property commonly owned and/or held for common use shall be guaranteed by a restrictive covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents shall be filed with the community development department before occupancy of any development or dwelling.

(4) Protection of Natural Features. Significant natural features shall be preserved and/or enhanced consistent with State of Oregon requirements. These include significant on-site vegetation, native plant communities, documented habitat, prominent topographic features such as ridgelines and rock outcrops and wetlands.

5) Tree installation. Introduction of 24" box trees at every 25' of property frontage that, upon full growth, fulfill a screening function, provide relief from glare, shade expansive areas of pavement, provide a buffer between potentially incompatible land uses and contribute to the project aesthetic.

(6) Energy savings. Solar or another energy alternative shall be included in the subdivision.

(7) Access and Roads. The development shall provide private vehicular and pedestrian access from a dedicated and improved street. Private streets within the development shall meet the following minimum paving standards:

(i) Eighteen feet where no on-street parking is allowed.

(ii) Twenty-eight feet where on-street parking is allowed only on one side of the right-ofway.

(iii) Thirty-six feet where parking is permitted on both sides of the right-of-way.

(iv) All private streets within a PUD shall be designed and constructed to city standards.

(v) An additional three feet on each side of pavement shall be designated as right-of-way area in which no construction shall take place.

(vi) The review authority shall approve the names of all streets within the PUD. The owner or operator of the development shall furnish, install, and maintain street signs of a type approved by the review authority.

(8) Fire Protection. The PUD shall provide on-site fire protection facilities in accordance with current regulations and requirements of the city applicable to the development.

(9) Lighting. All lighting within the PUD shall comply with the requirements of 17.335.040; roads within subdivisions shall be lighted at night to provide a minimum of 0.35 foot-candles of illumination.

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

(11) 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 PUD is subject to CBDC 17.367.050, Expiration and extension of preliminary plat approval.

#### 17.362.060 Construction prior to final plat approval – Bonds.

A subdivision approved as a PUD is subject to CBDC 17.367.060, Construction prior to final plat approval – Bonds. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.060].

#### 17.362.070 Improvement plans.

A subdivision approved as a PUD is subject to CBDC 17.367.070, Improvement plans. [Ord. 532 § 2 (Att. B), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.317.070].

# Chapter 17.365

# COTTAGE CLUSTER HOUSING

#### Sections:

- 17.365.005 Purpose.
- **17.365.010** Property development standards and residential land uses
- **17.365.015** Pre-application review.
- **17.365.020** Review processes
- **17.365.030** Expiration and extension of preliminary plat approval for a cottage cluster subdivision.
- **17.367.040** Construction prior to cottage cluster subdivision final plat approval Bonds.
- **17.367.050** Improvement plans for Cottage cluster projects.

# 17.365.005 Purpose

The purpose of a cluster development is to provide an alternative to conventional lot and block residential design. Cluster development can be uses to preserve and enhance open space and natural amenities, maximize the use of land with severe topographical constraints, and to provide solar and wind access, maximize site density, encourage community open space, and compliment and protect natural resources.

# 17.365.10 Property Development Standards and residential land uses

(a) Contiguous parcels or lots. The land area of the cluster development shall be composed of contiguous parcels or lots.

(b) Deviation from underlying development standards and residential land uses is permitted, except for landscaping requirements, parking requirements and density specifications. Deviation from the development standards in the underlying zoning district may be considered by the review authority without a requirement for an Adjustment review. However, no deviation is permitted from CBMC Title 15 criteria and/or State of Oregon standards related to development of environmentally sensitive or hazardous areas.

(c) Unless approved through a PUD application process, groupings of no fewer than four and no greater than five detached or attached dwelling units.

(d) As determined by the review authority, appropriate transition to surrounding properties including, but not limited to, anticipated building locations, bulk, and height.

(e) A common courtyard or open space area throughout the project equaling a minimum of 500 square feet of open space for each cottage cluster unit. Each cottage cluster development shall include a minimum of 2,000 square feet of open space regardless of the number of cottages in the cluster. Open space areas shall maintain open space around natural features, such as steep slopes, wooded areas, and natural waterways or wetlands where those exist, or create common open space with amenities for community activities for residents such as picnic areas, playgrounds, sports features, or gardens

(f) Parking is required as specified in Chapter 17.330.

(g) Architectural screening at least three feet tall shall separate parking areas from the common area and public streets. Solid fencing (e.g., board, cinder block) shall not be allowed as an architectural screen.

- (h) Chapter 17.335.120 Development Standards apply to cottage cluster projects.
- (i) Cottage cluster subdivisions shall be consistency with the requirements of 17.367.040.

## 17.365.015 **Pre-application review**

A cluster cottage proposal is subject to the Pre-application review requirements of Chapter 17.130. A cluster subdivision is also subject to pre-application review required in 17.367.010(2).

#### 17.365.020 Review processes

The review process for a cottage cluster project is identified in Chapter 17.130.020 (4b) or (4c), and is determined based on the contingent upon the project size. The review process for a subdivision cottage cluster project is also subject to review process requirements of 17.367.020. Applications for cottage cluster projects and/or subdivisions shall include applicant use of the services of a licensed architect to prepare the project design and application for four acres or less. For areas of more than four acres, required is applicant use of a professional design team comprised of an architect, civil engineer or land surveyor and a landscape architect or planner.

# 17.365.030 Expiration and extension of preliminary plat approval for a cottage cluster subdivision

A cottage cluster subdivision is subject to the expiration and extension of preliminary plat approval directives of Chapter 17.367.050.

## 17.367.040 Construction prior to cottage cluster subdivision final plat approval – Bonds.

A cottage cluster subdivision is subject to the requirements of Chapter 17.367.060

## 17.367.050 Improvement plans for Cottage cluster projects

Improvement Plans shall be submitted to the Director designed by or under the direct supervision of a licensed engineer where required by statute. The engineer shall certify same by seal and signature. All improvement plans shall comply with the provisions of city ordinances pertaining to streets, roads and utilities, and any other applicable city ordinances. If the cottage cluster project includes a subdivision, in addition to the above, certification shall contain the following:

(1) Subdivision name;

(2) Name, mailing address, and telephone number of the engineer preparing the plan; and

(3) Date (month and year). [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.315.070].

# Chapter 17.367

#### SUBDIVISIONS

Sections:

- 17.367.005 Purpose.
- 17.367.010 Pre-application review.
- 17.367.020 Review processes for subdivisions.
- 17.367.030 Preliminary plat application contents.
- 17.367.040 Approval criteria for a preliminary plat.
- 17.367.050 Expiration and extension of preliminary plat approval.
- 17.367.060 Construction prior to final plat approval Bonds.
- 17.367.070 Improvement plans.

#### 17.367.005 Purpose.

The purpose of this chapter is to implement the policies of the applicable state statutes and the city of Coos Bay comprehensive plan. The regulations contained herein are intended to: promote the effective use of land and infrastructure; make adequate provision for the housing needs of the city; prescribe procedures for the subdivision of land in accordance with officially adopted plans, policies and standards, including the provisions of this title; and provide for the efficient processing of subdivision applications without undue delay. A subdivision application shall be processed when subdividing into greater than three lots. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.315.005].

#### 17.367.010 Pre-application review.

(1) A subdivision is subject to pre-application review.

(2) An applicant for pre-application review of a subdivision shall submit all information required under CBDC 17.130.020(3), Application Contents, and the following information:

- (a) Subdivision name.
- (b) The date that the application was prepared.
- (c) The approximate acreage of the site and of each proposed lot and tract.
- (d) Comprehensive plan and zoning designations for the site.

(e) Existing and proposed land uses and structures on the site, and the proposed disposition of existing uses and structures.

(f) A description of land title to or easements over which the applicant proposes to dedicate to the city and the purpose for such, if applicable.

(g) A proposed preliminary subdivision plat at a scale of no more than one-d inch equals 100 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The plat shall show the dimensions and areas of all proposed lots, tracts and dedications. The plat shall show the distance from proposed property lines to the nearest existing structures on the site unless those structures will be removed.

(h) Any other items or details the applicant believes would assist the staff in its review, such as proposed stormwater plans, proposed utilities and their availability, geotechnical, wetland or other critical areas on or abutting the site, and a traffic impact study. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.315.010].

#### 17.367.020 Review processes for subdivisions.

(1) Technically complete review of a plat application is subject to a Type I process. See CBDC 17.130.080, Type I procedure.

(2) After a <u>preliminary</u> subdivision application is deemed to be technically complete, the review of the application for a preliminary plat approval is <u>based on size and scope</u>, subject to either Type II criteria <u>specified in of</u> 17.130.020 (4b) with the procedure specified in 17.130.090 or Type III criteria <u>specified in of</u> 17.130.020 (4c) with the procedure specified in 17.130.100. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.315.020].

## 17.367.030 Preliminary plat application contents.

An applicant for a preliminary <u>plat</u>partition shall submit the requisite fee, a completed application review form provided for that purpose by the city, and three paper copies and one electronic copy of the following information:

(1) Written authorization to file the application signed by the owner of the property that is the subject of the application, if the applicant is not the same as the owner as listed by the Coos County assessor. The application shall include all contiguous property under the same ownership or development control, and shall be signed by the owner of the property.

(2) Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance.

(3) A legal description of the property proposed to be divided.

(4) A copy of the pre-application conference summary, if the application was subject to preapplication review, and all information required to address issues, comments and concerns in the summary.

(5) A written description of how the proposed preliminary plat does or can comply with each applicable approval criterion for the preliminary plat, and basic facts and other substantial evidence that supports the description.

(6) Applications necessarily associated with the preliminary plat, such as applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to the adopted Coos Bay road standards that are required to approve the preliminary plat application as proposed.

(7) Evidence that potable water will be provided to each lot from a public water system, and that each lot will be connected to public sewer.

(8) A plan showing proposed phasing if the applicant proposes to develop the subdivision in phases. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.315.030].

## 17.367.040 Approval criteria for a preliminary plat.

(1) The review authority shall approve a preliminary plat if he or she finds:

(a) The applicant has sustained the burden of proving that the application complies with the applicable provisions of this title and Chapter 18.15 CBMC, Transportation Facilities;

(b) The application will comply with all applicable regulations by satisfying all adopted conditions of approval; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final partition is approved; and

(c) The subdivision makes appropriate provision for potable water supplies and for disposal of sanitary wastes.

(2) If phases are proposed, the subdivision shall comply with the following:

(a) The plat identifies the boundaries of each phase and sequence of phases;

(b) Each phase includes any open space and other required public and/or private infrastructure;

(c) The sequence and timing of phases complies with applicable standards throughout the development of the subdivision; and

(d) The applicant completes or assures completion of public improvements consistent with CBDC 17.367.070, Improvement plans.

(3) Flag lots are discouraged. When allowed, flag lots shall comply with the following standards:

(a) The flag pole shall provide an all-weather surface with an unobstructed vertical clearance of at least 13 feet six inches. The improved surface shall be at least <u>1620</u> feet wide <u>or as</u> <u>otherwise required by the Fire Chiefand be marked and signed as a fire lane.</u>

(b) For the purpose of meeting the minimum lot area requirement, the lot area, exclusive of the flag drive area, must meet the minimum square footage requirements of the zoning district. The pole portion of the flag lot does not count toward the minimum lot size.

(c) If the length of the flagpole is more than 150 feet, the applicant shall provide a turnaround at the end of the driveway in conformance with the current adopted edition of the <u>Oregon International</u> Fire Code, and structures on the lot shall incorporate a fire-hazard warning, including a hard-wired, back-up smoke detector, and a sprinkler system.\_

(d) Flag drive grades shall not exceed a maximum grade of 10 percent unless approved by the fire chief

(e) For drives serving two flag lots, the flag drive shall be 20 feet wide, with a 15-foot-wide driving surface to the back of the first lot, and a 12-foot-wide driving surface to the rear lot. Drives shared by adjacent properties shall have a width of 20 feet, with a 15-foot paved driving surface. Width shall be increased on turns where necessary to ensure fire apparatus remain on a paved surface during travel.

(f) No more than two flag lots will be served by a flag drive.

(gd) Where flag lots are not provided but access easements across abutting properties to public or private rights-of-way are provided, the applicable city engineering standards shall apply. [Ord. 526 § 5 (Exh. D), 2020; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.315.040].

(h). The entrance of the pole shall be identified by the address of the flag lot clearly visible from the street on a four-inch by four-inch post that is 3½ feet high. For flagpoles serving two or more dwellings, the addresses of such dwellings shall be on a two foot by three-foot white sign clearly visible from the street with three-inch black numbers.

(i) When required by the Oregon Fire Code, flag drives greater than 150 feet in length shall provide a turnaround with the distance of the turnaround requirement not to exceed 250 feet in length as allowed by Oregon Fire Code access exemptions.

(j) Each flag lot has at least three parking spaces situated to eliminate the necessity for vehicles backing out.

(k) There shall be no parking within ten feet of the centerline of the drive on either side of the flag drive entrance.

(I) Flag drives serving structures greater than 24 feet in height, shall provide a fire work area of 20 feet by 40 feet clear of vertical obstructions and within 50 feet of the structure. The fire work area requirement shall be waived if the structure served by the drive has an approved automatic sprinkler system installed.

(m) Flag lots shall be required to provide a private yard area which is unobstructed by a structure or automobile from the ground upward. with minimal dimension of 20 feet wide by 20 feet deep.

## 17.367.050 Expiration and extension of preliminary plat approval.

(1) Approval of a preliminary plat expires three years from the effective date of the decision approving it unless, within that time, an applicant files an application for an extension.

(2) An application for extension of a preliminary plat approval for a subdivision or for remaining phases of a subdivision is subject to a Type I process.

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

(3) The review authority may approve a single one-year extension of a preliminary plat approval if he or she finds that the relevant facts and the law have not changed substantially since the original approval, or that the preliminary plat can comply with the law in effect on the date the application for the extension was filed by complying with certain additional and/or modified conditions of approval, and those additional conditions and/or modifications are adopted. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.315.050].

## 17.367.060 Construction prior to final plat approval – Bonds.

(1) In lieu of the completion of any required public improvements prior to approval of a final plat, the city may accept a bond, in an amount of at least 125 percent of the estimated cost of construction of the public improvements in question, as certified by a professional engineer and accepted by the <u>public works and community development</u> director\_, or their designee, and with surety and conditions satisfactory to the engineer, or other secure method as the engineer may require, providing for and securing to the city the actual construction and installation of such improvements within a period specified by the engineer, and specified in the bond or other agreement; and to be enforced by the engineer by appropriate legal and equitable remedies.

(2) Construction shall not start prior to the public works department signing and approving both the construction plans and the final plat survey computations; except that rough grading operations may proceed before the plans are approved by the engineer under the following conditions:

(a) The grading plan is submitted separately, along with an application for the grading permit.

(b) The grading plan is in conformance with the approved preliminary plat.

(c) The grading plan, if applicable, will not be in substantial conflict with the street profiles and drainage structure plans.

(d) The grading permit, if applicable, is issued. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.315.060].

#### 17.367.070 Improvement plans.

Where improvements are required, plans for such improvements shall be submitted to the public works and community development director, or their designee. Improvements shall be designed by or under the direct supervision of a licensed engineer where required by statute. The engineer shall certify same by seal and signature. All improvement plans shall comply with the provisions of city ordinances pertaining to streets, roads and utilities, and any other applicable city ordinances, and in addition to the above certification shall contain the following:

(1) Subdivision name;

(2) Name, mailing address, and telephone number of the engineer preparing the plan; and

(3) Date (month and year). [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.315.070].

# Chapter 17.372

## **ADJUSTMENT REVIEW**

#### Sections:

- **17.372.005** Adjustment Review purpose
- **17.372.010** Pre-application review
- **17.372.015** Application contents
- 17.372.020 Review process
- **17.372.025** Expiration and extension
- 17.372.030 General Provisions
- 17.372.040 Approval criteria
- **17.372.050** Modification of Adjustment Review

# 17.372.005 Adjustment Review purpose.

Adjustment Review can facilitate creative and innovative development strategies while accommodating the intent and directives of the Comprehensive Plan and compliance with the State of Oregon and City of Coos Bay health and safety requirements. Development and Subdivision projects may utilize the Adjustment Review process for this purpose.

# 17.372.010 Pre-application review.

Adjustment Review is subject to pre-application review application contents specified by Chapter 17.130.035 for development applications. Adjustment review applications related to subdivisions are also subject to the pre-application requirements specified in 17.367.010.

# 17.372.015 Application contents.

- (1) As specified in Chapter 17.130.040
- (2) As specified in Chapter 17.367.030 if the application includes a subdivision.
- (3) Project plans prepared by an Oregon licensed architect for a development project, and an Oregon licensed surveyor or engineer for a subdivision. For a subdivision application, plans shall also include boundaries of the proposed area, a written explanation of the purpose of the area, planned improvements description and how the manner in which the area will be perpetuated, maintained, and administered.
- (4) Demonstrate consistency with the purpose and intent of the standard or standards being requested for adjustment. Note how the deviation of the purpose of the standard (or standards if more than one adjustment is requested) will still allow compliance with the standard (or standards) general purpose.
- (5) If the project area is in a residential zone, specify how the proposal is compatible with adjacent development (one block minimum).

(6) If more than one adjustment is being requested, identify the effect of all adjustments and how granting the adjustments will still result in a project that is consistent with the purpose of the zoning district where the project is located. If only one adjustment is requested, this requirement does not apply.

#### 17.372.020 Review process.

- (1) Review of a technically complete Adjustment Review application associated with other land use application(s) subject to this title shall be processed and reviewed concurrently with the associated application(s).
- (2) Chapter 17.130.020 (4b) or (4c), identify the land use review process for Adjustment Review; the process is based upon the project size, type and/or scope. The review process for an Adjustment Review related to a subdivision is also subject to the review process requirements of 17.367.020.

#### 17.372.025 Expiration and extension

Authorization of an Adjustment Review is subject to expiration and extension timeframes specified in 17.130.140 Expiration and extension of decisions.

#### 17.372.030 General Provisions

- (1) Adjustment Types
  - (A) Class 1 An adjustment to density not to exceed 5% and/or an adjustment to any CBDC numerical development standard in the CBDC that increases or decreases the standard by not more than 10 percent.
  - (B) Class 2 An adjustment to any CBDC development standard other than density or a Class 1 adjustment, including an adjustment to any numerical development standard in the CBDC that increases or decreases the standard by more than 15% percent.
- (2) Adjustment Review may not be used for modification of:
  - (A) A use or activity not allowed under the CBDC or CBCP.
  - (B) The status of a use or activity under the CBDC.
  - (C) A definition or use application.
  - (D) A use standard.
  - (E) The applicability of any CBDC requirement.
  - (F) A prohibited use or standard
  - (G) A CBDC procedural requirement.
  - (H) A condition of approval placed on a property through a previous planning action.
- (3) No adjustment shall be allowed that conflicts with the City's Comprehensive Plan, the Coos Bay Municipal Code or any state or federal requirements or limitations to protect natural resources and/or public safety.
- (4) In granting an Adjustment the review authority may attach conditions to protect the health, safety and welfare of the public and to mitigate adverse impacts which might result from the approval.

# 17.372.040 Approval criteria.

- (1) The following approval criteria applies to any Adjustment Review authorization:
  - (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified.
  - (B) The cumulative impact of more than one adjustment results in a project which is still consistent with the overall purpose of the zone. (this finding applies when more than one adjustment is requested)
  - (C) Reasonable economic use of the site would be adversely impacted with the application of the development standard being requested for adjustment.
- (2) The following criteria applies to Class 1 Adjustment Review authorization:
  - (A) The purpose underlying the specific development standard proposed for adjustment is:
    - (i) Clearly inapplicable to the proposed development; or
    - (ii) Clearly satisfied by the proposed development and
    - (ii) The location, size, design, and operating characteristics of the proposal are reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.
- (3) The following criteria applies to Class 2 Adjustment Review authorization:
  - (A) The purpose underlying the specific development standard proposed for adjustment is:
    - (i) Clearly inapplicable to the proposed development; or
    - (ii) Equally or better met by the proposed development.
  - (B) The location, size, design, and operating characteristics of the proposal are reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.
  - (C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.
  - (D) The adjustment will enable the project to provide a CBCP public benefit or accommodate an affordable housing need.

## 17.372.050 Modification of Adjustment Review

- (1) Applicability. An adjustment may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed modifications that do not meet the criteria in this section require submittal of a new application for adjustment.
- (2) Submittal requirements. An application for modification of a Class 1 or Class 2 adjustment approval shall include the information required by 17.372.015.
- (3) Criteria. An application for modification of a Class 1 or Class 2 adjustment approval shall be granted if all of the following criteria are met:

(A) The proposed modification does not substantially change the original approval; and

(B) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

(4) Expiration. The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

# Exhibit 2

# Findings of Fact and Coos Bay Development Code (CBDC) Text and Map Amendments

# I. APPLICABLE CRITERIA

The following is a list of the decision criteria applicable to the request as stated in Coos Bay Development Code, Chapter 17.360.015 and 060. Each of the criteria is followed by findings or justification statements which may be adopted by the City Council to support their conclusions. Although each of the findings or justification statements specifically applies to one of the decision criteria, any of the statements may be used to support the Council's decision. Based on their conclusions the Council must approve, conditionally approve, or deny the proposed amendments.

# 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].

#### 17.360.015 Initiation of Amendment

(2) A Type IV legislative process, CBDC <u>17.130.110</u>, 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].

# 17.360.060 Approval Criteria

DECISION CRITERION (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.

DECISION CRITERION (B): The proposed amendment is in the public interest.

DECISION CRITERION (C): Approval of the amendment will not result in a decrease in the levelof-service for capital facilities and services identified in the Coos Bay capital improvement plan(s)

DECISION CRITERIA (D): The proposed amendment is consistent with the city of Coos Bay's planned transportation system as described within the transportation system plan;

DECISION CRITERIA (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

DECISION CRITERIA (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.

# II. FINDINGS OF FACT FOR DECISION CRITERIA:

# 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].

**FINDING:** The proposed amendments to the CBDC are primarily text amendments. Map changes to the code do not include changes to district geography but do propose new naming for a number of zones. This is done to provide be more consistent with their associated purpose and standards.

#### 17.360.020 Initiation of Amendment

(2) A Type IV legislative process, CBDC <u>17.130.110</u>, 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].

**FINDING:** Adoption will be at the recommendation of the Coos Bay Planning Commission and adoption by the Coos Bay City Council.

**DECISION CRITERION (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:\_

**DISCUSSION:** Generally speaking, the proposed amendments to the Coos Bay Development Code bring residential elements of the code into alignment with Oregon House Bill 2001, or are otherwise necessary in response to significant changes in circumstances.

Following are findings of consistency of the proposed Development Code amendments with applicable Coos Bay Comprehensive plan policies and strategies (as that Plan is concurrently amended).

# 7.1 NATURAL RESOURCES AND HAZARDS

# Strategies

NRH.1 ...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. <u>Development shall be prohibited on slopes greater than 20%, regardless of soil content.</u> 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...

**FINDING**: The proposed amendments are mindful of natural resources and hazards. Included in the proposed amendments to both the CBCP and CBDC is an explicit prohibition of development on slopes of 20% or greater, in recognition of slope hazards. The proposal does not include any new provisions which would ostensibly threaten natural resources or increase risks of natural hazards. The proposed CBDC updates are consistent with the strategies of this Comprehensive Plan Element.

# 7.2 ENERGY CONSERVATION Strategies

EC.87 Coos Bay shall encourage the "infilling" development of undeveloped parcels of land, within the city limits for residential and commercial purposes, recognizing that such development, located in the vicinity of established traffic corridors and in areas already serviced by electrical, sewer, and water lines, are more energy efficient than new construction in "unserviced" undeveloped areas.

**<u>FINDING</u>**: None of the proposed CBDC changes is anticipated to impact Coos Bay's position or effectiveness in addressing energy matters.

The proposals are consistent with Policy EC.8, which mandates efficient use of urban lands for residential and commercial purposes through infill, which a number of proposed development code provisions will further encourage. The proposed CBDC updates are consistent with the strategies of this Comprehensive Plan Element

# 7.3 HISTORIC PRESERVATION

#### Strategies

HP.4 Coos Bay shall preserve and protect the integrity of city-owned structures and sites of identified historical significance by requiring review by the Planning Commission prior to development or modification of the subject properties.

This strategy recognizes that the city has a responsibility to preserve the cultural heritage of this area.

**<u>FINDING</u>**: None of the proposed CBDC changes is contrary to the Historic Preservation strategies of the Comprehensive Plan.

#### 7.4 RECREATION AND OPEN SPACE

**FINDING**: None of the proposed CBDC changes is contrary to the Recreation and Open Space strategies of the Comprehensive Plan.

#### 7.5 ECONOMIC DEVELOPMENT

#### **Economic Development Policies**

1.1 Enhance Coos Bay's role as a hub for support services for the south coast, commercial, financial, real estate, professional services (engineering, architecture), housing, etc.

1.3 Collaborate both locally and regionally to provide an adequate supply of industrial land.

1.5 Support and cooperate with community and regional partners to encourage economic growth.

**<u>FINDING</u>**: None of the proposed changes is contrary to the Economic Development strategy of encouraging and supporting economic growth. Amendments associated with employment lands serve to make more efficient and streamlined use of those lands in complimentary manner to economic aims and purposes of those districts.

2.1 Encourage expansion of recreational, cultural and eco-tourism industries by supporting, enhancing and expanding amenities and infrastructure from waterfront development to lodging options, including shopping, arts and entertainment.

2.2 Direct public investments toward creating an attractive downtown and waterfront setting that enhances Coos Bay and the Empire districts as areas where people want to live and do businesses.

2.3 Pursue the implementation of the Hollering Place Master Plan, adopted December 2, 2008, to 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 will be require.

3.3 Continue to enhance our core area as a place to do business.

4.1 Continue to support the creation of outdoor public gathering spaces as a way to strengthen community interaction with local businesses.

4.2 Continue to offer programs that strengthen local businesses.

6.1 Maximize the potential uses and benefits the waterfront and deep-water port offers to the city and region as a whole.

6.4 Promote the development of walking and bike trails throughout the City, ultimately linking with our neighbors, and continue to work towards the Coos Bay Waterfront Walkway to the North Bend Boardwalk for the mutual benefit of area residents, businesses and visitors.

**<u>FINDING</u>**: The proposed amendments encourage economic (and other supportive) activities in the downtown area, where it has been planned and desired but has not realized. More residents in any area have been proven to increase economic activity by supporting businesses, tourist attractions and other amenities, including increasing hours of activity. The proposed amendments, include multi-unit standards and promote alternatives that are more pursuable and realistic for the development community. This includes creating more workforce housing for populations necessary for a healthy economy but historically challenging to provide housing for. None of the proposed changes is anticipated to impact Coos Bay's ability to maintain or expand its economy.

# 7.6 HOUSING

# **Housing Policies**

**Goal 1:** Coos Bay shall designate and maintain an adequate supply of land zoned for a range of housing types and price ranges.

1.1 Coos Bay will continue to update its zoning provisions to allow for construction to provide a wide range of housing available at varied prices and rent ranges, and allow for flexible site and architectural design.

1.2 Coos Bay will regularly update the City's inventory of buildable land (at least every five years) and use it to both identify housing development opportunities and assess the ability to meet future housing needs. If growth is occurring at a faster rate than previously predicted, the city shall work with the County to update the county's coordinated population forecast and the City's housing needs analysis accordingly.

1.3 Coos Bay will explore and provide information about opportunities to consolidate buildable land where it will promote more efficient development.

**FINDING**: The key underlying motivation for these updates is Oregon House Bill 2001 which is explicit in its purpose to promote, in Oregon Cities, a wide range of housing available at varied prices and rent range. The proposed amendments have incorporated flexibility in a number of ways, including site and architectural design. Efficiency of development on existing residential buildable lands guided the review and is reflected in the proposed amendments. The proposed updates are consistent with the strategies of this Comprehensive Plan Housing Goal.

**Goal 2**: Support efforts of state, <u>Tribal</u>, 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.

2.1 Coos Bay <u>may</u> consider waiving or deferring city fees, such as development fees or system development charges, <u>and allowing deviation from development standards as incentives</u> for affordable housing projects that meet defined criteria, <u>including State and/or Federal Affordable</u> <u>Housing requirements</u>, <u>and result in permanently affordable housing</u>.

**<u>FINDING</u>**: The proposed CBDC amendments were pursued with this policy in mind, and are consistent with it.

**Goal 3:** Encourage the use of sustainable land use development practices and building materials including use of energy efficient materials and design principles.

3.1 Coos Bay will continue to apply i<u>I</u>nnovative regulations for planned unit development allowing flexibility in designing cluster housing, recognizing that such land development practicesshall be incorporated into the Development Code to (1) result in lower costs per site than conventional subdivisionsallow for flexibility in design (2) result in lower costs, (23) permit sound land economics, (34) enhance the environmental integrity of the land resources, (45) promote energy conservation, and potentially (56) provide additional open space and common areas.

3.2 To stimulate infill development, Coos Bay's Development Code shall allow for and incentivize a variety of housing types in the City's residentially zoned areas. Coos Bay will continue to allow for and encourage small scale cluster housing concepts in residentially zoned areas to stimulate infill development. This strategy (1) 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, and (5) provides the framework for development of needed housing.

3.3 Promote and encourage energy efficiency and sustainable building practices.

**<u>FINDING</u>**: The proposed CBDC amendments are consistent with the revised energy efficiency Comprehensive Plan strategies related specifically to housing. The proposed CBDC changes promote energy efficiency in Coos Bay.

**Goal 4:** <u>Ensure that the Review land development ordinance Development Code enables the development of to ensure promotion of development and affordable housing options that are affordable.</u>

4.1 <u>Coos Bay shall use the land use review permitting process to ensure the development of needed housing, to promote land uses that are harmonious with their surroundings, and to maintain a high quality of life for area residents. Coos Bay shall exercise its site plan review for major residential land developments, recognizing that site review is necessary to provide development that (1) fosters sound energy conservation practices, (2) is aesthetically pleasing, and (3) complements the natural characteristics of the site.</u>

**4.2** 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, (2) offer incentive programs, including, but not limited to, expansion of maximum density allowances by 20% for housing that is affordable, and 3) engage in collaborative housing partnerships.

**Goal 6:** The City of Coos Bay shall comply with federal and state fair housing laws which affirm access to housing opportunities for all people in Coos Bay.

**<u>FINDING</u>**: The proposed CBDC amendments are consistent with the revised housing affordability Comprehensive Plan strategies. The proposed CBDC changes promote housing affordability in Coos Bay by establishing new incentives for housing that is affordable and by creating more streamlined and predictable land use processes.

**Goal 5:** Allow for, encourage and support the development of housing units in conjunction with commercial development (e.g., housing located above commercial uses).

**<u>FINDING</u>**: The proposed amendments to CBDC, more clearly define and outline process for commercial residential (mixed use) development. By so doing, the proposed changes are in direct alignment with this policy.

# 7.7 PUBLIC FACILITIES AND SERVICES

#### Strategies

PFS.2 Coos Bay shall address, where possible, the impacts that community growth will have on the city's ability to provide facilities and services when considering various discretionary land use decisions, recognizing that every land use has a public price tag as its consequence.

**<u>FINDING</u>**: None of the proposed CBDC changes is anticipated to impact Coos Bay's ability to address Public Facilities and Services Strategy 2.

#### 7.8 TRANSPORTATION

Coos Bay Transportation System Plan, Chapter 2, Goals and Policies, which are incorporated herein by reference, have been developed to guide the City's vision of transportation system needs.

**<u>FINDING</u>**: (See findings for Decision Criteria D, E, & F)

# 7.9 URBAN GROWTH MANAGEMENT

# Strategies

UGM.4 Coos Bay shall consider all lands within its corporate limits as available over time for urban uses, except where natural hazard and other land characteristics preclude urban type development. This policy is based on the recognition that (1) lands contain within incorporated cities are appropriately targeted toward urban development, but that (2) such development should be consistent with sound development practices.

**FINDING**: The proposed CBDC amendments have taken UGM.4 into consideration. With the exception of land where natural hazards, resources or other constraints preclude urban development, the proposed amendments anticipate development at urban levels. The proposed amendments are consistent with the Urban Growth Management Element of the Comprehensive Plan.

# 8.1 PUBLIC PARTICIPATION

# Strategies:

CI.1 Coos Bay shall continue to utilize, support, and publicize its Citizen Involvement Program and the efforts of the Committee for Citizen Involvement (CCI), which is charged with the responsibility of coordinating general public knowledge about and involvement in all phases of the ongoing planning and community development process. The city recognizes the advantages of broad-based community input to the quality and public acceptability of its planning and community development decisions.

**<u>FINDING</u>**: The City has acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process. The code amendments do not amend the citizen involvement program. The process for adopting these amendments is consistent with the citizen involvement provisions in the following particulars:

• Citizen engagement was included in all phases of the planning process and included a representative Housing Advisory Committee and work sessions open to the public and dedicated to Planning Commission and City Council feedback. Effective communication between citizens and elected and appointed officials in the project was provided through open houses, work sessions, and public hearings all open to the public at which public input is sought and heard.

• Citizens and interested parties were provided access to project data through a City webpage containing links to draft iterations, meeting notes and background materials.

• Technical information is explained in staff reports and public presentations so information necessary to reach policy decisions is available in a simplified, understandable form. A copy of all technical information is available at City Hall offices.

# 8.2 AGENCY COORDINATION

# Strategies

AC.1 Coos Bay shall give timely notification to the county, local, state and federal agencies, and special districts of periodic reviews and amendments to the city's plan or implementing measures, particularly when the city's actions may affect their responsibilities or lands under their jurisdiction. This strategy is based upon the recognition that planning should be a coordinated process.

**<u>FINDING</u>**: The proposed CBDC amendments reflect a coordinated process. Amendment concepts were widely and developed with appropriate outreach and involvement of state and local agencies, including non-profits and other interest groups.

# 8.3 LAND USE AND COMMUNITY DEVELOPMENT PLANNING

# Strategies

LU.1 The City of Coos Bay shall create a procedure for public hearings which will be contained in the Land Development Ordinance and which shall comply with the requirements of Statewide Planning Goal 1, Citizen Participation, to provide the opportunities and procedures whereby the general public may be involved in the City's on-going land-use planning process. [ORD. 319 4/2/02] [RES 83-11 5/13/83]

**FINDING**: See Findings for Public Participation.

LU.2 The comprehensive Plan shall be the basis for all land use and community development regulations in Coos Bay. This is based on the recognition that zoning, subdivision and sign ordinance are simply implementation tools that carry out the expressed policies and intent of the plan; such regulations are not an end in and of themselves.

**<u>FINDING</u>**: Comprehensive Plan and Development Code amendments were developed and iterated in tandem with a clear awareness and express goal of any and all CBDC amendments having a clear policy foundation in the Comprehensives Plan. The proposed CBDC amendments are consistent with this Land Use policy.

LU.6 Coos Bay shall implement provisions of this plan and its implementing measures upon the City's adoption of the Coos Bay Comprehensive Plan and its implementing measures. This strategy is based on the recognitions that the plan and implementing measures are products of a lengthy planning process; they received due consideration, and they reflect local needs and desires.

LU.8 Coos Bay shall allow the continued existence of any land use activity found to be nonconforming with the provisions of this plan and its implementing ordinances provided that (1) the land use activity was duly permitted under Coos Bay's 1974 Comprehensive Plan and Zoning Ordinance No. 2685, and/or (2) the land use activity was authorized under a discretionary permit by the city. All conditions placed upon such discretionary zoning approvals must be completed within the prescribed period of time established at the time of approval, or lacing a time period, required conditions shall be satisfied by June 30, 1982. Moreover, all such discretionary conditions shall still apply even though the newly adopted comprehensive plan and applicable zoning ordinance will be in effect. This strategy is based on the recognition that (1) "grandfather privileges" are essential to protect property owners' rights, and (2) reasonable time periods should be provided to allow completion of projects initiated under Zoning Ordinance No. 2685.

LU.10 The City will consolidate procedures for applicants so they can apply at one time for all permits or zone changes needed for a development project.

**FINDING**: None of the proposed CBDC changes are inconsistent with these policies.

# 9. LAND USE AND IMPLEMENTATION PLAN

**FINDING**: The Land Use and Implementation Plan (LUIP) of the CBCP outlines plan designations and associated implementation objectives and rationale. These have been amended to reflect current conditions, including Oregon House Bill 2001 priorities. The proposed CBDC amendments are all carefully crafted in alignment with the new and existing language of the LUIP as relates to densities, uses and district distinctions.

# DECISION CRITERION (B): The proposed amendment is in the public interest.

**DISCUSSION:** The proposed amendments to the CBDC enact principles of Oregon House Bill 2001, passed by the Oregon Legislature in 2019. This bipartisan bill was developed to help provide Oregonians with more housing choices, especially housing choices more people can afford. The new law lets people build certain traditional housing types that already exist in most cities, instead of being limited to a single housing type. House Bill 2001 requires updates of local rules that have limited what sorts of housing people could build. These limitations have led to increased housing costs. The 2020 Coos Bay Housing Needs Assessment indicates that residents are paying more than they can afford for the housing they have and are limited to renting or buying detached single-unit homes. The composition of households is also shifting; many households are made up of a single person living alone. Increased housing choices are needed to address residents in a range of life phases and circumstances.

**FINDING:** Prior to HB 2001, in 2016, the City of Coos Bay amended the CBDC allowing duplexes on single-dwelling lots; moving the City forward substantially on the matter of housing choice. Building on the City's 2016 action, this project strengthens the City's overall regulatory foundation promoting housing choice with a framework for planned development to occur. These updates also correct errors and organizes CBDC language for easier location and understanding of information by the public and developmers. As additional issues arise over time within this code they will be corrected through this public process as needed.

Improved housing choice will create parallel benefit to the local economy, providing housing and associated stability to Coos Bay's workforce, and bringing activity into Coos Bay's downtown and other commercial centers by providing housing in closer proximity to these centers.

The proposed CBDC amendments are established in the public's interest.

# DECISION CRITERIA (C): Approval of the amendment will not result in a decrease in the level-of-service for capital facilities and services identified in the Coos Bay capital improvement plan(s)

**FINDING**: The proposed CBDC amendment may have an affect the level-of-service for capital facilities and services identified in the Coos Bay capital improvement plan due to amendments aimed at increasing housing units within the community. The proposed uses will be considered/included in the Coos Bay Capital Improvement Plan when it is updated. The total impact of the proposed CBDC amendments cannot be fully accessed at this time, but it is not expected to result in a decrease in the level-of-service of the capital facilities and services identified in the current Coo Bay capital improvement plan(s).

#### DECISION CRITERIA (D): The proposed amendment is consistent with the city of Coos Bay's planned transportation system as described within the transportation system plan;

DECISION CRITERIA (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

DECISION CRITERIA (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.

Oregon Administrative Rule 660-012-0060 notes:

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

**FINDING:** The amendments have been developed with consideration for the provision and encouragement of a safe, convenient, and economic transportation system. A major aim of Goal 12 and the Transportation Planning Rule are to minimize the use of the automobile, vehicle miles travelled, and encourage multi-modal uses. The code amendments encourage development that puts employees near employment centers by encouraging more dense development in the downtown core, consequently reducing the need for more distant travel.

Regarding the TPR language quoted above, the amendments do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b). In regards to (c), the amendments will not significantly increase the level of development beyond that allowed currently. Therefore, the amendments are not anticipated to significantly affect any existing or future transportation facilities. Based on the above findings, the amendments are consistent with Statewide Planning Goal 12.

# DECISION CRITERIA (D): OREGON STATEWIDE PLANNING GOALS (OAR 660-015)

The proposal is consistent with the following applicable Statewide Planning Goals; Statewide Planning Goals not cited below are not applicable to this amendment.

**GOAL 1: CITIZEN INVOLVEMENT** [OAR 660-015-000(1)]. To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

**<u>FINDING</u>**: See Findings for Public Participation

# GOAL 2: LAND USE PLANNING [OAR 660-015-000(2)]

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

**<u>FINDING</u>**: See Findings for Local Land Use and Public Participation Policies

**GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES.** To conserve open space and protect natural and scenic resources.

**FINDING:** These CBCP amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, Statewide Planning Goal 5 does not apply.

**GOAL 6: AIR, WATER AND LAND RESOURCE QUALITY.** To maintain and improve the quality of air, water and land resources.

**FINDING:** Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water, and land from impacts from those discharges. The CBCP amendments do not affect the City's ability to provide for clean air, water, or land resources. In fact, one of the main objectives of the amendments is to implement transportation strategies that will have a net benefit on air quality. Therefore, Goal 6 is satisfied.

**GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS.** To protect life and property from natural disasters and hazards.

**FINDING:** Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits development in natural hazard areas without appropriate safeguards. The CBCP amendments strengthen the City's restrictions on

development in areas subject to natural disasters and hazards (slopes above 20%). Further, the amendments do nothing to increase allowance for new development that could result in a natural hazard. Accordingly, Goal 7 is satisfied.

**GOAL 8: RECREATIONAL NEEDS.** To satisfy the recreational needs of both citizens and visitors to the state.

**FINDING**: Goal 8 ensures the provision of recreational facilities to Oregon citizens, and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not negatively impact the City's provision for or access to recreation areas, facilities or recreational opportunities. Some CBCP updates enable residential developments to increase the potential for common public spaces. Accordingly, the code amendments are consistent with Goal 8.

**GOAL 9: ECONOMIC DEVELOPMENT.** To provide adequate opportunities for a variety of economic activities vital to public health, welfare and prosperity.

**<u>FINDING</u>**: Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The code amendments do not impact the supply of industrial and commercial lands. Accordingly, the amendments are consistent with Goal 9. See also Findings for Economic Development.

**GOAL 10: HOUSING.** To provide for the housing needs of citizens of the state. Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density. Goal 10 administrative rules are outlined in OAR 660-008 and 660-015-0000(10).

**FINDING:** The proposed amendments do not re-designate any land from residential to nonresidential use, and do not otherwise diminish the lands available for residential use. Rather, the amendments will increase the capacity of existing residential land. Prior to this package of code and plan updates, the City of Coos Bay had already adopted a provision to allow duplex units in all single-family zones – in the spirit of House Bill 2001. Those changes were reflected in the 2020 Housing Needs Assessment and Buildable Lands Inventory discussed further below.

The proposed changes go far to meet the Goal 10 Implementation objective of facilitating decisions on housing development proposals that are expedited when such proposals are in accordance with zoning ordinances and with provisions of comprehensive plans. It also aims to increase population densities in urban areas taking into consideration (1) key facilities, (2) the economic, environmental, social and energy consequences of the proposed densities and (3) the optimal use of existing urban. The proposals further local influence on housing through revised zoning and land use controls consistent with Goal 10, by providing "greater certainty" in the development process. The revision further clarifies and strengthens one of the City's implementation roles in the multi-front effort to improve housing in Coos Bay and the State.

# 660-008-0010 Allocation of Buildable Land

The mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by

type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation.

**<u>FINDING</u>**: In the Fall of 2020 the City of Coos Bay completed a Housing Needs Assessment (HNA) which included an Inventory of Buildable Lands Inventory (BLI) distinguished by district. The Coos Bay BLI/HNA estimated Coos Bay's current and future housing needs, including whether the City has enough appropriately zoned land to accommodate housing demand over the next 20 years. It concluded that there is a total of 480 residential buildable acres (i.e needs can be physically accommodated on land within the UGB.)

The analysis concluded that 604 new units will need to be accommodated over the next 20 years. Of these, approximately 28% are projected to be single-unit homes. Duplex through four-plex units is projected to represent 11% of the total need. This category also includes any other allowable middle housing types, such as cottage housing. The greatest need identified in the HNA is in the category of lower income units (64%). This need can be addressed through manufactured homes (as noted in the HNA) or multi-unit developments.

The HNA analyzed current housing dynamics in the context of historic and projected demographic and housing trends (including renter and owner split). The HNA analysis utilized a housing needs model to account for affordability categories consistent with Goal 10: including a comparison of the distribution of the existing population by income with the distribution of available housing units by cost; a determination of vacancy rates, both overall and at varying rent ranges and cost levels; a determination of expected housing demand at varying rent ranges and cost levels; allowance for a variety of densities and types of residences.

Both analyses rely on assumptions informed by industry standards, market conditions, and projected trends. Additionally, national and local demographic trends and factors influence assumptions about current and future housing demand. Although the analysis concluded that physical capacity exists for future housing needs, it also concluded that local regulation must be improved to better facilitate the realization of this housing, and specifically to better accommodate development to meet lower-moderate income category housing needs.

The proposed amendments do not re-designate any land from residential to non-residential use, and do not otherwise diminish the lands available for residential use.

#### 660-008-0015 Clear and Objective Approval Standards Required

(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:(a) Set approval standards under which a particular housing type is permitted outright;(b) Impose special conditions upon approval of a specific development proposal; or (c) Establish approval procedures.

**<u>FINDING</u>**: The proposed amendments have been developed to facilitate a clear and objective path for the development of needed housing types on buildable land. Standards or conditions are not attached in a manner that will deny the application or reduce the proposed housing density

provided the proposed density is otherwise allowed in the zone. Single unit, duplex through fourplex, multi-unit and other housing types such as cottage clusters and single-room occupancy units are addressed in the proposed amendments. These amendments establish relaxed development standards, expanded density options, addition of new criteria to support manufactured housing and incentives for affordable housing. The amendments directly facilitate the housing needs identified in the HNA.

# OAR 660-008-0020 Specific Plan Designations Required

(1) Plan designations that allow or require residential uses shall be assigned to all buildable land. Such designations may allow nonresidential uses as well as residential uses. Such designations may be considered to be "residential plan designations" for the purposes of this division. The plan designations assigned to buildable land shall be specific so as to accommodate the varying housing types and densities identified in the local housing needs projection.

**<u>FINDING</u>**: The City of Coos Bay's buildable lands have specific plan designations. The designations accommodate the varying housing types and densities identified in the 2020 Housing Needs Analysis.

# OAR 660-008-0045, 050,055 Housing Capacity Analysis and Production Strategy

**<u>FINDING</u>**: The City of Coos Bay completed a Housing Needs Analysis in 2020 consistent with 660-008-045. The City is also completed a Housing Pre-Production Strategy recently in preparation for completing a Housing Production Strategy soon

**OAR Chapter 660 Division 46 Middle Housing in Medium and Large Cities.** Chapter 660 Division 46 embodies the requirements set forth in **Oregon House Bill 2001**. HB 2001 requires local governments to:

1) assist local governments with the development of regulations to allow duplexes and/or middle housing, as specified in the bill, and/or

2) assist local governments with the development of plans to improve water, sewer, storm drainage and transportation services in areas where duplexes and other middle housing types would not be feasible due to service constraints.

As a "medium sized" city, Coos Bay is required to allow duplexes "on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings." Additionally, medium cities must consider ways to increase accessibility (remove barriers) to affordable middle housing, including requiring code allowances for certain housing types and provisions where they do not exist. Cities may regulate siting and design of middle housing required to be permitted, provided that the regulations do not, individually, or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable cost or delay. The proposed amendments are designed to streamline and promote middle housing types consistent with OAR Chapter 550 Division 46.

The proposed updates go further in increasing the capacity of lands to accommodate identified housing need. ORS 197.296(6)(b), allows jurisdictions to assume up to a three percent increase in zoned capacity. The latest buildable lands inventory figure could be adjusted accordingly.

The amendments are consistent with Statewide Planning Goal 10.

**GOAL 11: PUBLIC FACILITY PLANNING.** To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Urban Facilities and Services-Refers to key facilities and to appropriate types and levels of at least the following: police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services.

**<u>FINDING</u>**: The amendments do not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 is satisfied.

**GOAL 12: TRANSPORTATION.** To provide of a safe, convenient and economic transportation system.

FINDING: See Findings for Local Transportation Policies.

**GOAL 13: ENERGY CONSERVATION.** Requires development and use of land that maximizes the conservation of energy based on sound economic principles.

**<u>FINDING</u>**: To the extent the amendments impact energy conservation, they are consistent with Goal 13. Consideration for energy consequences was considered in amendments in the context of the following elements: lot dimension, building height, orientation, density of uses, and compatibility of and competition between competing land use activities.

**GOAL 14: URBANIZATION.** Requires provision of an orderly and efficient transition of rural lands to urban use.

**<u>FINDING</u>**: The CBCP amendments comply with GOAL 14 because they support more efficient use of land in Coos Bay reducing the potential need for conversion of rural lands to urban uses.