

#### CITY OF COOS BAY Community Development Division

500 Central Avenue Coos Bay, OR 97420

> 541.269.8918 www.coosbay.org

#### **STAFF REPORT**

#### **Comprehensive Plan Amendment and Rezone**

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

**REVIEW BODY:** Planning Commission

DATE & TIME: January 9, 2018 at 6:00 p.m.

PLACE: City Council Chambers, City Hall, 500 Central Avenue, Coos Bay

APPLICANT: Robert McLain

61858 Eckles Road Coos Bay, Oregon

**REPRESENTATIVE:** Shoji Planning, LLC

P.O. Box 462 Coos Bay, Oregon

SITE LOCATION: 1138 Oregon Avenue (eastern half)

T. 26S, R. 13W, S. 3AB, Tax Lot 3700

CASE FILE/SUBJECT: #187-ZON17-080: Comprehensive Plan Amendment (CPA) to change

the designation of R-L (Residential Low) to C (Commercial) and a Rezone to go from the LDR-6 (Low Density Residential-6) district to the C (Commercial) district on property containing some 6,000 square feet of area. The purpose of the CPA and Rezone is to allow commercial use (predominantly storage) for the Arctic Brothers truck and heavy equipment repair that is located at the southwest corner of Southwest Boulevard and Oregon Avenue and which abuts the subject property.

#### I. APPLICANT'S REQUEST

A request for a Comprehensive Plan Amendment (CPA) and a Rezone to change the CPA designation of R-L (Residential Low) to C (Commercial) and a Rezone from the LDR-6 (Low Density Residential-6) district to the C (Commercial) district on property containing some 6,000 square feet of area. The purpose of the CPA and Rezone is allow commercial use (predominantly storage) for an existing truck and heavy vehicle repair which is

located at the southwest corner of Southwest Boulevard and Oregon Avenue, and abuts the subject property to the west.

#### II. BACKGROUND

The property was granted land use approval by the City Council in August, 1975 for commercial activity although the actual use of the site for truck repair may have extended prior to 1975. It appears that continuous use for the truck and heavy equipment repair business has occurred since then.

#### III. APPLICABLE REGULATIONS

Coos Bay Municipal Code Chapter 17.215 Plan Amendments and Zone Changes Coos Bay Comprehensive Plan

#### IV. STAFF RECOMMENDATION

Staff prepared the following report based on the proposed amendment and rezone to the adopted Comprehensive Plan and to the City of Coos Bay Land Development Code (CBMC Title 17), as detailed below.

Staff finds there is sufficient evidence in the record upon which an approval can be based; therefore, staff is recommending approval of application #187-ZON2017-080 as found on page 6 of this staff report.

#### V. SECTION 17.215 APPROVAL CRITERIA, STATEMENT OF FACT/FINDINGS AND CONCLUSIONS

The following is a list of the approval criteria applicable to the request. According to Chapter 17.215.060 A. of the City of Coos Bay Municipal Code (CBMC) a Plan Amendment and Zone Change request must be evaluated against the applicable approval criteria. Each criterion is followed by findings or justification statements.

APPROVAL CRITERION 1. The boundaries of the Comprehensive Plan map designations and the Comprehensive Plan text may be amended as provided in CBMC 17.215.020.

#### STATEMENTS OF FACT AND FINDINGS:

The purpose of the requested change is to allow commercial use of an undeveloped portion of land that is part of a larger tax lot. The parcel in question contains two previously platted lots that are currently part of one tax parcel. A simple process of making two distinct tax lots, which would adhere to the originally platted lines and dimensions, could be easily achieved.

In this instance, the new tax lot which is the subject of the requested CPA and rezone could logically become a commercial property since it abuts an established commercial district. This recognizes the need for additional commercial property as it relates to the adjoining business and it reflects the lack of housing needs to utilize the undeveloped area as a potential residential property. Therefore, the boundaries of the Comprehensive Plan, in this instance, can be amended so serve a real need without compromising an intended need that has not been realized over the years, namely, the development of the referenced area with a residential unit.

**CONCLUSION:** As proposed, this criterion is adequately satisfied.

#### APPROVAL CRITERION 2. The proposed amendment is in the public interest.

#### STATEMENTS OF FACT AND FINDINGS:

The proposed change is considered in the public interest because it ultimately allows the highest and best use of property that has been left undeveloped for an extended length of time. If this portion of property clearly had high value as a residential property, that value should have been realized previously. As it stands, the nature of an expanding commercial operation gives the property a more plausible use as non-residential, providing that the amended land use designation does not adversely impact the existing residential area.

**CONCLUSION:** Based on the above discussion, this criterion is adequately satisfied.

APPROVAL CRITERION 3. Approval of the amendment will not result in a decrease in the level-of-service for capital facilities and services identified in the Coos Capital Improvement Plan(s).

#### **STATEMENTS OF FACT AND FINDINGS:**

Due to the location of the subject property and the modest amount of the proposed change, there should be no conflict with any proposed capital improvements or any services identified in adopted Capital Improvement Plans (CIPs).

**CONCLUSION:** This criterion is sufficiently met.

#### VI. City of Coos Bay Comprehensive Plan

#### **Statewide Planning Goals**

Goal 1: Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

**Finding:** Public notification was provided to all property owners within 300 feet of the subject site. In addition, public hearings before the Planning Commission and the City Council provide additional opportunities for citizen comment and involvement.

Goal 2: Part 1: Land Use Planning: 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.

**Finding:** The City of Coos Bay completed inventories and organized commercial areas along Southwest Boulevard several decades ago. A variety of commercial uses have historically existed along the route. The commercial areas along Southwest Boulevard are part of the mix that is required by the Statewide Planning Goals, and especially Goal 2 which organizes the framework for planning. The map shows that, over time, several businesses have added property to the Commercial district along the arterial and up the local side streets. By providing for the expansion of commercial property and uses, the City of Coos Bay has maintained opportunities for businesses to serve and grow. Therefore, the subject request complies with Goal 2.

Goal 3: Agricultural Lands: to preserve and maintain agricultural lands.

**Finding:** The City of Coos Bay has no lands designated as agricultural within its municipal boundaries.

Goal 4: Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

**Finding:** The City of Coos Bay has no lands specifically designated as forest use within its municipal boundaries. The Watershed district surrounding the Upper Pony Creek Reservoir and Lake Merritt, which does contain harvestable timber, would not be impacted by the requested change.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.

**Finding:** This goal is not applicable to the current application as the proposed rezone does not impact natural resources, scenic and historic areas, or designated open space areas.

Goal 6: Air, Water, and Land Resources Quality: to maintain and improve the quality of the air, water, and land resources of the state.

**Finding:** The proposed amendments will not have any negative effect on air, water, and land resources. The applicant has hired a qualified engineer to address slope and drainage concerns affecting the subject property. The applicant is considering adding landscape berms to the subject property to enhance the appearance and permeability of the site.

Goal 7: Areas Subject to Natural Disasters and Hazards: To protect life and property from natural disasters and hazards.

**Finding:** The subject site is not identified as being in an area considered to be prone to natural disasters or hazards.

Goal 8: Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

**Finding:** The recreational needs goal is not applicable to this particular amendment and rezone request.

Goal 9: Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.

**Finding**: This application addresses economic goals of the City of Coos Bay that have been acknowledged by the State of Oregon to comply with Goal 9. The applicant is proposing to enhance and organize his business, which enhances the tax base and business climate of the community. The application complies with Goal 9.

Goal 10: Housing: To provide the housing needs of the citizens of the state.

**Finding:** Due to the slope and location of the subject property, the site has not been ideal for residential development. Although the nearby Englewood area is developed, the lot has remained undeveloped as a platted lot although it is currently configured as a "double lot" as one tax parcel. The adjacent commercial use and nearby arterial roadway make the location suitable for commercial expansion in conjunction with the existing commercial uses adjacent to the site and along Southwest Boulevard. The proposal complies with Goal 10.

Goal 11: Public Facilities and Services: To plan and develop timely, orderly, and efficient arrangement of public facilities and services that serve as a framework for urban and rural development.

**Finding:** Any use of public facilities and services will be incidental to the use and available through existing facilities.

Goal 12: Transportation: To provide and encourage a safe, convenient and economic transportation system.

**Finding:** Southwest Boulevard is designated as an arterial route in the City's Transportation System Plan. The proposed amendment complies with the 20-year transportation plan due to the property's location in proximity and access from this route. The arterial designation ensures that traffic to and from the site will access along the arterial route rather than utilizing residential routes. The applicant has proposed no new accesses at this time. The request complies with goal 12.

Goal 13: Energy Conservation: Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

**Finding:** Arctic Brothers has continued its business at its location at the corner of Southwest Boulevard and Oregon Avenue partially because it is accessible and available to those who utilize the services. Southwest Boulevard is the main roadway through the Englewood area and the site is centrally located for those who utilize heavy equipment and repair. This location does not encourage excess travel or use of energy to access the site, and the consolidation of uses and the ability to store equipment on-site contributes to energy conservation. The request adequately complies with Goal 13.

Goal 14: Urbanization: To provide for an orderly and efficient transition from rural to urban land use.

**Finding**: The Englewood area is one of the most established districts within the greater Bay Area. The current Arctic Brothers business and the proposed addition of 6,000 square feet to serve the business will not affect the Urban Growth Boundary or urbanization of the City. Goal 14 does not apply.

Goal 15: Willamette River Greenway: To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

**Finding:** The subject site is not within the Willamette River Greenway.

Goal 16: Estuarine Resources: to recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

**Finding:** The estuarine resources goal is not applicable to this application or to the proposed amendment. Goal 16 does not apply.

Goal 17: Coastal Shorelands: To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses. economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

**Finding:** The coastal shorelines goal is not applicable to this amendment. There are no shorelands affected by the proposed amendments.

Goal 18: Beaches and Dunes: To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-made induced actions associated with these areas.

**Finding:** There are no beach or dune areas impacted by this application.

Goal 19: Ocean Resources: To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

**Finding:** The ocean resources goal is not applicable to the proposed amendment.

#### VII. RECOMMENDATION

Based on the adopted Findings and Conclusions, approve land use application #187-ZON17-080, as proposed, for a Comprehensive Plan Amendment to change the designation of R-L (Residential Low) to C (Commercial) and a Rezone from the LDR-6 (Low Density Residential-6) district to the C (Commercial) district, on the eastern 6,000 square feet of the subject property.

DATE MAILED: January 2, 2018

#### **EFFECTIVE DATE OF PERMIT APPROVAL:**

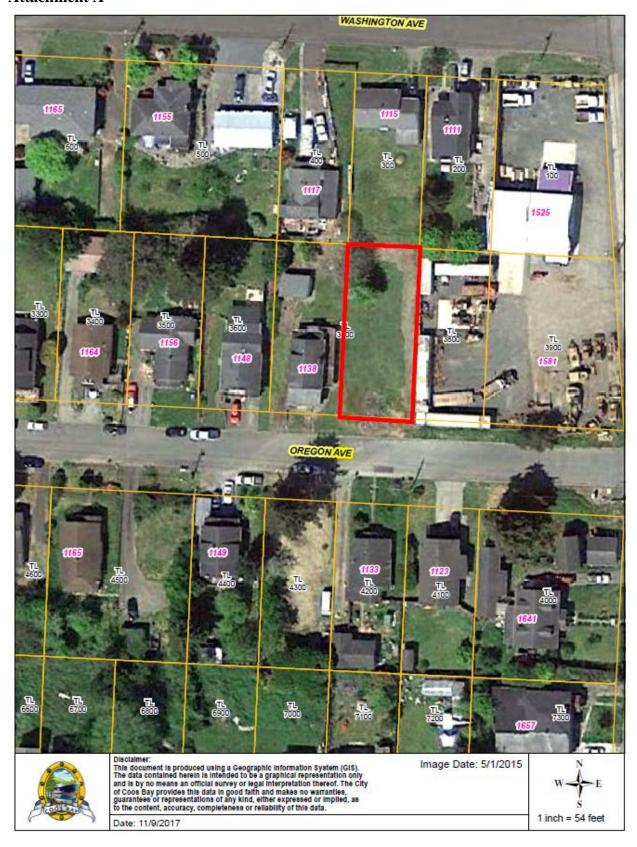
The effective date of the permit may be delayed if substantive conditions are attached to the approval. The Commission may grant an extension of time for a period not to exceed one year if circumstances beyond the control of the applicant cause delays.

Tom Dixon, Community Development Administrator

cc: Dave Perry, DLCD

**ATTACHMENTS:** A – Map identifying the area of change

#### **Attachment A**





#### 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	
Date Received:		

LAND USE	DEVELOPMENT	REVIEW APPI	LICATION
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	For Office Use Only
STAFF CONTACT PRO	DUECT NO(S).
on of Berievy (Blaces shoot all that apply).	*
Appeal and Review Architectural Design Review Conditional Use Cultural Resources Plan Estuarine Use/Activities Site	Subdivision  slative/Text Amendment  Line Adjustment  ition  ned Unit Development  Plan Review  nt application form available on the City website or at City Hall.
Site Location/Address:	Assessor's Map No./Tax Lot(s): 265 - 1303-AB -03 - 3700
1138 Oregon Ave., Coos Bay, OR 9742	Zoning: Residential - LDR6  Total Land Area: 50 feet x 120 feet; 6,000 sq.ft.
The Applicant is seeking a zone of Property to allow him to beth located at the intersection of Englewood district of Coos Bay.	nange and Comprehensive Plan amendment for subjective organize and maintain his existing business Oregon Avenue and Southwest Boulevard in the
Applicant/Owner Name: Robert Mclair	Phone: (541) 269 - 7668
Address: 61858 Eckles Rd.	Email: arctic bros@hotmail.com
City State Zip: Coos Bay, OR 97420	
	Phone: (541) 267-2491
Applicant's-Representative: Planner (please print) Shoji Planning, LLC Address: PO-BOX 462	Email: Shoji@uci.net
City State Zip: Coos Bay, OR 9742	<u> </u>
Copy of the deed for the subject property.  Address the <u>Decision Criteria</u> or <u>Goals/Standards</u> outlined it Additional information: Date construction is expected to be future development.  Type II requires three (3) complete hard-copy sets (sing <u>One</u> (1) complete set of digital application materials must an Additional copies may be required as directed by the Coos	Bay Director of Community Development. le sided) of application & submitted documents must be included with this application. also be submitted electronically or on CD in Word format.
Per City of Coos Bay Resolution 17-03, a 5% Technology Fee	e will be assessed on all permit and plan review fees.
	filing of this application, and authorizes on site review by authorized staff. I hereby agree to ation. Acceptance of this application does not infer a complete submittal. All amendments as adopted after the application is approved shall be enforced where applicable. Approved

# **Supplemental Information Contents**

- Attachment A: Supplemental Information and Findings
  - Findings for the City of Coos Bay Development Code Criteria
  - Findings for the City of Coos Bay Comprehensive Plan
  - Findings for Statewide Planning Goals
- Attachment B: Proof of Ownership Tax Assessment and Deed
- Attachment C: Tax Lot Map
- Attachment D: Aerial Photo/Map of Subject Property
- Attachment E: Existing Zoning Map Showing Proposed Change
- Attachment F: Existing Comprehensive Plan Designation Map
- Attachment G: Excerpt from Zoning Map Showing Vicinity Zoning

# Application for Amendments to the City of Coos Bay Comprehensive Plan and Zone Maps Coos Bay, Oregon

Submitted to the City of Coos Bay Planning Department October 20, 2017

**Property Owner: Robert McLain** 

Submitted and Prepared By:



P.O. BOX 462 Coos Bay, OR 97420 Phone: (541) 267-2491

# **Supplemental Information Findings to Address Decision Criteria and Statewide Planning Goals**

#### **Applicant, Property Owner, Business Owner and Business Address**

Owner and Applicant: Robert McLain

61858 Eckles Road Coos Bay, OR 97420

See Attachment B, Assessment and Taxation Query dated

September 22, 2017 and Deed,

Site and Address: Arctic Bros. Heavy Equipment Service

1525 S.W. Boulevard Coos Bay, OR 97420

Robert McLain, Owner

Chrystal McLain, Business Representive/Office Manager Phone: Business 541-269-7668; Cell 541-297-8139

#### **Applicant's Planner**

Application Prepared by: Shoji Planning, LLC

P.O. Box 462

Coos Bay, OR 97420

Crystal Shoji, AICP: Owner / Senior Planner

Ryan Wortman, Planning Technician

Phone: 541-267-2491 E-mail: shoji@uci.net

#### **Proposal**

The Applicant is seeking a zone change and Comprehensive Plan amendment for subject property to allow him to better organize and maintain his existing business located at the intersection of Oregon Avenue and Southwest Boulevard in the Englewood district of Coos Bay.

#### **Subject Property**

Lot 21 of First Addition to the City of Marshfield T26S, R13W, Sec. 03AB, East half of Tax lot 3700

Tax lot 3700 owned by Robert McLain consists of two legal lots, Lot 21 of the First Addition to the City of Marshfield which is proposed for the rezone, and Lot 20 which is on higher ground heading up Oregon Street on the right side. Mr. McLain's daughter resides at Lot 20. It is Mr. McLain's intent to separate the two legal lots into two tax lots; the information has been

submitted to the Assessor's office, but any new tax lot assignment is expected to be on hold till after tax season.

Subject property proposed for the rezone and Comprehensive Plan Amendment consists of one 50-foot by 120-foot lot, a 6,000-square foot lot that is on the same level as the remainder of the Arctic Bros. use, abutting Tax lot 3800 on the east.

Mr. McLain recently purchased and cleaned up the Lots 20 and 21. According to the Applicant, the property was previously covered with debris including glass, garbage, brush, and concrete. The property was also overgrown with blackberries. Working with Will Dawson, Senior Project Manager, Civil West Engineering and City staff, the owner obtained all of the required permits for excavation and site development when he became aware of the requirements.

According to the Applicant the single-family home located on Lot 20 sat vacant for several years prior to Mr. McLain's acquisition in October 2016. Since purchasing the property, Mr. McLain has remodeled the home inside and out. Some improvements include indoor painting, replaced flooring, preparation to paint the exterior, the removal of an old shed, and leveling/replanting of the lawn.

Mr. McLain has been the owner and operator of Arctic Bros. for more than 20 years. Three abutting commercially zoned lots are currently occupied by Arctic Bros. heavy equipment service, which has existed at the location for more many years. Previously the site was an excavation business.

- Tax lot 100 at the intersection of Washington Avenue and Southwest Boulevard; Robert L. and Shoni D. McLain, owners.
- Tax Lot 3900 at the intersection of Oregon Avenue and Southwest Boulevard; Robert L. and Shoni D. McLain, owners.
- Tax Lot 3800 Fronting on Oregon Avenue, Robert L. and Shoni D. McLain, owners

See Attachment C, Tax Lot Map. See Attachment D, Aerial map of Arctic Bros. Tract.

This report includes analysis to address the criteria found in The City of Coos Bay Comprehensive Plan, the City of Coos Bay Development Code and the Statewide Planning Goals. Words quoted directly from ordinances and/or Oregon laws are shown in *italics*; information provided by the applicant, including paraphrased language, analysis and conclusions provided by the applicant are shown in regular font (not in italics).

#### **Analysis and Findings**

The Applicant is requesting a consolidated Comprehensive Plan and zoning amendment to rezone Subject Property and amend the Comprehensive Plan designation. The proposed designation for the zoning and Comprehensive Plan is Commercial - C as set forth in Table 17.210.010 Classification of Districts in the City of Coos Bay Development Code.

See Attachment E, existing zoning map with the proposed zone change. See Attachment F, existing Comprehensive Plan designation map with the proposed amendment.

#### **City of Coos Bay Development Code**

#### Chapter 17.215 Plan Amendments and Zone Changes

#### 17.215.010 Comprehensive Plan Amendment

- A. The boundaries of the Comprehensive Plan map designations and the Comprehensive Plan text may be amended as provided in CBDC 17.215.020 of this title.
- B. 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.

**Findings**: The Applicant is proposing a Comprehensive Plan amendment for a 6,000-square foot lot to extend the footprint of his existing heavy equipment service and repair. This is an existing commercial business that has been operating at the location more than 20 years. Similar and more industrial type businesses were at the location for many decades prior to that time. There will be no cumulative effects on capital facilities services, transportation, public health, safety and welfare from joining this lot with the other abutting commercial lots.

#### 17.215.015 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 17.215.020.

Finding: The application is for zoning and Comprehensive Plan map amendments and the provisions of CBDC 17.215.020 apply.

#### 17.215.020 Initiation of Amendment

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

A. A Type III application, CBDC 17.130.100, Procedures, by one or more owners of the property proposed to be changed or reclassified consistent with the adopted Comprehensive Plan; or

Finding: The proposed Comprehensive Plan and zone map amendments are proposed by the owner of Arctic Bros. and of subject property. One property/lot and one owner are involved.

#### 17.215.060 Approval Criteria

- A. For a Type III or Type IV review, the City Council shall approve the proposal upon findings that:
  - 1. 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,

**Findings:** Excerpts from the Coos Bay Comprehensive plan policies support the proposed amendments. These are addressed in the following section.

#### City of Coos Bay Comprehensive Plan

The Comprehensive Plan 2000, Volume 1, Part 1, Chapter 7.5 Economic Development

#### Economic Development Goals

- Goal #1: Encourage and support economic growth.
- Goal #2: Maintain and expand a diversified economy.
- Goal #4: Work to retain, expand and strengthen existing local businesses.
- Goal #6: Maximize use of Coos Bay's unique geographic and recreational assets and cultural heritage.

**Findings:** The proposed amendments to the Comprehensive Plan Map designation and the zoning comply with the economic development goals of the city by supporting economic growth and retention. The proposal is an opportunity for an existing business that has existed at its current location in the community for over 20 years to be maintained and strengthened, which in turn strengthens the economy of Coos Bay.

In addition, the proposal utilizes Coos Bay's coastal topography which has minimal flat land available for business development by adding one lot. The lot that has is proposed for the rezone has likely not been appealing for residential use due to its topography and location at the base of Oregon Street in close proximity to an arterial and an established commercial uses. The

proposed amendments encourage and support economic growth, and maximize use of our regions topographical geography.

#### **Policies**

1.2 Encourage and support assembly of small, contiguous industrial and commercial parcels into suitable sizes utilizing city-initiated efforts such as the use of urban renewal, public private partnerships and real estate negotiation, site clearance assistance and brownfield remediation.

**Findings**: The proposed amendments are consistent with the policy that supports assembly of small, contiguous industrial and commercial parcels. Mr. McLain is seeking the opportunity to enhance his business and the community and improve the appearance of the site.

Throughout the planning process, the City of Coos Bay utilized inventories of commercial, industrial and residential uses. Specific areas were designated for various uses, and when the Comprehensive Plan and zoning were acknowledged by the State of Oregon properties along Southwest Boulevard were designated for commercial use because of the arterial and the traditional use of the properties. Since that time, the commercial area along Southwest Boulevard has expanded to maintain the businesses. The proposed rezone is consistent with past practice and policy. See Attachment G with commercial areas along Southwest Boulevard.

2. The proposed amendment is in the public interest; and

**Findings**: The proposed amendments are in the public interest because they allow vacant property that has been full of weeds, and collecting junk and debris for many years to contribute to the economy of the community. The Applicant is seeking the rezoning of the subject property because he intends to expand the efficiency of his commercial business and enhance the appearance of the immediate neighborhood. Previously the subject property was used for dumping, providing a situation that did not contribute to the tax base or the community.

Use of the property for parking and storage for the existing business will not interfere with the residential character of Oregon Street because the lot adjoins with commercial property, and is on a lower level than other properties on the east side of Oregon Street. Because there is a slope that has been leveled at the adjacent Commercial parcel, the subject property was likely not desirable for residential development.

The Applicant's commercial business (Arctic Bros.) is located on Southwest Boulevard, which the City of Coos Bay's Transportation Systems Plan identifies as an arterial route. According to the Transportation Systems Plan, arterial streets serve to interconnect and support the principal arterial highway system. These streets link major commercial, residential, industrial, and institutional areas. Many of these routes connect to Cities surrounding Coos Bay. It is crucial to the success of a commercial business to have a sense of connectivity to the surrounding community through arterial routes. Use of the property in conjunction with Arctic Bros. is appropriate and in the public interest because Arctic Bros is on an arterial street.

3. 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)*.

**Findings:** The amendment will not decrease any level of service for capital facilities and services. The idea is to efficiently organize and utilize the lot that is proposed to be for commercial use for storage and equip that waiting for repair.

#### City of Coos Bay Development Code

#### Table 17.210.010 Classification of Districts

Comprehensive Plan Designation	Corresponding Zoning District	Code Section
Commercial	Commercial and Mixed-Use Districts (C and MX)	CBDC 17.230

## Chapter 17.230 Commercial Districts (C and MX) 17.230.020 Uses

The uses set out in CBCD Table 17.230.020 are examples of uses allowable in the Commercial and Mixed-Use Districts. Where a specific use is not listed in the table the Director shall determine the most appropriate similar use in the table. P = Permitted use; C = Conditional use; C = Conditional use; C = Conditional use; C = Conditional use.

Uses	С
Vehicle rental or repair including auto, truck trailer, boat, and recreational vehicles	P

**Finding:** *Table 17.230.020* includes vehicle rental or repair including auto, truck trailer, boat, and recreational vehicles, as uses permitted outright in the Commercial zone. Repair of similar uses/ equipment is the business of Arctic Bros.

Storage and area for organizing waiting equipment for the Applicant's business are appropriate uses in the C zone and the C Comprehensive Plan designation. Storage will be provided in shipping containers and on the lot that is proposed for the rezone.

The 6,000 square foot lot expansion of the commercial zone will allow Mr. McLain to organize and more efficiently provide the services of his business. The Commercial designation will allow for the use that Mr. McLain desires, and will utilize property that has not been used for new residential use over time due to the topography.

## Chapter 17.230 Commercial Districts (C and MX) 17.230.030 Development Standards

A. 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 CBDC Table 17.230.030. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title.

**Finding:** There are no new lots, structures, or additions to existing structures within this application. However, there will be storage containers used for storage that are permitted outright by the City of Coos Bay Development Code. The Applicant will comply with all setback, height, and development standards for these storage containers.

#### B. Landscaping

1. In commercial and mixed-use zoning districts, not less than fifteen percent (15%) 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 (1:1) ratio.

**Finding:** Due to the slope on the west side of the subject property and the heavily compacted soils on the level portions of the subject property and on the existing Arctic Bros. lots, landscaping is a challenge. The Applicant has worked with a civil engineer from Civil West to address slopes/drainage and is researching landscaping options.

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

**Finding:** There are no proposed changes or additions to heating and air equipment; therefore the screening standards for such equipment do not apply to this application.

3. All storage and trash areas must be enclosed and screened from public view.

**Finding:** There are no new proposed trash storage areas with this application. The storage containers that will be moved to subject property are allowed, and subject to any restrictions of the Building Code. Storage containers are not "storage areas." The property owner intends to store supplies and equipment in the containers. Equipment waiting to be serviced and retrieved will also be stored on the subject site.

Standard	Commercial
Stariaara	Commician

#### C. Development standards

#### 2. Lot Standards

Minimum Lot Width	20 Feet
Minimum Lot Depth	60 Feet
Minimum Lot Area	1,400 SF
Maximum Lot Area	N/A
Maximum Lot Coverage	85%
Maximum Height	35 Feet
Min. Front Setback	5 Feet
Min. Side Setback	0 Feet Attached or 10 Feet Abutting Single Family
Min. Street Side Setback	0 Feet
Min. Rear Setback	10 Feet

**Finding**: Lot dimensions are not applicable in that subject property, Lot 21 of Block 11 of First Addition Marshfield is a legal existing lot, platted in 1911.

**Finding:** The Applicant is aware of the lot coverage, height and setback requirements in the City of Coos Bay Development Code. The Applicant will comply with the lot coverage requirements. The proposed storage containers are approximately 8 - 10 feet high, though the subject property is below grade. The storage containers will comply with the 35 ft. height requirement.

Specifically applicable are the minimum front setback of five (5) feet, a minimum rear setback of ten (10) feet, and the minimum west side setback of ten (10) feet because the subject site is abutting a single-family residence. There would be no setback on the east side of subject property in that the abutting zoning is commercial.

### Chapter 17.362

Supplementary Development Standards

#### 17.362.010 Generally.

The standards in this chapter apply to development generally within the city of Coos Bay. They can be used in any review process where applicable to evaluate or to set conditions of approval of an application.

#### 17.362.020 Height of fences and hedges.

(1) Front and Street Side Yards. Fences shall be no higher than eight feet (measured from ground level) within five feet of a front property line or street side property line.

**Finding:** The Applicant has not proposed any fences or hedges at this time. If fencing or hedging is proposed in the future, the Applicant is aware of the height and setback restrictions and will comply with the City of Coos Bay Development Standards.

#### 17.362.030 Solid waste.

If refuse containers are used by more than one unit for temporary storage of solid wastes, the container(s) shall be screened from view from off-site by a sight-obscuring fence and/or evergreen landscaping and the area kept clean of all litter.

**Finding:** There are no proposed refuse containers for storage of solid wastes. Therefore the solid wastes requirements are not applicable to this application.

#### 17.362.040 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 on any site shall not cause more than one foot-candle measured at any property line.

**Finding:** The Applicant has stated that adequate on-site lighting is already in place for the current commercial development and outdoor storage areas. At this time there are no proposed changes or additions to exterior lighting. Therefore, the lighting standards are not applicable to this application.

#### 17.362.050 Noise.

All development shall comply with the noise standards established in the city.

**Finding:** The Applicant will comply with any noise standards set forth by the City of Coos Bay. Currently the Applicant runs a commercial truck repair and welding company on the abutting property and is in compliance with the City in relation to noise standards. There is no proposed expansion of business operations at this time.

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

**Finding**: The Applicant proposes to comply with the majority of the 15 percent requirement on the west side of the property line where a berm has been constructed with the assistance of the engineer from Civil West Engineering and in compliance with City requirements. For example, Arborvitae is an option. In addition, the Applicants may consider fulfilling part of the requirement along Oregon Avenue, the front property area, or use of the City's right-of-way along Oregon Avenue, if approved by the City. The lots with the existing Arctic Bros. business and subject property are heavily compacted from years of commercial use with rocks and other hard soil features, which are a major consideration for landscaping.

(2) Applicants are encouraged to provide flexible landscaping design that takes advantage of natural features and addresses the use and function of the proposed development. Landscaping choices should consider the aesthetic qualities of the existing site and provide attractive variety in tree and shrub species, texture, color, height and density.

**Finding:** Due to the highly compacted soils on most of the subject site, installation of an irrigation system is not a good option. Therefore, the Applicant is researching options to landscape with native species of trees and shrubs.

(3) Existing vegetation may fulfill landscaping and screening requirements of this chapter if the existing landscaping provides at least an equivalent level of screening as the standard required for the development in question.

**Finding:** The current landscaping on the onsite is minimal, and does not fulfill the landscaping and screening requirements of the Development Code.

(5) Landscaped areas required for stormwater management purposes may be used to satisfy the landscaping area requirements of this chapter, even though those areas may be inundated by surface water. Required stormwater management facilities are not classified as areas inundated by water.

**Finding:** The Applicant has hired a State of Oregon certified Civil Engineer to address the slope on the west side of the subject site and associated stormwater concerns. The Applicant is complying with all recommendations from the Engineer and City codes to ensure that all stormwater issues are addressed.

(6) Required landscaping and screening shall be located on the perimeter of a lot or parcel. Required landscaping and screening shall not be located on a public right-of-way or private street easement, unless authorized by the city's public works department.

**Finding:** Pending the approval of this application, the Applicant is likely to apply for permits from the City to allow the installation of native species plantings in the right of way along the property line on Oregon Ave. The Applicant held a community meeting on October 9, 2017 to receive feedback from neighboring property owners. An adjacent property owner has stated that she would like to see some planting installed to create a softer buffer along Oregon Ave.

- (7) Parking and loading areas shall be landscaped as follows:
- (a) A minimum five-foot-wide landscaped strip shall be provided where vehicle parking or loading adjoins a public road right-of-way.

**Finding:** There is no proposed parking or loading areas along areas that adjoins a public road right-of-way on subject property. Therefore, this requirement is not applicable to this application.

(b) Parking areas that contain at least seven spaces are required to provide landscaping islands throughout the development. A landscape island shall contain at least 25 square feet, shall be at least four feet wide, and shall prevent vehicles from damaging trees, by using a wheel stop or The Coos Bay Municipal Code is current through Ordinance 489, passed August 15, 2017.

**Finding:** The Applicant has not proposed parking for more than seven (7) spaces, so the island landscaping requirement is not relevant to this application.

(8) The applicant shall install required landscaping and screening consistent with the approved site plan or development, or an approved modification thereto, before the city issues an occupancy permit or final inspection for the development in question; provided, the city may defer installation of plant materials for up to six months after the city issues an occupancy permit or final inspection for the development in question if doing so increases the likely survival of plants.

**Finding:** The Applicant will work with the City to establish a timeline to complete all necessary landscaping requirements, pending the approval of this application. No occupancy permit will be requested.

(9) All required ground cover plants and shrubs must be of sufficient size and number to meet the required standards within three years of planting. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for living ground cover plants, lawn or approved flowers.

**Finding:** All landscaped areas will comply with the City Development Code standards. Additionally, all landscaped areas will include mulch as a groundcover underneath all plantings, shrubs, and associated trees.

(10) Shrubs shall be supplied in a minimum of two-gallon containers or equivalent burlap balls, with a minimum spread of three inches. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.

**Finding:** The Applicant understands that the physical size of all plantings, shrubs, and trees shall meet the City Development Code standards.

- (11) Trees shall be measured from the ground level at final planting to the top of the tree.
- (a) Trees required for parking and loading areas shall be a minimum caliper of two inches and a minimum height of 10 feet at the time of planting.
- (b) Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of one and one-half inches and a minimum height of eight feet at the time of planting.
- (c) Required evergreen trees (other than street trees) shall be fully branched and a minimum of six feet high at the time of planting.
- (d) The review authority may reduce the minimum size of trees (other than street trees) if the applicant submits a written statement by a landscape architect registered in Oregon or expert in the growing of the tree(s) in question certifies that the reduction in size at planting will not decrease the likelihood the trees will survive.

**Finding:** The Applicant understands the Development Code requirements in relation to tree species, height, and maturity. If this application is approved, the Applicant will comply with standards of the City, in the event that trees are added in relation to the landscaping plan

(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.

**Finding:** It is the Applicants intent to select drought resistant plantings and landscape construction materials. There are some slope considerations and soil quality concerns that are to be address prior to the final landscaping of the site. When final landscaping occurs, the Applicant will reference the "Sunset Western Garden Book," to select appropriate planting species. All proposed landscaping will comply with vision clearance and safety requirements of the City Development Code.

- (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.

**Finding:** In order to ensure the survival of all plantings, the Applicant will follow nursery industry standards and take all necessary precautions to protect any existing plantings. Any planting support measures taken will not interfere with pedestrian or vehicular movements.

(14) Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the review authority. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections.

**Finding:** The Applicant understands his obligations to maintain all landscaping associated with this application on a continual basis.

- (15) Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required landscaped areas must comply with one of the following:
- (a) A permanent built-in irrigation system with an automatic controller will serve the landscape area in question, and the system will be installed and operational before the city grants an occupancy permit or final inspection for the development in question; or
- (b) A temporary irrigation system will be acceptable, provided the applicant must submit a statement from a landscape architect registered in Oregon or expert in the growing of the vegetation in question which certifies that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall; or
- (c) A permanent or temporary irrigation system will not serve the landscape area in question; provided the applicant submits the following:
- (i) A statement from a landscape architect registered in Oregon or expert in the growing of the vegetation in question certifying that the materials to be planted will survive without watering other than natural rainfall, and
- (ii) A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the city.

**Finding:** The Applicant is aware of the landscaping irrigation requirements of the City. Pending the approval of this application, the Applicant intends to work with the City to determine the most straightforward option(s) to address these standards. The current soils are significantly compacted, making a permanent irrigation system unrealistic. The Applicant hopes to utilize the installation of a variety of native species plantings that should survive with the climates current natural precipitation levels. If necessary, the Applicant will provide temporary irrigation to comply with the cities standards.

#### **Statewide Planning Goals**

Goal 1: Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

**Finding:** The Planning Commission serves as the citizen involvement committee for the City of Coos Bay. The Planning Commission takes the cumulative effects of any potential zone change

and impacts on the community into consideration. The Planning Commission is familiar with the City, and they listen to the citizens. To ensure that the community's voice is heard, the Planning Commission and the City Council will each hold a public hearing as part of the process. The Applicant sent out invitations to abutting properties and held an open house to gather input from the neighborhood.

Goal 2: Part 1: Land Use Planning: 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.

**Finding:** The City of Coos Bay completed inventories and organized commercial areas along Southwest Boulevard several decades ago because a variety of commercial uses have traditionally existed along the route. The commercial areas along Southwest Boulevard are part of the mix that is required by the Statewide Planning Goals, and especially Goal 2 which organizes the framework for planning. The map shows that several businesses have added property to the Commercial zone along the arterial and up the streets. By providing for the expansion and organization of commercial property and uses, the City of Coos Bay is maintaining opportunities for businesses to serve and grow the community. The application complies with Goal 2.

Goal 3: Agricultural Lands: to preserve and maintain agricultural lands.

**Finding:** This goal is not applicable to the current application. No agricultural lands are involved.

Goal 4: Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

**Finding:** This goal is not applicable to the current application which involves no designated forest lands.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.

**Finding:** This goal is not applicable to the current application as the proposed rezone does not affect natural resources, scenic and historic areas, or designated open space areas.

Goal 6: Air, Water, and Land Resources Quality: to maintain and improve the quality of the air, water, and land resources of the state.

**Finding:** The proposed amendments will not have any negative effect on air, water, and land resources. The Applicant has hired an Engineer with Civil West Engineering to address any slope and drainage concerns affecting the subject property. The Applicant is considering adding

landscape berms to the subject property to enhance the appearance and permeability of the site. The Applicant is complying with Goal 6.

Goal 7: Areas Subject to Natural Disasters and Hazards: To protect life and property from natural disasters and hazards.

**Finding:** This goal is not applicable as the subject property as the property is not located in any flood designated area or other overlay zones. This was confirmed by City of Coos Bay staff Debbie Erler.

Goal 8: Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

**Finding:** This goal is not applicable to this application as the subject property is not used for recreational purposes and is not proposed to be used for any recreational needs or use types.

Goal 9: Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.

**Finding**: This application addresses economic goals of the City of Coos Bay that have been acknowledged by the State of Oregon to comply with Goal 9. The Applicant is proposing to enhance and organize his business, which enhances the tax base and business climate of the community. The application complies with Goal 9.

Goal 10: Housing: To provide the housing needs of the citizens of the state.

**Finding:** Due to the slope and location of the subject property, the site has not been ideal for residential development; although the nearby Englewood area is developed, the lot has been vacant. The adjacent commercial use and nearby arterial roadway make the location suitable for commercial uses in conjunction with the existing commercial uses adjacent to the site and along Southwest Boulevard. The proposal complies with Goal 10.

Goal 11: Public Facilities and Services: To plan and develop timely, orderly, and efficient arrangement of public facilities and services that serve as a framework for urban and rural development.

**Finding:** Any use of public facilities and services will be incidental to the use and available through existing facilities.

Goal 12: Transportation: To provide and encourage a safe, convenient and economic transportation system.

**Finding:** Southwest Boulevard is designated as an arterial route in the City's Transportation Plan. The proposed amendments comply with the 20-year transportation plan due to the lands close proximity and access from this route. The arterial designation ensures that traffic to and

from the site will access along the arterial route rather than utilizing residential routes. The Applicant has proposed no new accesses at this time. The Application complies with goal 12.

Goal 13: Energy Conservation: Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

**Finding:** Arctic Bros. has thrived at its current site partially because it is accessible and available to those who utilize the services. Southwest Boulevard in Coos Bay is accessible and centrally located for those who utilize heavy equipment and repair. This location does not encourage excess travel or use of energy to access the site, and the consolidation of uses and ability to store equipment onsite contributes to energy conservation. The application complies with Goal 13.

Goal 14: Urbanization: To provide for an orderly and efficient transition from rural to urban land use.

**Finding**: This goal has to do with the layout of the City, and the location of areas for future growth. The Englewood area is one of the most established districts within the greater Bay Area. The current Arctic Bros. business and the proposed addition of 6,000 square feet to serve the business will not affect the Urban Growth Boundary or urbanization of the City. Goal 14 does not apply.

Goal 15: Willamette River Greenway: To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

**Finding:** The Willamette River Greenway goal is not applicable to this application. The City of Coos Bay is not located along the Willamette River Valley. Goal 15 does not apply.

Goal 16: Estuarine Resources: to recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

**Finding:** The estuarine resources goal is not applicable to this application or proposed amendments. Goal 16 does not apply.

Goal 17: Coastal Shorelands: To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses. economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

**Finding:** The coastal shorelines goal is not applicable to this application. There are no shorelands affected by the proposed amendments. Goal 17 does not apply.

Goal 18: Beaches and Dunes: To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-made induced actions associated with these areas.

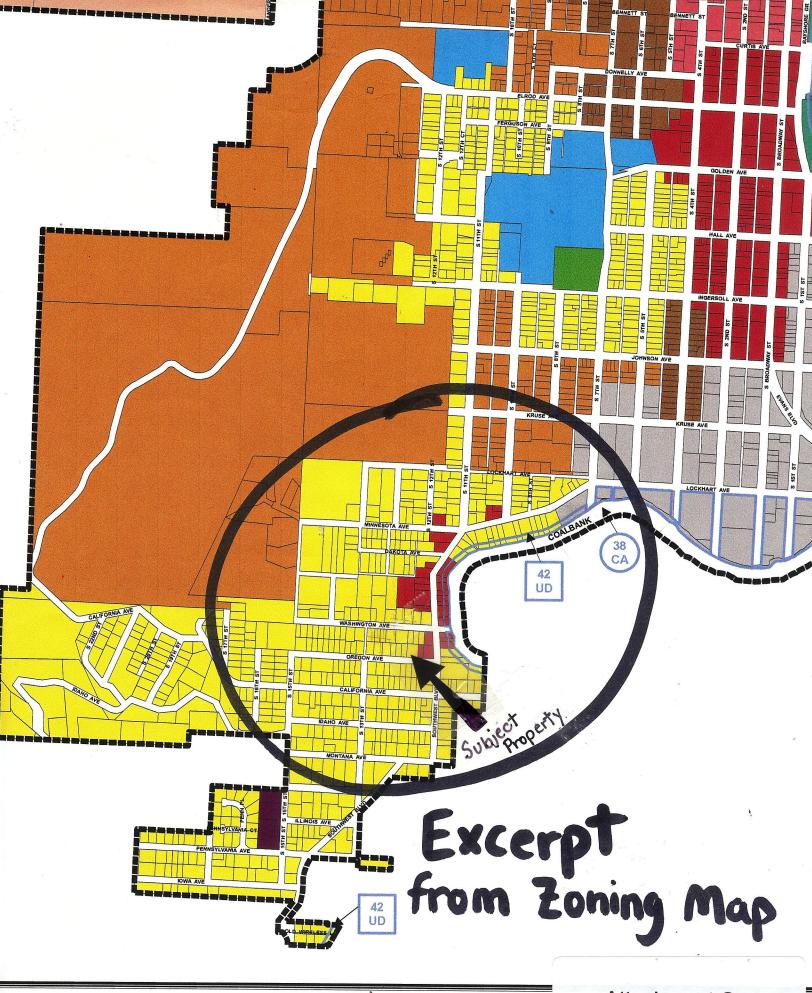
**Finding:** There are no beach or dune areas affected with this application. Goal 18 does not apply.

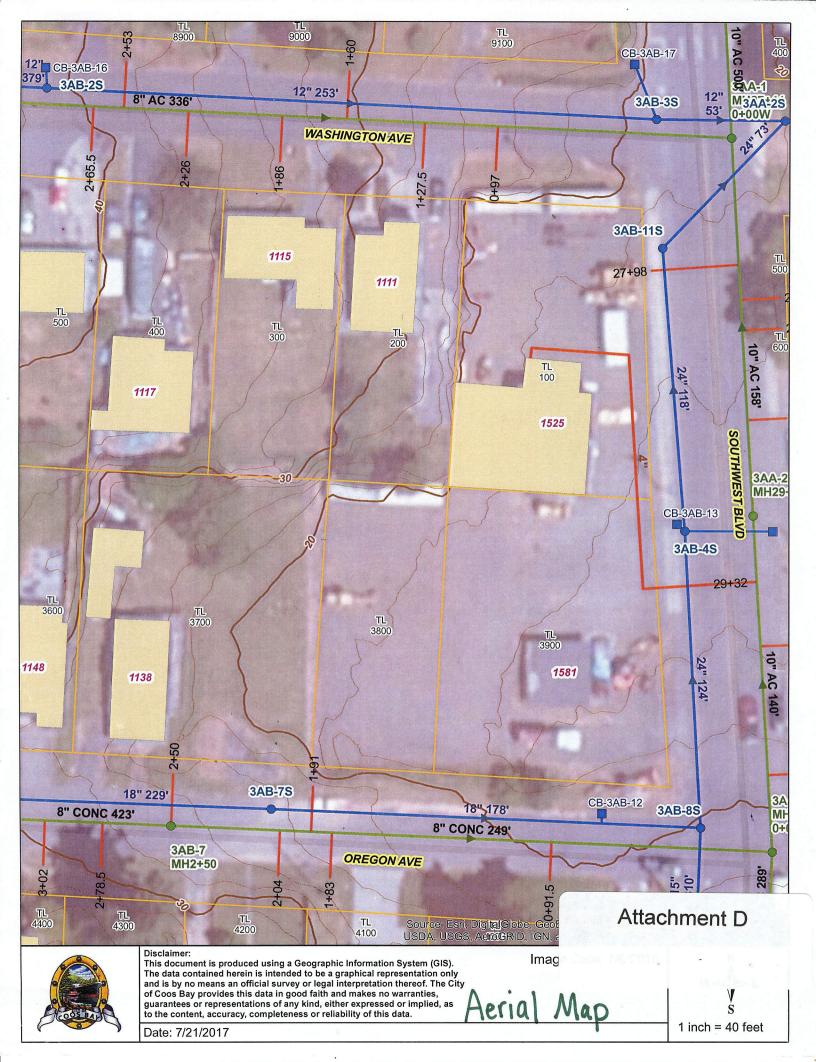
Goal 19: Ocean Resources: To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

**Finding:** The ocean resources goal is not applicable to this application or the proposed amendments. Goal 19 does not apply.

#### Conclusion

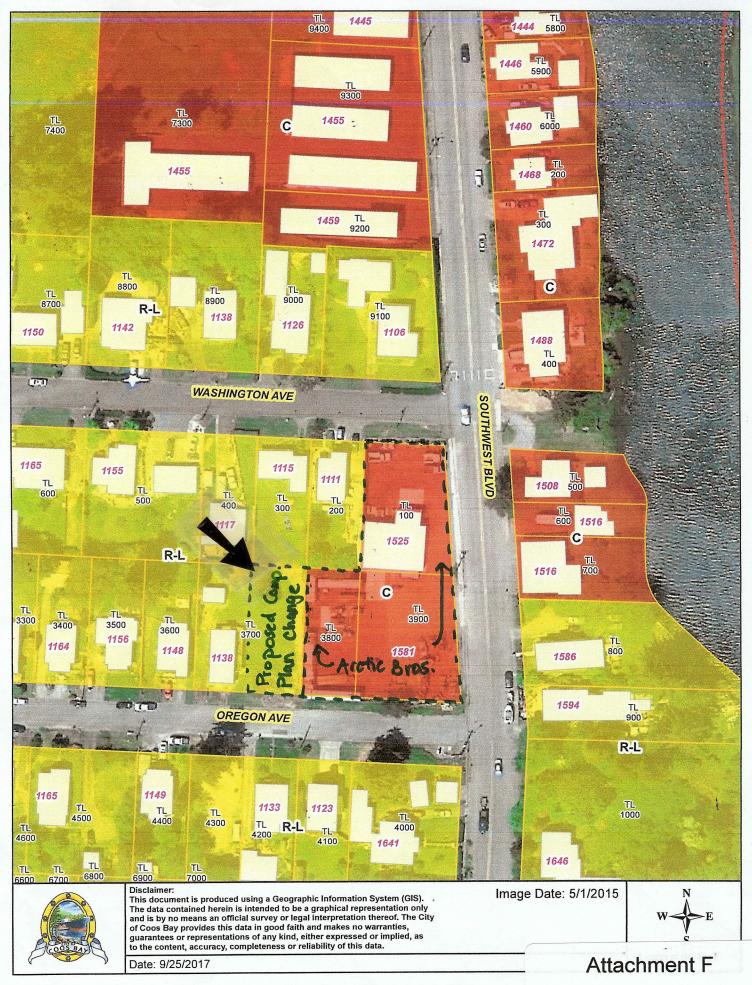
This application provides the findings of compliance for approval of the rezone and the Comprehensive Plan map amendments as set forth in this application. The findings within this document show compliance with the City of Coos Bay criteria including the Development Code, the Comprehensive Plan and the Statewide Planning Goals. The applicants are seeking City approval at this time.







Zoning Map



Comprehensive Plan Map

