

CITY OF COOS BAY  
Community Development Division

500 Central Avenue  
Coos Bay, OR 97420

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[www.coosbay.org](http://www.coosbay.org)

## **STAFF REPORT (revised)**

### **Marple Street Subdivision and Variance (Type III Review)**

**REVIEWER:** Tom Dixon, Community Development Administrator

**HEARING DATE:** September 13, 2017, 6:00 p.m., City Hall Council Chambers

**OWNER:** City of Coos Bay  
500 Central Avenue  
Coos Bay, Oregon

**APPLICANT:** RAF Development  
25602 Alicia Parkway #421  
Laguna Hills, California

**REPRESENTATIVE:** Bill Boger  
Civil West Engineering Services, Inc.  
275 Market Avenue  
Coos Bay, Oregon

**LOCATION:** West side of North Marple Street, southwest of Division Avenue  
T. 25S, R. 13W, S. 17CD, Tax Lot 5500

**SUBJECT:** **#187-ZON17-045 Subdivision to allow four (4) lots on a 1.72-acre parcel and a Variance to allow an increase of average lot sizes from 7,500 square feet to an average of 18,733 square feet in the LDR-6 district.**

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**I. APPLICANT'S REQUEST**

The applicant is requesting approval for the Marple Street Subdivision that would allow four (4) lots on a 1.72-acre parcel and a Variance to allow average lot sizes of approximately 18,733 square feet in the LDR-6 district where the maximum average lot size is 7,500 square feet.

**II. BACKGROUND**

The property is presently an undeveloped parcel owned by the City of Coos Bay and has been offered for sale as excess property. The site is predominantly an elevated sand dune that is

located between Marple Street on the east and the unimproved right-of-way of North Empire Boulevard to the west. It is situated at an elevation, at its highest point, approximately 120 feet above sea level and some 360 feet from the water's edge of Coos Bay to the west.

The property is within the LDR-6 district which is reserved for single-family development (which includes duplexes) and is also included in the LDR-6 overlay zone which follows the previous W-R (Restricted Waterfront Residential) zoning designation that allowed both multi-family uses and zero lot line developments under the prior Development Code.

**III. APPLICABLE REGULATIONS**

Coos Bay Municipal Code Chapter 17.220 Low-Density Residential District (LDR-6)  
Coos Bay Municipal Code Chapter CBMC 17.330 Variances  
Coos Bay Municipal Code Chapter CBMC 17.315 Subdivisions

**IV. STAFF RECOMMENDATION**

Staff prepared the following report based on the applicant's submittal information available at City Hall and the City of Coos Bay Land Development Code (CBMC Title 17).

Staff finds there is sufficient evidence in the record upon which an approval can be supported; therefore, staff is recommending approval of application #187-ZON17-045 as found on pages 5 and 6 of this staff report.

**V. SECTION 17.330 DECISION CRITERIA, STATEMENT OF FACT/FINDINGS AND CONCLUSIONS**

The following is a list of the decision criteria applicable to the request. According to Chapter 17.330 of the City of Coos Bay Municipal Code (CBMC) a variance request must be supported by the applicable decision criteria. Each of the criteria is followed by findings or justification statements that may support staff's conclusions. Although each of the findings or justification statements specifically applies to at least one of the decision criteria, any of the statements may be used to support the final decision.

Based on these conclusions, staff must approve, conditionally approve or deny the application. Conditions may be imposed in order to address concerns about the compatibility of the proposed use. The requested variance is considered below.

**VARIANCE - Increase average lot sizes from a maximum of 7,500 square feet to an average of 18,733 square feet.**

**APPROVAL CRITERION A.: The variance is the minimum variance necessary to make reasonable use of the property.**

**STATEMENTS OF FACT AND FINDINGS:**

The proposed subdivision is sited on a mounded area composed of sand dominated soils. The availability to fully develop the property to the density range expected in the LDR-6 district is probably well beyond the carrying capacity of this site. In this instance, it would be undesirable to require full density build-out and the larger lots proposed are preferred with this project at this location. Based on these circumstances, the increase in average lot sizes supports the notion of a more reasonable use of the property.

**CONCLUSION:** Staff finds that the requested variance is reasonable and that this criterion is sufficiently satisfied.

**APPROVAL CRITERION B.: 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.**

**STATEMENTS OF FACT AND FINDINGS:**

The variance, if granted, would not be in violation of other known code standards. All Fire and Building Code standards will be applied to the proposed development.

**CONCLUSION:** Based on the considerations cited above, this criterion could be satisfied.

**APPROVAL CRITERION C.: The need for the variance was not created by the applicant and/or owner requesting the variance.**

**STATEMENTS OF FACT AND FINDINGS:**

In essence, the variance need is being created by the limited development aspects of the site and the desire to reduce potential density in order to protect the physical integrity of the land being disturbed and utilized.

**CONCLUSION:** This criterion is considered adequately satisfied and the variance request can be supported.

**APPROVAL CRITERION D.: 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.**

**STATEMENTS OF FACT AND FINDINGS:**

Only one variance is being requested under this proposal.

**CONCLUSION:** This criterion is not applicable for a single variance consideration.

**VI. SECTION 17.312 DECISION CRITERIA, STATEMENT OF FACT/FINDINGS AND CONCLUSIONS**

The following is a list of the decision criteria applicable to the request. According to Chapter 17.312 of the City of Coos Bay Municipal Code (CBMC) a subdivision request must be supported by the applicable decision criteria. Each of the criteria is followed by findings or justification statements that may support staff's conclusions. Although each of the findings or justification statements specifically applies to at least one of the decision criteria, any of the statements may be used to support the final decision.

**APPROVAL CRITERION A.: The applicant has sustained the burden of proving that the application complies with the applicable sections of this title to the extent relevant.**

**STATEMENTS OF FACT AND FINDINGS:**

The land use request was reviewed within 30 days of its submittal and was deemed to be technically complete and in satisfaction of applicable sections of the adopted 2016 Development Code. The narrative provided by the applicant's representative provides adequate support that the relevant sections of the Development Code can be and will be satisfied but can only be fully supported by the granting of the variance reviewed above.

In addition, the applicant has proposed defined building envelopes to limit the potential adverse impact on developing the site due to combined topography and the sand dune composition of the soils. This proscribed area is delineated on Attachment B of the report.

**CONCLUSION:** This criterion has the capability of being fully satisfied but would need the support of the requested variance and any associated conditions of approval.

**APPROVAL CRITERION B.: That the application will comply will all applicable regulations by satisfying all adopted conditions of approval; or that necessary adjustments, exceptions or variations have been approved or are required to be approved before the final partition is approved.**

**STATEMENTS OF FACT AND FINDINGS:**

The subdivision request will have to comply with any local, state and federal requirements pertaining to the application. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians representatives did a site visit and have no objections to the proposed work. The proposed subdivision site is in proximity to known cultural resource sites and so may contain as yet unlocated cultural resources. It is requested that Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians representatives be contacted immediately if any known or suspected cultural resources are encountered during the site preparation or construction work. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians representatives would also like to have at least 72 hours' notice prior to any ground disturbing activities so that a staff person or designated member of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians may be present during any ground disturbing activities to monitor for cultural resources.

**CONCLUSION:** This criterion will be satisfied by the granting of the requested variance and adherence to any state and/or federal laws relating to tribal ancestral burial grounds.

**APPROVAL CRITERION C.: The application makes appropriate provision for potable water supplies and for disposal of sanitary wastes.**

**STATEMENTS OF FACT AND FINDINGS:**

Potable water is available through the Coos Bay-North Bend Water Board which stated that they have no issues with the proposal. Water service is already in place.

The proposed site plan has proposed a private sewer lateral serving each property (a total of 4 private sewer laterals). The private laterals connect to the City of Coos Bay's sanitary sewer main that is located adjacent to the subdivision along North Marple Street. Per City ordinance, it shall be the responsibility of the owner to maintain their own private sewer lateral in perpetuity. The private lateral is defined as the pipe that conveys sewer from the home to the public line, including the connection.

The January 2006 City of Coos Bay's Wastewater Collection System Master Plan, prepared by HBH Consulting Engineers, identified the existing 10-inch concrete sanitary sewer along Marple to be upsized and replaced (refer to Section 7.2.4 Basin D in the Master Plan). To allow a connection to the system that is known to be at capacity, the applicant shall make a payment in lieu. This payment will be placed in a fund that will go directly to this upgrade. This payment shall be required prior to issuance of a building permit. The payment shall be made to the City of Coos Bay (see language in conditions) and will be based on the methodology already established in the 2006 City report titled, "Wastewater Collections and Storm Drainage System Development Charge Study". The payment in lieu will be \$6,700 for each equivalent dwelling unit.

Based on the application, it does not appear that the project is proposing private storm drain. The applicant is proposing swales. Per the application, these swales will detain post-project runoff to pre-project levels for storm events up to the 25-year 24-hour duration and treat the post-project runoff. Because the swales have no outfall, it is assumed that the runoff will infiltrate. Prior to issuance of site development permits, applicant shall submit documentation that shows that the basins are large enough to infiltrate the runoff. Additionally, applicant shall submit maintenance procedures for the swale. These maintenance procedures shall be documented in declaration of real covenant that shall be signed by the owner. The declaration shall state that it will be the responsibility of the owner to clean and maintain both these swales in perpetuity. A declaration shall be signed by the owner prior to issuance of building permits.

**CONCLUSION:** This criterion can be satisfied with existing domestic water and sanitary sewer lines to serve the proposed lots. In addition, satisfaction of site run-off details must be satisfied through the City's Engineering Division. Conditions of approval necessary to support the subdivision and its development requirements are included to assure this.

## **VII. ACCEPTANCE OF IMPROVEMENTS AND MONUMENTATION:**

***Based on the adopted Findings and Conclusions, as evidenced by the attached Preliminary Plat herein referenced as Attachment 'A' and a Building Envelope Plan as Attachment 'B', approve land use application #187-ZON17-045 allowing a Subdivision to allow four (4) lots on a 1.72-acre parcel and a Variance to allow an increase of average lot sizes from 7,500 square feet to an average of 18,733 square feet in the LDR-6 district, with the following conditions:***

- 1. The applicant shall secure all building and other applicable permits, as required, from the City of Coos Bay or the State of Oregon for finishing out the project and is responsible for obtaining all approvals through outside agencies that include but are not limited to: Department of Environmental Quality, Department of State Lands, Army Corps of***

*Engineers, and local tribes.*

- 2. Prior to issuance of building permits, applicant shall submit maintenance procedures for the swale. These maintenance procedures shall be documented in declaration of real covenant that shall be signed by the owner. The declaration shall state that it will be the responsibility of the owner to clean and maintain both these swales in perpetuity. Applicant shall be responsible for the recording fees.*
- 3. The applicant shall make a payment in lieu. This payment will be placed in a fund that will go directly to the Marple Street Sanitary Sewer upgrade. This payment shall be required prior to issuance of a building payment. The payment shall be made to the City of Coos Bay. This payment will be based on the methodology already established in the 2006 City report titled, "Wastewater Collections and Storm Drainage System Development Charge Study". The payment in lieu will be \$6,700 for each equivalent dwelling unit.*
- 4. A maintenance agreement for the shared responsibility of all common improvements such as the access road and any private utilities shall be provided to the City of Coos Bay's Public Works and Community Development Department prior to the final plat recording and such maintenance agreement must be incorporated into each of the four property deeds.*
- 5. The approved subdivision development of individual lots shall be limited to the identified building envelopes, as proposed by the developer.*
- 6. Approval of the final plat or map shall be conditioned on its recordation within 60 days with the Office of the County Clerk after securing all other official approvals.*
- 7. Within seven (7) days of recording of the final plat or map, a myler copy shall be returned to the Community Development Division.*

**EFFECTIVE DATE OF PERMIT APPROVAL:**

Approval shall be withdrawn if the authorized construction or use is not commenced within one year or is not pursued diligently to completion; or, if authorized occupancy or use has been discontinued for over 120 consecutive days.

The effective date of the permit may be delayed if substantive conditions are attached to the approval. The Commission may grant an extension of time for a period not to exceed one year if circumstances beyond the control of the applicant cause delays.



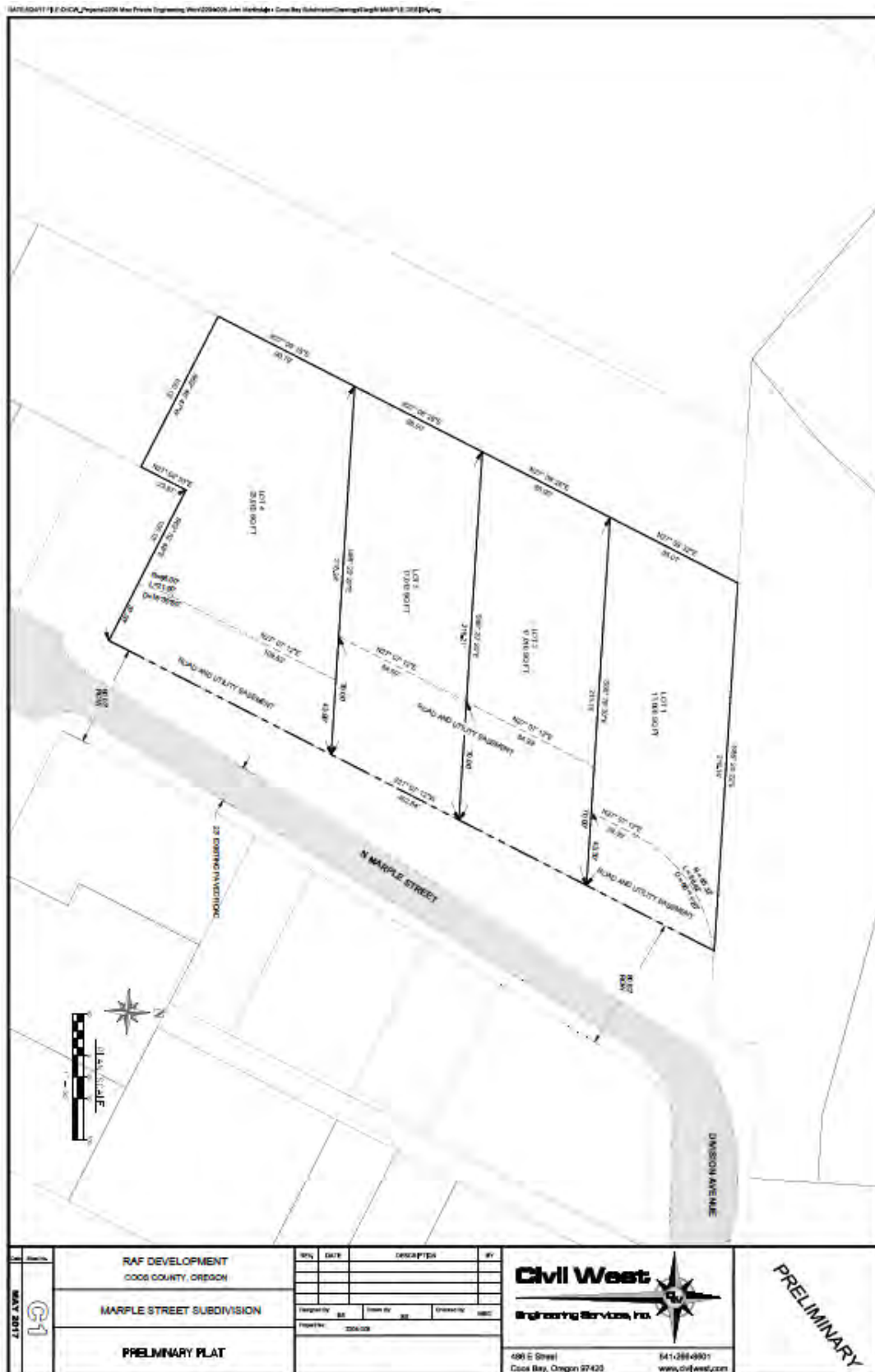
DATE MAILED: September 6, 2017

Tom Dixon, Community Development Administrator

cc: RAF Development, applicant  
Bill Boger, Civil West Engineering Services, representative

**ATTACHMENT:** A - Preliminary Plat map  
B – Building envelope map  
C – Letter from Piper Kujak

# Attachment A



**STAFF REPORT**



## Attachment C

Dear Mr. Dixon and Coos Bay Planning Commission:

It is with great concern that I have reviewed the proposal for a variance to increase lot sizes, and with greater concern that there is a large development proposed on previously undeveloped sand dunes near the intersection of North Marple and Division Streets. As an architectural designer in the San Francisco Bay Area and owner of a home on North Marple Street, I am concerned about Coos Bay's continuous destruction of natural lands. I am also concerned about the proposed poorly sited location for a housing development on unstable sand dunes in a Seismic Zone 3-4.

I strongly urge Coos Bay to adopt strict sustainable design guidelines for all proposed new developments. The USGBC's Leadership in Energy and Efficient Design (LEED) and SITES certifications, for example, would help guide such proposed new developments, and based on their frameworks, would discourage the development of natural, unstable, previously undeveloped land.

I also strongly urge the Planning Commission to perform detailed review of the sand dunes along North Marple and Division Streets, for protection and careful documentation. I recall as a child growing up playing on these dunes that there is an ancient burial site in the proximity of the proposed development that I believe should be investigated and documented further.

Please consider the future of Coos Bay and its great natural beauty when reviewing proposed new developments. There are abundant, already-developed lots in Coos Bay which could be converted to multi-unit housing and refurbished to better contribute to the Coos Bay community.

Thank you for your careful review of this proposal.

Piper Kujac