

### City of Coos Bay Public Works & Community Development

500 Central Ave., Coos Bay, Oregon 97420 Phone (541) 269-8918 Fax (541) 269-8916

## STAFF REPORT

# Amendment to the Comprehensive Plan & Zone Designation Map

TO:

Planning Commission

FROM:

Debbie Erler, Planner

Community Development Division

HEARING

DATE/TIME:

Wednesday, September 13, 2017 at 6:00 p.m.

LOCATION:

Coos Bay City Hall, Council Chambers

500 Central Avenue, Coos Bay

APPLICANT:

Arthur Tillett, 64730 Beaver Loop Road, North Bend, OR 97459

APPLICATION:

AMENDMENT #187-ZON2017-049 - Filed on July 27, 2017

Change the <u>Comprehensive Plan Map designation</u> of the north 100-feet of the subject property at 2610 Ocean Blvd. from "Commercial (C)" to "Residential-Low (R-L)"; and, change the <u>Zone Map designation</u> from "Commercial (C)" to "Low-Density Residential (LDR-6)". Tax Lot 900 in Section 21DC, Township 25, Range 13 West of the Willamette

Meridian, Coos County, Oregon.

#### APPLICANT'S REQUEST

The applicant is proposing to change the Comprehensive Plan and Zoning Maps of the north 100-feet of the existing property at 2610 Ocean Blvd. as described above to allow the construction of a single-family dwelling. Approval of the request would require amendments as described above.

#### II. BACKGROUND/HISTORY

Based on information available at City Hall in October of 1992 a dwelling was demolished (Permit #92-676). In 2000 a 1,391-square foot nursery for "Umpqua Oaks Nursery" was constructed with 598 square feet of enclosed and unenclosed porches (BLD2000-00239). In 2001 the nursery added a 20 x 60 green house. The property changed owners in 2009 and the new business "Snuffy's Pawn Shop" constructed an addition to the existing storage facility.

The subject property has historically maintained a Comprehensive Plan Map Designation of "Commercial" and a Zone Designation of "Commercial (prior code C-2 / existing code C)".

In April of 1999 a Comprehensive Map Amendment (Land Use Application #91-45) changed the designation of the area north of the subject property from Residential-High (R-H) to Residential Low (R-L) and changed the zone designation from Multiple-Residential (R-3) to Single-family, Duplex Residential and Certified Factory Built Home District (R-6) to allow the establishment of manufactured homes on individual lots.

In March of 2016 the City adopted a new Development Code which changed the zone designation of that same area from Single-Family and Duplex Residential (R-2) to Medium-Density Residential (MDR-16), but the Comprehensive Plan designation of the same area remained Residential-Low (R-L). Staff has determined that the change in zone designation for the general area may need to be re-evaluated at some point

The area north and west of the subject property is developed with single-family dwellings. The area east of the subject property is a mobile home park.

#### III. APPLICABLE REGULATIONS

Coos Bay Municipal Code Chapter 17.130 Procedures Coos Bay Municipal Code Chapter 17.215 Plan Amendements and Zone Change Coos Bay Comprehensive Plan and Map

#### 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) and the Comprehensive Plan/Map. Staff finds there is sufficient evidence in the record upon which an approval can be based; therefore, staff is recommending the Planning Commission support the proposed amendments and recommend approval to the City Council of application #187-ZON2017-012, as found on page 6 of this staff report.

#### V. DECISION CRITERIA AND STATEMENTS OF FACT/ FINDINGS AND CONCLUSIONS

It is the responsibility of the director or designee to review each plan for compliance with the applicable provisions of this chapter and any other applicable regulations.

The following is a list of the decision criteria applicable to the request. Based on their conclusions the Commission must recommend approve or deny the application. Conditions may be imposed by the Commission in order to address concerns about the compatibility of the proposed request.

#### VI. STATEMENTS OF FACT / FINDINGS AND CONCLUSION

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.

#### STATEMENTS OF FACT AND FINDINGS:

- A1. According to Chapter 17.215.010 (2) of the City of Coos Bay Municipal Code (CBMC) Comprehensive plan amendment. 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.
- A2. The subject property is currently zoned "Commercial (C) and has a Comprehensive Plan Map designation of "Commercial (C). The property owner would like to establish a single-family dwelling on the north end of the property abutting residentially zoned property, without the requirement that commercial be established on the ground floor with a living unit on the second floor.
- A3. As outlined in "Background/History" above, the subject property has historically maintained a Comprehensive Plan Map Designation of "Commercial" and a Zone Designation of "Commercial (prior code C-2 / existing code C)". (See Original comp plan and zone designation maps at attachment B)
- A4. In April of 1999 The City Council approved a Comprehensive Map Amendment (Land Use Application #91-45) changing the designation of the area north of the subject property from Residential-High to Residential Low (R-L) and changed the zone designation from Multiple-Residential (R-3) to Single-family, Duplex Residential and Certified Factory Built Home District (R-6). (See Resolution No. 92-03 and Ordinance No. 180 at attachment C1 & C2)
- A5. In March of 2016 the City adopted a new Development Code which changed the zone designation of that same area from Single-Family and Duplex Residential (R-2) to Medium-Density Residential (MDR-16), but the Comp Plan designation of the same area remained Residential-Low (R-L). (See comp plan and zone designation maps at attachments D and E)
- A6. 2000 Comprehensive Plan Policy Volume 1 Chapter 6.3 <u>COMMERCIAL</u> AND INDUSTRIAL LANDS

"The City of Coos Bay has approximately 180.21 gross acres of buildable industrial and commercial land within Coos Bay's UGB, comprising 323 parcels. The majority of this land is devoted to C2 – General Commercial (115 acres) and IC – Industrial/Commercial (36.76 acres).

Given Coos Bay's unique geographic and topographical characteristics, special consideration should be given to the suitability of land devoted to commercial and industrial uses. Specifically, this pertains to environmentally constrained land due to the presence of wetlands, steep slope, 100-year floodplain, and tsunami inundation.

Approximately 7.06 acres of available industrial and commercial land are constrained by wetlands and 18.43 acres are constrained by steep slope above a 25% grade.

By removing environmental constraints, there are approximately 154.73 acres of existing buildable industrial and commercial acres inside Coos Bay's Urban Growth Boundary, with 12.77 acres of industrial lands and 141.96 acres of commercial land.

Additionally, Coos Bay should seek to create parcels of suitable size to accommodate commercial and industrial development. As of 2009, there are three large sites (32.01 acres, all commercial), 19 standard sites (50.86 acres) and 300 small sites (71.86 acres). Given the high number of small sites, to fully utilize this land for industrial and commercial purposes will require assembly of smaller, contiguous parcels into larger sites."

- A7. The subject property does is not in the Floodplain or based on information available at City Hall and on the National Wetland Map, there are not wetlands or riparian vegetation on the subject property; Therefore, 2000 Comprehensive Plan Policy Volume 1 Chapter 7.1 Natural Resources and Hazards would not be affected.
- A8. 2000 Comprehensive Plan Policy Volume 1 Chapter 7.2 <u>Energy</u> Conservation, Strategies indicates:
  - "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 development except where such areas are irreversibly committed to low density residential development. However, ingress/egress to such development shall be designed so that it does not restrict traffic flow on the arterial streets. The city recognizes that intense development, along major transportation corridors conserves energy by providing shorter, direct access to home and trade and service areas."
  - "EC.5 Coos Bay shall encourage the development of undeveloped parcels of land within the city limits for residential purposes, recognizing that such development constitutes extensions of existing traffic corridors and service lines, and is a more energy efficient use than new construction in "unserviced", undeveloped areas outside the city limits".
  - "EC.8 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."
- A9. 2000 Comprehensive Plan Policy Volume 1 Chapter 7.6 <u>Housing</u>, <u>Strategies</u> indicates:

"Vision The City of Coos Bay will provide opportunities for a wide range of housing types, available at varied price and rent ranges to accommodate the housing needs of its current and future citizens. Needed housing types are expected to include attached and detached single-family and duplex dwellings, row houses, apartments of varying densities, cluster housing, mobile homes, and condominiums."

"Goal 5: Allow for, encourage and support the development of housing units in conjunction with commercial development (e.g., housing located above commercial uses)". There no policies under Goal 5.

- A10. The subject property is currently developed and has an existing commercial use. The overall area proposed to be rezoned is abutting Low-Density Residential (R-L), and the amount of property 90 x 100 (9,000 square feet) proposed to be rezoned would not significantly restrict re-development of the remainder of commercial property to the south (19,260 square feet).
- A11. Current Building/Fire Code requirements for fire separation and sprinkler systems between the residential and commercial use of a structure with commercial on the first floor and residential on the second floor make a combined development prohibitive.

**CONCLUSION:** The proposed map amendment is consistent with the applicable policies of the Comprehensive Plan given the limited platted access in an area irreversibly committed to low-density residential development. The decision criterion has been adequately addressed and approval can be supported.

**DECISION CRITERION B: The proposed amendment is in the public Interest.** 

#### STATEMENTS OF FACT AND FINDINGS:

- B1. The area north and west of the subject property is developed with single-family dwellings. The area east of the subject property is a mobile home park. (See attached aerial map at attachment F)
- B2. The public right-of-way of 26<sup>th</sup> Street, which provides access to the area is platted to be 30 feet in width and is currently graveled to approximately 26 feet in width. Therefore, an intensification of the existing commercial use or redevelopment of the commercial property could create access and traffic safety issues.

**CONCLUSION:** The proposed map amendment would not adversely affect the public interest and would be in the best interest of the abutting residentially zoned property to the north. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERION 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.

#### STATEMENTS OF FACT AND FINDINGS:

- C1. After reviewing the city's comprehensive plan, and other ordinance provisions, city staff did not find any specific conflicts between the city's regulations and the proposed map amendments as it relates to level of service based on the City's current capital improvement plan
  - Graveled streets are not addressed on a capital improvement plan for development; and,
  - The Sanitary/Storm Sewer capital improvement plan for 2011 to 2020 does not include 26th Street.

**CONCLUSION:** The proposed map amendments would not result in a decrease in the level-of-service for current facilities/service identified in the City of Coos Bay's current capital improvement plan. The decision criterion has been adequately addressed and approval of the proposal can be supported.

Staff prepared the preceding report based on the applicant's submittal and information that is available in City Hall. These findings and information may be used by the Commission to justify their final decision.

#### STAFF RECOMMENDATION

Based on the Findings and Conclusions set forth above, the Planning Commission recommends the City Council approve application #187-ZON17-049, to change the Comprehensive Plan Map designation of the north 100-feet of the subject property at 2610 Ocean Blvd. from "Commercial (C)" to "Residential-Low (R-L)"; and, change the Zone Map designation from "Commercial (C)" to "Low-Density Residential (LDR-6)". Tax Lot 900 in Section 21DC, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon.

Debbie Erler, Planner

Community Development Division

Attachments: A - Applicant's submittal

B - Original comprehensive plan and zone designation maps

C - (1) Resolution No. 92-03 and (2) Ordinance No. 180 at attachment

D - Prior comprehensive plan and zone designation maps

E - Current comprehensive plan and zone designation maps

F - Aerial /Tax lot overlay

c: Applicants, Dave Perry, DLCD

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Date: September 5, 2017



#### CITY OF COOS BAY

Public Works & Community Development Department 500 Central Avenue, Coos Bay, Oregon 97420 Phone 541-269-8918 Fax 541-269-8916

Permit No. 187-ZON 7 - 049

Date Received: July 27, 17

## LAND USE DEVELOPMENT REVIEW APPLICATION

	ForOfficeUseOnly
STAFF CONTACT	PROJECT NO (s ).
Type of Review (Please check all that Annexation Home Legislative/Text Amendment Architectural Design Review Lot Line Conditional Use Cultural Resources Planned Estuarine Use/Activities Site Plan Pre-Application applications require a diff	apply): Occupation Subdivision Appeal and Review Temporary Use Adjustment Vacation Partition Variance Unit Development Zone Change Review Other  ferent application form available on the City website or at City Hall.
Site Location/Address: 1943 26th St. Coos Bay OR 97420	Assessor's Map No./Tax Lot(s):
	Zoning:
cess day or 1110	Total Land Area:
Detailed Description of Proposal:  Divide current lot into 2  Change Zoning forom com  Construct a Story, Single fan	lots mercial to residential ily, wood framed metting Dwelling -
	(Rick) Tillett Phone: 541-404-0453  ver loop Rd Email: redsguatchiole yahoo.com
City State Zip:	
Applicant's Representative:  (please print)	Phone:
Address: City State Zip:	Email:

- 1. Provide evidence that you are the owner or purchaser of the property or have the written permission of owner(s) to make an application.
- 2. Copy of the deed for the subject property.
- 3. Address the Decision Criteria or Goals/Standards outlined in the Coos Bay Municipal Code chapter(s) related to your request.
- 4 > Iditional information: Date construction is expected to begin; estimated completion date of the total project and of individual segments; and iticipated future development.
- 5 pe II requires three (3) complete hard-copy sets (single sided) of application & submitted documents must be included with this application. Qie (1) complete set of digital application materials must also be submitted electronically or on CD in Word format. Additional pies may be required as directed by the Coos Bay Director of Community Development.
- 6 rpe III requires Ten (10) complete hard-copy sets (single sided) of application & submitted documents must be included with this application.

One (1) complete set of digital application materials must also be submitted electronically or on CD in Word format. Additional copies may be required as directed by the Coos Bay Director of Community Development.

Per City of Coos Bay Resolution 17-03, a 5% Technology Fee will be assessed on all permit and plan review fees.

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Coos Bay Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

Applicant's signature

Date

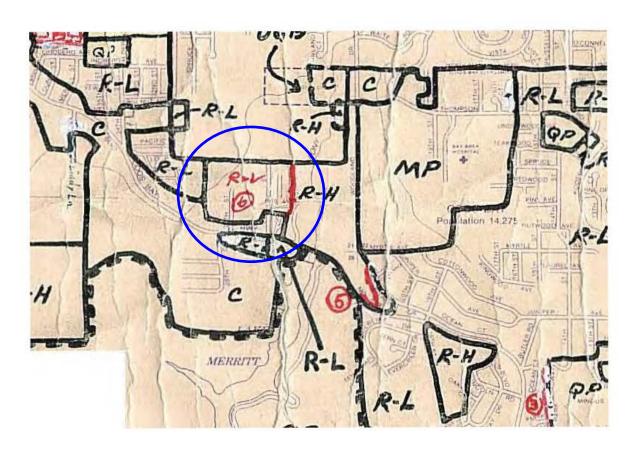
Owner's signature (required)

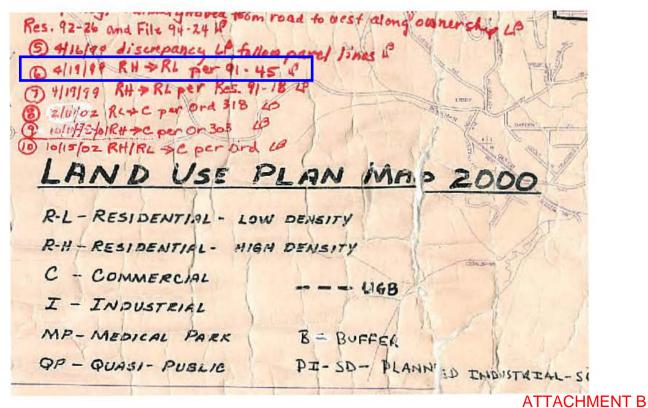
Date

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## **Original Comprehensive Plan Map**

In area of proposed amendment





#### RESOLUTION NO.92-03

A Resolution to adopt an Amendment to the City of Coos Bay Comprehensive Land Use Map 2000 adopted by Resolution No. 81-15 and all subsequent amendments thereto;

Whereas, the Land Conservation and Development Commission has acknowledged the City of Coos Bay Comprehensive Plan and Land Use Map 2000, and;

Whereas, the City has been required by amendments to ORS 197 to allow the siting of Certified Factory-Built Homes on individual lots within the Urban Growth Boundary based on the information in the Comprehensive Plan needs analysis, and;

Whereas, Notice to the Director of the Department of Land Conservation and Development was given in accordance with OAR 660-18-020, and;

Whereas, Notice was published in <u>The World</u> newspaper on February 1, 1991, and February 4, 1991, of a public hearing before the Planning Commission to discuss the location of the R-6 zone, and;

Whereas, the Planning Commission held a public hearing on February 12, 1991, and March 12, 1991, for the purpose of taking testimony on the proposed plan amendment, and;

Whereas, the City Council has reviewed and concurs with the Planning Commissions' findings, cnclusions, and recommendation regarding the appropriate amendments to the Comprehensive Plan Map;

Now Therefore, Be It Resolved, the City Council of the City of Coos Bay does hereby adopt changes to the Comprehensive Plan and Land Use Map 2000 as attached. The changes shall constitute a Plan Map change from Residential-High Density (RH) to Residential-Low Density (RL).

The foregoing Resolution was duly adopted by the City Council of the City of Coos Bay this 4th day of February, 1992, and approved by the Mayor this 4th day of February, 1992.

Roger Gould

Mayor of the City of Coos Bay

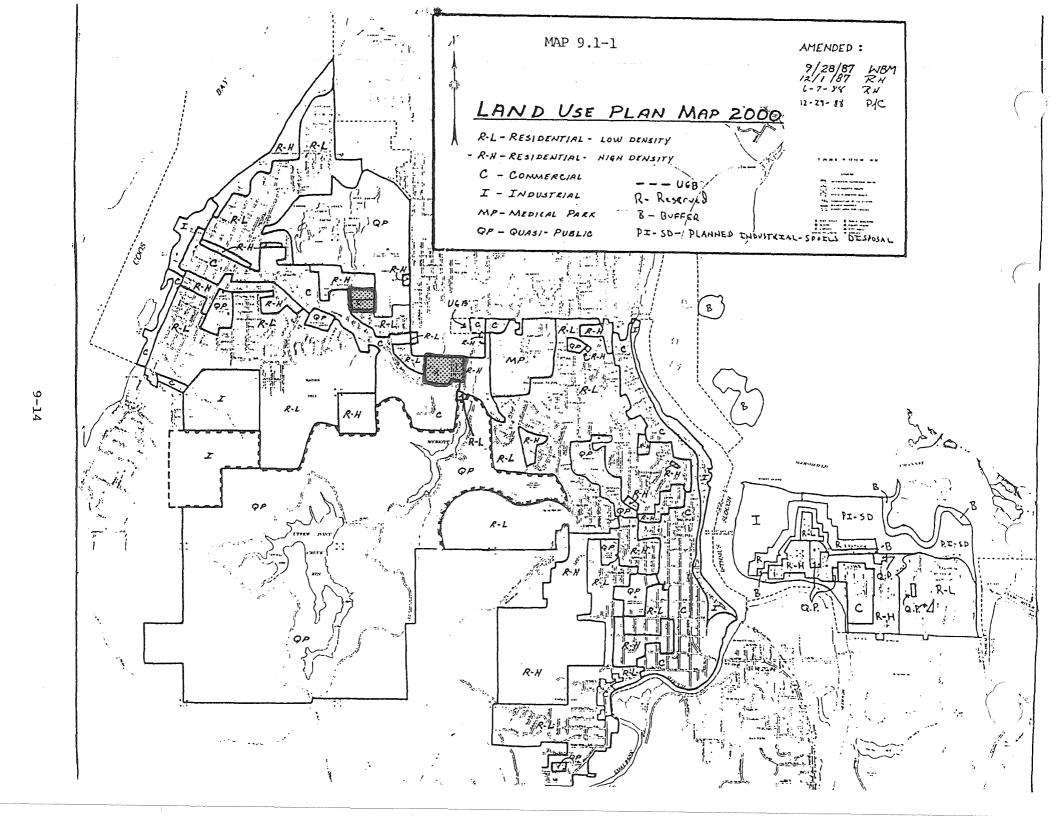
Coos County, Oregon

ATTEST:

Gail George, Recorder

City of Coos Bay

Coos County, Oregon



#### ORDINANCE NO. 180

AN ORDINANCE AMENDING ORDINANCE NO. 93 which establishes land development regulations and standards for the use of land, structures, subdivisions, partitions and planned unit development, duly adopted by the City Council on June 8, 1987, and all subsequent amendments thereto.

The City of Coos Bay Ordains as follows:

<u>Section 1.</u> Amend the Land Development Map referenced in Chapter 1.3 and designate the following areas R-6:

- A. The R-2 zoned property located south of the watershed and west of Ocean Boulevard.
- B. The R-3 zoned property north of Ocean Boulevard and west of 25th Street including both sides of 28th Street.
- C. The R-3 zoned property owned by Clarence Jensen located east of La Clair Street and south of Thomas Street.

The appropriate areas are more clearly shown on the map attached as Exhibit "A".

<u>Section 2.</u> <u>Severability.</u> If any provision, sentence or section or phrase of this ordinance shall for any reason be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment or decision shall not affect the validity of the remaining portions of this ordinance.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 4th day of February, 1992, by the following vote:

YES: Councilors Combs, McCabe, Miller, Grile, Williams, Verger, and

Mayor Gould

NO:

ABSENT:

Roger/Gould

Mayor of the City of Coos Bay

Coos County, Oregon

ATTEST: QQ

Gail George

Recorder of the City of Coos Bay

Coos County, Oregon

STATE OF OREGON )
COUNTY OF COOS ) ss
CITY OF COOS BAY )

I, Gail George, do hereby swear that I am the duly appointed, qualified and acting Recorder of the City of Coos Bay, Coos County, Oregon, and say: that I did have placed a copy of the foregoing Ordinance No. 180 in a sealed wrapper with first class United States of American postage fully prepaid thereon and addressed to the following City Council members:

Gary Combs
Bill Grile
Roger Gould
Gene McCabe
Cindi Miller
Joanne Verger
David Williams

1145 Sanford 2665 N. 15th P.O. Box 29 1386 Anderson 1076 S. 4th 2286 N. 13th Court 860 Prefontaine

and did have the same mailed in the U.S. Post Office at Coos Bay, Oregon all on the 24th day of January, 1992.

I further swear that three (3) copies of the aforesaid ordinance would be available for public inspection in the office of the City Recorder as of the above mentioned date.

Gail George

Subscribed and sworn to before me this 5th day of FEBRUARY . 1992

OFFICIAL SEAL
LINDA GRIFFIN
NOTARY PUBLIC - OREGON
COMMISSION NO. 004292
MY COMMISSION EXPIRES MAR. 21, 1995

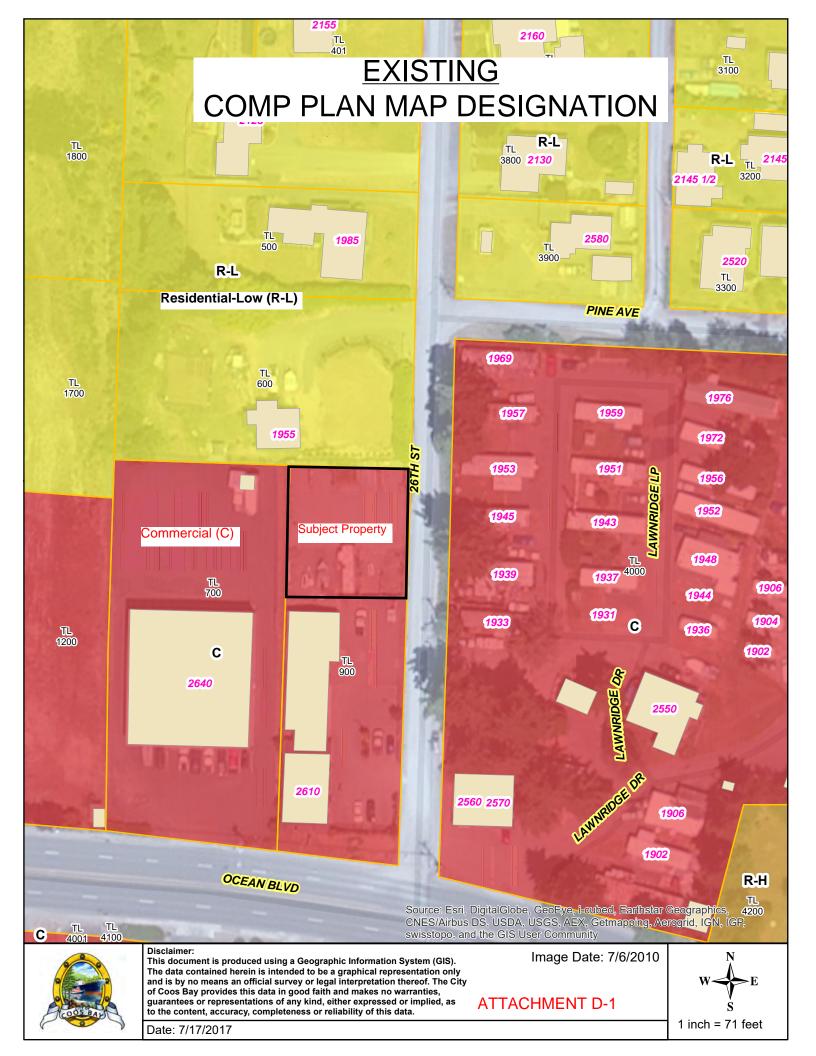
Notary Public for Oregon
My Commission expires 3-21-95

STATE OF OREGON )
COUNTY OF COOS ) ss
CITY OF COOS BAY )

I, Gail George, do hereby certify that I am the duly appointed, qualified and acting Recorder of the City of Coos Bay, Oregon, and say: that any section in which terms differed from those as mailed was read in full before enactment of this ordinance.

Signed this 5th day of February, 1992.

Gail George





Date: 7/17/2017

1 inch = 100 feet





Date: 6/30/2017

of Coos Bay provides this data in good faith and makes no warranties, guarantees or representations of any kind, either expressed or implied, as to the content, accuracy, completeness or reliability of this data.

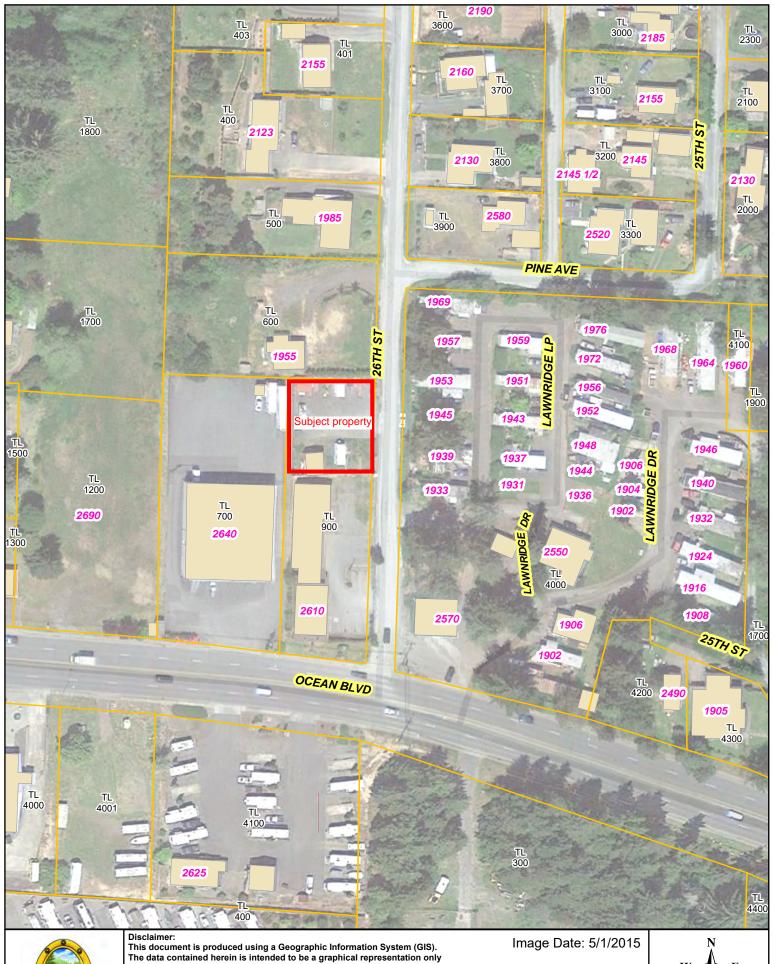
ATTACHMENT E-1



1 inch = 95 feet



Date: 7/17/2017 1 inch = 100 feet





Date: 8/17/2017

This document is produced using a Geographic Information System (GIS). The data contained herein is intended to be a graphical representation only and is by no means an official survey or legal interpretation thereof. The City of Coos Bay provides this data in good faith and makes no warranties, guarantees or representations of any kind, either expressed or implied, as to the content, accuracy, completeness or reliability of this data.

ATTACHMENT F



1 inch = 100 feet