



CITY OF COOS BAY
Community Development Division

500 Central Avenue
Coos Bay, OR 97420

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STAFF REPORT
Conditional Use, Variance & Site Plan Review (Type III)

REVIEWER: Debbie Erler, Planner

HEARING BODY: Planning Commission

DATE & TIME: October 8, 2019 at 6:00 p.m.

HEARING LOCATION: Council Chambers, City Hall, 500 Central Avenue, Coos Bay

APPLICANT/OWNER: Tahoe Pacific Capital, Adam Rutherford
2130 Green Tree Lane, Reno, NV 89511

SUBJECT PROPERTY: South Wasson Street (25-13-20BB – 9200)
Lots 14-17, Block 33, First Addition to Empire

SUBJECT: **CONDITIONAL USE, VARIANCE & SITE PLAN REVIEW #187-18-065**
Construct a nine (9) unit apartment complex in the Commercial zoning District.

I. APPLICANT'S REQUEST

The applicant is proposing to construct a nine (9) unit apartment building (two-story three-bedroom units) with attached garages and landscaping. The use "Multiple Family Dwelling" is a Conditionally permitted use in the zone. The applicant is also requesting Variance to the Off-Street Parking requirements of CBMC Chapter 17.330. to allow backing out into South Wasson Street. A Site Plan Review for the entire project is also required.

II. BACKGROUND

There is an April 17, 2019 "Agreement for Disposition of Property for Development" between the City of Coos Bay and Tahoe Pacific Capital LLC. The agreement enables the City to turn over the land area to the applicant for the development of no less than 8 multi-family dwelling units. As further described in more detail in the findings in this report, the applicant is requesting approval for nine (9) dwelling units (apartments). Each unit will have 3-bedrooms and a garage.

The applicant will be using vertical fiber cement siding (Hardie Board) and Owens Corning Duration asphalt shingle roof. The units will have entry doors on the left and the garages on the right when looking at it from Wasson Street to push the driveways further away from the Michigan intersection.

The applicant has not finalized the color scheme but they provided some color options for the Planning Commission's considering. The applicant is considering either neutral brown/tan or the neutral gray colors.

III. APPLICABLE REGULATIONS (including, but not limited to)

Coos Bay Municipal Code:

- Chapter 12 Streets, Sidewalks and Public Places
- Chapter 15 Building and Construction (including Fire Code)
- Chapter 17.230 Commercial (C)
- Chapter 17.335 Supplemental Development Standards
- Chapter 17.347 Conditional Use
- Chapter 17.365 Site Plan Review
- Chapter 17.372 Variance
- Chapter 17.330 Off-Street Parking and Loading Requirements
- Chapter 18 Engineering Design Standards & Traffic Impact Analysis

IV. STAFF RECOMMENDATION

Staff recommends approval of land use application #187-19-065 subject to the noted condition of approval outlined in Part I (Conditional Use); Part II (Site Plan Review) and Part III (Variance), as there is sufficient evident in the record upon which an approval can be based. This staff report was prepared utilizing the applicant's submittal information (available in the Public Works and Community Development Department) and as noted above, related Titles of the City of Coos Bay Municipal Code (CBMC).

V. PART I – CONDITIONAL USE (CBMC 17.347)

SECTION 17.347 DECISION CRITERIA, STATEMENT OF FACT/FINDINGS AND CONCLUSIONS.

DECISION CRITERION A: The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with this title.

STATEMENTS OF FACT AND FINDINGS:

- A1. The subject property is zoned Commercial (C). Coos Bay Municipal Code Chapter 17.230 list "Medium density residential" as a conditionally permitted use.
- A2. The property contains 16,000 square feet. CBMC 17.230.030 (3)(a) Development Standards indicates "*Residential/Commercial. All residential or mixed residential/commercial areas shall provide a minimum of eight residential units per net acre and a maximum of 24 residential units per net acre*". Based on this standard, a maximum of nine apartment units can be placed on the property.
- A3. The need for affordable housing is outlined in the 201B "Housing Analysis and Action Plan" for Coos County, Oregon performed by czbLLC, poverty in Coos County, which found that the poverty in Coos County has increased by 21% since 2000. Households in the \$20,000 - \$34,999 income range might buy a house if it were available, but few to none are available for this income range.

They likely rent and there are a significant number of units available in the \$500 - \$999 per month rental range, the poor quality of these housing units is an issue.

The report also found that the County population is aging while experiencing little to no growth. Since 2010, a net loss of 600 housing units due in part to dwellings being converted vacation homes or vacation rentals. Housing costs (rental and ownership) are outpacing household wage increases by a 2:1 margin (2000 - 2016).

- A4. After the public process of “Request for Proposals” for the subject property, an “Agreement for Disposition of Property for Development” was signed April 17, 2019 between the City of Coos Bay and Tahoe Pacific Capital LLC, which requires a minimum of 8 or more apartments, with three (3) bedrooms, and a garage. The agreement indicates the units must be fiscally responsible affordable workforce housing in the City's Empire District. The applicant is requesting approval for nine (9), two-story three-bedroom apartment with attached garages and landscaping.
- A5. Per CBMC 17.230.030 (3)(b)(iii)(iv) Lot Standards. The maximum building height shall exclude unique architectural features such as steeples, chimneys, flagpoles, electronic aerials, and cupolas and there shall be no setback restrictions in the commercial zone other than those imposed by the building code, except where the property abuts low density residential (LDR-6) zone district, unless otherwise noted.

Table 17.230.030 – Lot Standards

Standard	Commercial	Mixed	Single/Multifamily	
			Attached	Detached
Maximum lot coverage	85%	85%	75%	65%
Maximum height	35 feet	35 feet	35 feet	35 feet
Minimum front setback	0 feet	10 feet	10 feet	10 feet
Min. garage setback from public street	20 feet	20 feet	20 feet	20 feet
Minimum garage setback from alley	20 feet	20 feet	20 feet	20 feet
Minimum side setback	0 feet or 10 feet abutting single-family zones	0 feet or 10 feet abutting single-family zones	0 feet attached, 5 feet nonattached	5 feet
Minimum street side setback	0 feet	0 feet	10 feet	10 feet
Minimum rear setback	0 feet or 10 feet abutting single-family zones	10 feet	10 feet	10 feet

- A6. The proposed site plan indicates nine (9) 16 by 60 two-story apartment units will have a 20-foot setback from the property line along South Wasson Street; a 10-foot setback from Michigan Avenue; a 20-foot setback from the alley and a six-foot setback from the abutting property, which is also zoned commercial; The two-story structures will not exceed the maximum height standard of 35-feet; Therefore, the site plan complies with the required setbacks.
- A7. The proposed site plan indicates a proposed lot coverage of 54-percent and the development standards for the Commercial zone allows 75-percent lot coverage.

DECISION CRITERION B: The site size, dimensions, location, topography, and access characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features.

STATEMENTS OF FACT AND FINDINGS:

- B1. The property contains 16,000 square feet. CBMC 17.230.030 (3)(a) Development Standards indicates "*Residential/Commercial. All residential or mixed residential/commercial areas shall provide a minimum of eight residential units per net acre and a maximum of 24 residential units per net acre*". Based on this standard, a maximum of nine apartment units can be placed on the property. The lots will be consolidated, prior to issuance of building permits.
- B2. The property is located on the northwest corner of South Wasson Street and Michigan Avenue. Access is proposed from South Wasson Street which is platted 80-feet wide and is fully developed with curb/gutter and sidewalks on both sides. Diagonal parking is permitted on both sides of the street.
- Michigan Avenue is platted to be 80-feet wide and is fully developed wide with curb/gutted and sidewalk and horizontal parking on both sides of the street.
- There is a 16-foot alley along the west property line which is partly developed with gravel access to the Empire Fire Station.
- B3. There are no noted adverse impacts in relation to size, shape, location, topography and natural features.
- B4. The City of Coos Bay has an approved "Street Improvement Project" for the 100 Blk of South Wasson Street scheduled to start approximately in late 2019. The Applicant will work with City Staff and local utilities, to coordinate installation/repair of underground utilities. The City project includes required State ADA ramps at Wasson and Michigan.

B5. CBMC 17.330.030 Parking Design Standards

(3) *Materials, Design, and Lighting.*

(a) *Off-street parking facilities shall be surfaced with a durable and dustless surface, shall be graded and drained so as to dispose of surface water to the satisfaction of the public works department and shall be maintained in good condition, free of weeds, dust, trash, and debris.*

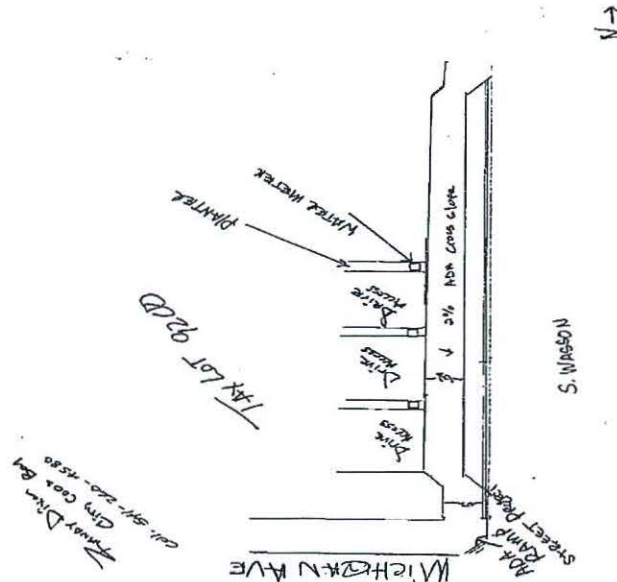
(b) *Except for a single-family or duplex dwelling, groups of more than two parking spaces per lot must:*

(i) *Provide aisles or turnaround areas so that all vehicles may enter the street in a forward manner; and*

(ii) *Serve a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one-way driveways be less than 20 feet and 12 feet, respectively, and arranged so as not to use any part of adjoining public sidewalks, street, or alley rights-of-way, except for ingress and egress.*

B6. Based on the submitted site plan, the access/maneuvering area and parking will be paved. The applicant is requesting a Variance to standard (3)(b)(i) to allow backing out into the right of way of Wasson Street.

B7. Based on the submitted site plan [regarding (3)(b)(ii)] the applicant is proposing a continual curb cut to serve all nine living units. The design will eliminate small curb cuts between access driveway. The City's Operations Administrator, Randy Dixon, discussed both design options with the applicant, and determined that a continual curb cut would be the best option.



DECISION CRITERION C: All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity and design to serve the proposed use either as they exist, or as they may be modified by conditions of approval.

STATEMENTS OF FACT AND FINDINGS:

C1. The City of Coos Bay has an approved "Street Improvement Project" for the 100 Blk of South Wasson Street scheduled to start approximately in late 2019. The Applicant will work with City Staff and local utilities, to coordinate installation/repair of underground utilities. The City project includes required State ADA ramps at Wasson and Michigan.

C2. According to an August 21, 2019 email from Matt Whitty, PE, PLS, Engineering Manager, Coos Bay-North Bend Water Board, Mr. Whitty provided the applicant with a sketch showing the Water Boards proposed configuration for serving the property. The sketch shows three banks of three (3) water meters located between the curb and sidewalk on South Wasson.

He advised the applicant to contact their customer service Department to request water service for the nine houses, to start the process for getting the services installed.

C3. Comments received from the City's Engineering Department on October 1, 2019 drainage and sanitary and storm sewer are as follows:

Drainage: Site must maintain historic drainage conditions. Project will be required to submit a stormwater analysis for review and approval prior to issuance of Building Permits. Site must mitigate for any adverse impacts, and post project flows shall not exceed pre-project levels. Site may be required to detain flows. Drainage from the site cannot adversely affect adjacent neighbors or downstream systems. The project will be required to submit a stormwater analysis for review and approval prior to issuance of Building Permits. This analysis must be prepared by a professional engineer. The Site must maintain historic drainage conditions.

Furthermore, CBMC 18.20 states: "Plans for permanent stormwater management shall be provided for every street improvement and land development proposal that disturb 1,000 square feet or more". Permanent water quality features will be required for this project.

This can include but is not limited to bioswales, rain gardens, porous pavement, etc. Post construction Water Quality measures must be installed onsite and maintained into perpetuity. Applicant must submit for review and approval an inspection and maintenance procedure manual for the permanent water quality features. Once approved, these procedures will be recorded with a Declaration. The City will prepare the Declaration and the owner will be responsible for recording fees. Design and manual for the permanent storm water control do not need to be included with land use applications but will be required prior to issuance of Site Development permit.

Sanitary Sewer: Applicant is proposing to install separate laterals for each unit. Per the document submitted with the application, the applicant is proposing to extend the existing sanitary sewer line to a “As needed” location and installing a new Sanitary Sewer Manhole. City staff will require that the applicant replace the Sewer Mainline adjacent to the subject property to be replaced to accommodate the addition of 9 new sanitary sewer laterals. there will be additional requirements such as: plans & specifications prepared by a licensed engineer and fulltime inspection of the construction for this project by a licensed engineer at the applicant’s expense. The engineer, shall perform all inspections to ensure that utility installations are completed to the City of Coos Bay Municipal Code (CBMC) and standards and in accordance with the approved specifications. And submitted to city for review prior to permit issuance. Sanitary sewer lines shall be designed and installed per CBMC 13.25 & 18.20, & 18.35.

Portions of the downstream Sanitary Sewer system, in which the project is tying into, has been identified in the City’s Sewer Master Plan as being deficient. To allow a connection to the system the applicant can provide a “payment in lieu”. The payment will be based on the Equivalent Dwelling Units (EDU’s) methodology already established in the 2006 City report titled, Wastewater Collection and Storm Drainage System Development Charge Study. The cost per EDU is \$6,647 plus a technology fee of 5% of the total cost of the EDU charge amount. Submit for approval calculation of equivalent dwelling units (EDU) for review and approval. Calculation must be based on methodology already established in the 2006 City report titled, “Wastewater Collection and Storm Drainage System Development Charge Study” and must be prepared by a licensed engineer. The payment in lieu shall be due prior to issuance of building permit Should applicant not agree with the approved methodology for calculating EDUs, the applicant can follow the appeal process that is also located in the study.

- C4. The City of Coos Bay does not have jurisdiction over the utilities listed below, but it is the applicant’s responsibility to ensure compliance with the utilities that apply to the proposed development:

*Electricity- Pacific Power
Internet, cable and telephone- Charter Communications
Internet and telephone- Frontier
Natural gas -Northwest Natural
Potable water – Coos Bay North Bend Water Board*

DECISION CRITERON D: Any impacts related to building mass, parking, access, traffic, noise, vibration, exhaust and emissions, light, glare, erosion, odor, dust, heat, fire hazards, visibility, and safety are no greater than other uses permitted in the zone, or can be mitigated by imposing reasonable conditions of approval which specifically address the potential impact and are intended to reduce the impact to levels consistent with other uses permitted in the zone.

STATEMENTS OF FACT AND FINDINGS:

- D1. The proposed site plan indicates nine (9) 16 by 60 two-story apartment units will have a 20-foot setback from the property line along South Wasson Street; a 10-foot setback from Michigan Avenue; a 20-foot setback from the alley and a six-foot setback from the abutting property, which is also zoned commercial. The two-story structures will not exceed the maximum height standard of 35-feet. The proposed site plan indicates a proposed lot coverage of 54-percent and the development standards for the Commercial zone allows 75-percent lot coverage.
- D2. Coos Bay Municipal Code Chapter 17.330.030 Parking design standards, requires the following:

(4) All uses, except for single-family dwellings and duplexes, required to provide off-street vehicle parking shall provide bicycle parking consistent with the standards in Table 17.330.030.

Multifamily Residential, required one space per dwelling unit and must meet the following standards:

(a) Bicycle parking space may be located within garage, storage shed, basement, utility room or similar area.

(b) Bicycle Parking Location. Bicycle parking shall be located in lighted, secure locations within 50 feet of the main entrance to a building, but not further from the entrance than the closest general-purpose automobile parking space. Where a building has multiple entrances, required bicycle parking shall be no farther than 50 feet from an entrance. Bicycle parking shall be located and designed so as to not impede or create a hazard to pedestrians (at least 36 inches between bicycles and other obstructions or buildings).

The applicant indicated in an email dated September 30, 2019, that one bicycle space will be provided in each of the nine (9) garages.

- D3. CBMC 17.330.030 Parking Design Standards

(3) Materials, Design, and Lighting.

(a) Off-street parking facilities shall be surfaced with a durable and dustless surface, shall be graded and drained so as to dispose of surface water to the satisfaction of the public works department and shall be maintained in good condition, free of weeds, dust, trash, and debris.

(b) Except for a single-family or duplex dwelling, groups of more than two parking spaces per lot must:

(i) Provide aisles or turnaround areas so that all vehicles may enter the street in a forward manner; and

(ii) Serve a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and

permanently marked and defined.

In no case shall two-way and one-way driveways be less than 20 feet and 12 feet, respectively, and arranged so as not to use any part of adjoining public sidewalks, street, or alley rights-of-way, except for ingress and egress.

- D4. Based on the submitted site plan, the access/maneuvering area and parking will be paved. The applicant is requesting a Variance to standard (3)(b)(i) to allow backing out into the right of way of Wasson Street.
- D5. Based on the submitted site plan [regarding (3)(b)(ii)] the applicant is proposing a continual curb cut to serve all nine living units. The design will eliminate small curb cuts between access driveway. The City's Operations Administrator, Randy Dixon, discussed both design options with the applicant, and determined that a continual curb cut would be the best option.
- D6. The property is located on the northwest corner of South Wasson Street and Michigan Avenue. Access is proposed from South Wasson Street which is platted 80-feet wide and is fully developed with curb/gutter and sidewalks on both sides. Diagonal parking is permitted on both sides of the street.
- Michigan Avenue is platted to be 80-feet wide and is fully developed wide with curb/guttered and sidewalk and horizontal parking on both sides of the street.
- There is a 16-foot alley along the west property line which is partly developed with gravel access to the Empire Fire Station.
- D7. Based on the proposed development of a nine (9) unit apartment complex, staff found impacts related to noise, vibration, exhaust and emissions, light, glare, erosion, odor, dust, heat, fire hazards, visibility, and safety are no greater than other uses permitted in the zone. Those used include general retail, building and construction sales, tourist habitation, office building, eating/drinking establishments, medical and educational service, community recreation automotive repair/service/sales, veterinary services.

CONCLUSION: Based on the related facts and findings, staff findings that the proposed use complies with the applicable requirements of the zone and that the site size, dimensions, location, topography, and access are suitable to accommodate the proposed use. Staff found no evidence of potential adverse impacts considering size, shape, location, topography and natural features and that the required public facilities have adequate capacity and design to serve the proposed use either as they exist, or as they may be modified by conditions of approval. Finally, staff finds that impacts related to building mass, parking, noise, vibration, exhaust and emissions, light, glare, erosion, odor, dust, heat, fire hazards, visibility, and safety are no greater than other uses permitted in the zone.

Therefore, approval of the application can be supported, subject to the following Conditions:

1. Lots 14-17, Block 33, First Addition to Empire), consisting of four 40' by 100' lots must be consolidated, prior to issuance of building permits.

2. Variance must be approved to CBMC 17.330.030 Parking Design Standard (3)(b)(i) to allow backing out into the right of way of Wasson Street.
3. Site must mitigate for any adverse impacts, and post project flows shall not exceed pre-project levels. Drainage from the site cannot adversely affect adjacent neighbors or downstream system.
4. City staff will require that the applicant replace the Sewer Mainline adjacent to the subject property to be replaced to accommodate the addition of 9 new sanitary sewer laterals. there will be additional requirements such as: plans & specifications prepared by a licensed engineer and fulltime inspection of the construction for this project by a licensed engineer at the applicant's expense. The engineer, shall perform all inspections to ensure that utility installations are completed to the City of Coos Bay Municipal Code (CBMC) and standards and in accordance with the approved specifications. And submitted to city for review prior to permit issuance. Sanitary sewer lines shall be designed and installed per CBMC 13.25 & 18.20, & 18.35.
5. Portions of the downstream Sanitary Sewer system, in which the project is tying into, has been identified in the City's Sewer Master Plan as being deficient. To allow a connection to the system the applicant can provide a "payment in lieu". The payment will be based on the Equivalent Dwelling Units (EDU's) methodology already established in the 2006 City report titled, Wastewater Collection and Storm Drainage System Development Charge Study. The cost per EDU is \$6,647 plus a technology fee of 5% of the total cost of the EDU charge amount. Submit for approval calculation of equivalent dwelling units (EDU) for review and approval. Calculation must be based on methodology already established in the 2006 City report titled, "Wastewater Collection and Storm Drainage System Development Charge Study" and must be prepared by a licensed engineer. The payment in lieu shall be due prior to issuance of building permit. Should applicant not agree with the approved methodology for calculating EDUs, the applicant can follow the appeal process that is also located in the study.

vi. **PART II –SITE PLAN REVIEW** (CBMC Chapter 17.365)

The following is a list of the decision criteria applicable to the request. According to Chapter 17.365 of the City of Coos Bay Municipal Code (CBMC) a Site Plan Review request must be supported by the applicable decision criteria. Each criterion is followed by findings or justification statements.

APPROVAL CRITERION A. The proposed use is permitted within the district in which it is located.

STATEMENTS OF FACT AND FINDINGS:

- A1. The subject property is zoned Commercial (C). Coos Bay Municipal Code Chapter 17.230 list “Medium density residential” as a conditionally permitted use.
- A2. The property contains 16,000 square feet. CBMC 17.230.030 (3)(a) Development Standards indicates “*Residential/Commercial. All residential or mixed residential/commercial areas shall provide a minimum of eight residential units per net acre and a maximum of 24 residential units per net acre*”. Based on this standard, a maximum of nine apartment units can be placed on the property.

APPROVAL CRITERION B. The proposal meets the lot, yard, building, height and other dimensional requirements of the district within which it is located.

STATEMENTS OF FACT AND FINDINGS:

- B1. Per CBMC 17.230.030 (3)(b)(iii)(iv) Lot Standards. The maximum building height shall exclude unique architectural features such as steeples, chimneys, flagpoles, electronic aerials, and cupolas and there shall be no setback restrictions in the commercial zone other than those imposed by the building code, except where the property abuts low density residential (LDR-6) zone district, unless otherwise noted.

Table 17.230.030 – Lot Standards

Standard	Commercial	Mixed	Single/Multifamily	
			Attached	Detached
Maximum lot coverage	85%	85%	75%	65%
Maximum height	35 feet	35 feet	35 feet	35 feet
Minimum front setback	0 feet	10 feet	10 feet	10 feet
Min. garage setback	20 feet	20 feet	20 feet	20 feet

Table 17.230.030 – Lot Standards

Standard	Commercial	Mixed	Single/Multifamily	
			Attached	Detached
from public street				
Minimum garage setback from alley	20 feet	20 feet	20 feet	20 feet
Minimum side setback	0 feet or 10 feet abutting single-family zones	0 feet or 10 feet abutting single-family zones	0 feet attached, 5 feet nonattached	5 feet
Minimum street side setback	0 feet	0 feet	10 feet	10 feet
Minimum rear setback	0 feet or 10 feet abutting single-family zones	10 feet	10 feet	10 feet

- B2. The proposed site plan indicates nine (9) 16 by 60 two-story apartment units will have a 20-foot setback from the property line along South Wasson Street; a 10-foot setback from Michigan Avenue; a 20-foot setback from the alley and a six-foot setback from the abutting property, which is also zoned commercial; The two-story structures will not exceed the maximum height standard of 35-feet; Therefore, the site plan complies with the required setbacks.
- B3. The proposed site plan indicates a proposed lot coverage of 54-percent and the development standards for the Commercial zone allows 75-percent lot coverage.
- B4. The property contains 16,000 square feet. CBMC 17.230.030 (3)(a) Development Standards indicates *“Residential/Commercial. All residential or mixed residential/commercial areas shall provide a minimum of eight residential units per net acre and a maximum of 24 residential units per net acre”*. Based on this standard, a maximum of nine apartment units can be placed on the property. The lots will be consolidated, prior to issuance of building permits.

APPROVAL CRITERION C. The proposal meets the screening, buffering and landscape strip requirements, as set forth in Supplemental Development Standards (CBMC 17.335).

STATEMENTS OF FACT AND FINDINGS:

- C1. CBMC 17.362.020 Height of fences and hedges. 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. 17.335.030 Solid waste.

The applicant submittal indicates that a 6-foot wood fence will be installed in the backyards individually for privacy.

- C2. CBMC 17.362.030 Solid waste requires refuse containers 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.

According to the applicant, a separate trash can will be provided to each dwelling unit that can be stored in the garage.

- C3. CBMC 17.362.040 Lighting notes lights will not cast glare into the residential zone. They do not rotate, glitter or flash. They will not conflict with traffic signs or control signals and the lights shall not cause more than one foot-candle measured at any property line.

According to the applicant, porch lights will be provided at each dwelling's front and rear entrance. The lighting will be hooded and verified to comply with the standard.

- C4. CBMC 17.362.050 Noise limits noise from the property. The project will be conditioned to comply with the City's noise standards, during construction and while in operation.

Applicant will comply.

- C5. CBMC 17.230.030 Development standards.
(1) New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Table 17.230.030. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title.

(2) Landscaping.

(a) In commercial and mixed-use zoning districts, not less than 15 percent of the total lot area shall be landscaped. Pedestrian plazas, sidewalks over the minimum width and other pedestrian amenities may be used to meet the required landscaping at a one-to-one ratio.

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

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

CBMC 17.335.060 Landscaping also specifies landscaping requirements for the proposed development.

1. Fifteen percent of the site must be landscaped.
2. Flexible and aesthetic compatibility with the existing site is required for landscaping.
3. Whenever possible the existing landscape will be preserved and when necessary, due to construction disturbance, replaced with new landscape material of equal character.
4. As a condition of approval for a conditional use or PUD, the city may require an applicant to provide landscaping and screening that differs from the standards in this section where necessary to comply with the other applicable approval standards for the use or development.
5. Landscaped areas required for stormwater management purposes may be used to satisfy the landscaping area requirements of this chapter, even though those areas may be inundated by surface water.
6. Landscaping and screening shall be located on the perimeter of a lot or parcel 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. A minimum five-foot-wide landscaped strip shall be provided where vehicle parking or loading adjoins a public road right-of-way. Parking areas that contain at least seven spaces are required to provide landscaping islands throughout the development. A landscape island shall contain at least 25 square feet, shall be at least four feet wide, and shall prevent vehicles from damaging trees, by using a wheel stop or curb.
7. Parking and loading areas shall be landscaped with a minimum five-foot-wide landscaped strip shall be provided where vehicle parking or loading adjoins a public road right-of-way. The parking areas that contain at least seven spaces are required to provide landscaping islands throughout the development. A landscape island shall contain at least 25 square feet, shall be at least four feet wide, and shall prevent vehicles from damaging trees, by using a wheel stop or curb.
8. The applicant shall install required landscaping and screening consistent with the approved site plan or development, or an approved modification thereto, before

the city issues an occupancy permit or final inspection for the development in question; provided, the city may defer installation of plant materials for up to six months after the city issues an occupancy permit or final inspection for the development in question if doing so increases the likely survival of plants.

9. All required ground cover plants and shrubs must be of sufficient size and number to meet the required standards within three years of planting. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for living ground cover plants, lawn or approved flowers.
10. Shrubs shall a minimum of two-gallon containers or equivalent burlap balls, with a minimum spread of three inches.
11. Trees shall be measured from the ground level at final planting to the top of the tree. 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. 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. Required evergreen trees other than street trees) shall be fully branched and a minimum of six feet high at the time of planting. The review authority may reduce the minimum size of trees (other than street trees) if the applicant submits a written statement by a landscape architect registered in Oregon or expert in the growing of the tree(s) in question certifies that the reduction in size at planting will not decrease the likelihood the trees will survive.
12. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance. Landscaping materials shall be selected in accordance with a list of plant materials adopted by reference as the Sunset Western Garden Book.
13. Plant materials shall be installed to current nursery industry standards and 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.

14. Maintenance of landscaped areas is the ongoing responsibility of the property owner.

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

15. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering.

According to the applicant, the landscape plans have not been finalized at this time, because the landscaping will be designed after the determination of allowed dwelling units (8 or 9). The applicant is proposing a xeriscape type design in between the driveways, grass with some trees on the front corners and along Michigan, and some grass in the back yards with some xeriscape type planter areas. Xeriscaping is the process of landscaping that reduces or eliminates the need for supplemental water from irrigation. As a Condition of approval, compliance with the landscape standard will be reviewed and verified.

As outlined in (4) above, the city may require an applicant to provide landscaping and screening that differs from the standards in this section where necessary to comply with the other applicable approval standards for the use or development.

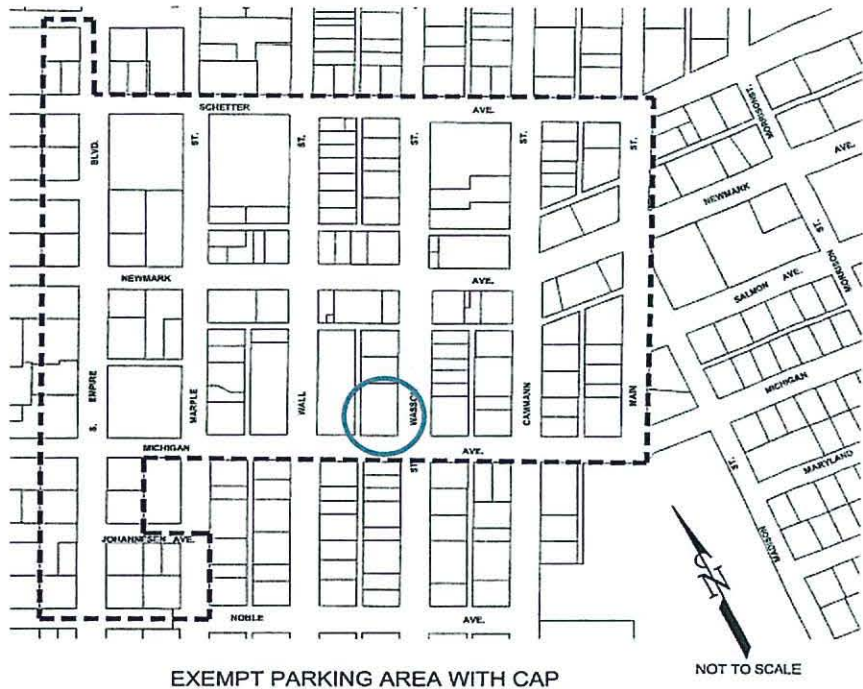
APPROVAL CRITERION D. Minimum parking and loading space requirements are met, as required by Off-Street Parking and Loading Requirements (CBMC 17.330).

STATEMENTS OF FACT AND FINDINGS:

- D1. The off-street parking requirement of Coos Bay Municipal Code, Chapter 17.330.010 (1) General Park Requirements, indicates that 1.5 spaces is required for each multiple-residential dwelling unit.

The proposed development of nine (9) living units are providing one off-street parking space in the attached single-car garage and one-space in the driveway.

- D2. Coos Bay Municipal Code Chapter 17.330 (2) Exempt Parking, indicates, any use included in the area identified in Figure 17.330.010(C), Exempt Parking Area with Cap, must provide off-street parking for the number of spaces required in Table 17.330.010(A), Off-Street Parking Requirements, in excess of 25 spaces.



D3. Coos Bay Municipal Code Chapter 17.330.030 Parking design standards, requires the following:

(1) Size of Parking Space. Each off-street parking space shall not be less than nine feet by 18 feet. Up to 25 percent of all required parking spaces can be used for compact vehicles. These compact spaces shall not be less than eight feet by 16 feet. Each space shall be provided with adequate ingress and egress.

(2) Location. Off-street parking facilities shall be located on site to the extent feasible. Off-site parking shall be no further than 300 feet from the site, measured from the nearest point of the parking facility to the nearest point of the nearest building that the facility is required to serve. Off-site parking shall be primarily employee parking.

According to the applicant's submitted site plan and written documentation, the required off-street parking spaces will be provided and will meet the standards size 9 X 18 area. The off-street parking will be in the attached garage and driveway immediately fronting the living unit. The Off-street parking area will be paved.

- D4. Coos Bay Municipal Code Chapter 17.330.030 Parking design standards, requires the following:

(3) Materials, Design, and Lighting.

(a) Off-street parking facilities shall be surfaced with a durable and dustless surface, shall be graded and drained so as to dispose of surface water to the satisfaction of the public works department and shall be maintained in good condition, free of weeds, dust, trash, and debris.

(b) Except for a single-family or duplex dwelling, groups of more than two parking spaces per lot must:

(i) Provide aisles or turnaround areas so that all vehicles may enter the street in a forward manner;

(ii) Serve a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one-way driveways be less than 20 feet and 12 feet, respectively, and arranged so as not to use any part of adjoining public sidewalks, street, or alley rights-of-way, except for ingress and egress.

(c) Delays – Unimproved Rights-of-Way. Off-street parking and loading for residential and nonresidential uses on existing unpaved streets are allowed a delay from the surfacing requirements prior to the issuance of an occupancy permit. However, the property owner must consent and present a recorded deed restriction or covenant which states that remonstrance against any future street improvement project has been waived and that the required paving will be completed within 12 months after the street is improved.

(e) Lighting used to illuminate off-street parking facilities shall be arranged so as to reflect light away from any adjoining residential area(s).

According to the applicant's submittal, the access/maneuvering area will be paved prior to final inspection. If parking lighting is installed it will be hooded and arranged to reflect light away from adjoining residential areas.

The applicant is requesting a variance to standard (3)(b)(i) to allow backing out into the right of way of South Wasson Street.

The applicant is proposing a continual curb cut to serve all nine living units. This design will eliminate small curb cuts between access driveway. The City's Operations Administrator, Randy Dixon, discussed both design options with the applicant, and determined that a continual curb cut would be the best option

D5. Coos Bay Municipal Code Chapter 17.330.030 Parking design standards, requires the following:

(4) All uses, except for single-family dwellings and duplexes, required to provide off-street vehicle parking shall provide bicycle parking consistent with the standards in Table 17.330.030.

Multifamily Residential, required one space per dwelling unit and must meet the following standards:

(a) Bicycle parking space may be located within garage, storage shed, basement, utility room or similar area.

(b) Bicycle Parking Location. Bicycle parking shall be located in lighted, secure locations within 50 feet of the main entrance to a building, but not further from the entrance than the closest general-purpose automobile parking space. Where a building has multiple entrances, required bicycle parking shall be no farther than 50 feet from an entrance. Bicycle parking shall be located and designed so as to not impede or create a hazard to pedestrians (at least 36 inches between bicycles and other obstructions or buildings).

The applicant indicated in an email dated September 30, 2019, that one bicycle rack will be provided in each of the nine garages.

APPROVAL CRITERION E. Improvement requirements are provided in accordance with the applicable sections of the Coos Bay development code.

STATEMENTS OF FACT AND FINDINGS:

E1. Related to the State or Oregon Specialty Code:

Comments provided on October 1, 2019 via email from Coos Bay Building Official, Mike Smith, indicated the following:

The construction of a nine-unit apartment complex, shall be in compliance with all the current Oregon Specialty Codes (building, energy, mechanical, plumbing and electrical) as adopted by the State of Oregon. This will include one-hour fire wall separations between each living unit and internal fire sprinkler systems.

E2. Related to the Oregon Fire Code:

Fire Chief, Mark Anderson, provided review comments via email on October 1, 2019 include the following.

Based on the provided material, it appears that the structure (all townhomes with shared walls) is approximately 162 x 60. Multiply that by the number of floors (2) for a square footage of nearly 20,000 square feet. The construction type was not reported, but it looks like a fire flow of 3,750 GPM would be required.

E3. Related to Title 18, Engineering Design Standards.

See Approval Criterion G and H for complete details.

APPROVAL CRITERION F. All conditions of any applicable previous approvals, e.g. conditional use, have been met.

STATEMENTS OF FACT AND FINDINGS:

F1 There are no previous conditional uses or any other land use approval.

APPROVAL CRITERION G. Development subject to site plan review has provided underground public and private utility lines including but not limited to those for electricity and communication.

STATEMENTS OF FACT AND FINDINGS:

G1. According to an August 21, 2019 email from Matt Whitty, PE, PLS, Engineering Manager, Coos Bay-North Bend Water Board, the water main is located on Wasson Street on the project side of the street. Nine (9) individual services and a landscape service will be brought into the property.

Mr. Whitty provided the applicant with a sketch showing the Water Boards proposed configuration for serving the property. The sketch shows three banks of three (3) water meters located between the curb and sidewalk on South Wasson.

He informed the applicant to contact their customer service Department to request water service for the nine houses, to start the process for getting the services installed.

- G2. The City of Coos Bay does not have jurisdiction over the utilities listed below, but it is the applicant's responsibility to ensure compliance with the utilities that apply to the proposed development:

*Electricity- Pacific Power
Internet, cable and telephone- Charter Communications
Internet and telephone- Frontier
Natural gas -Northwest Natural
Potable water – Coos Bay North Bend Water Board*

APPROVAL CRITERION H. Public water, sewer and stormwater lines have been installed in conformance with the standards of the city code. Public water, sewer and stormwater lines within or along the frontage of a development have been extended to the extreme property lines of that development unless it can be demonstrated to the public works department that such extensions are impractical or infeasible or inappropriate.

STATEMENTS OF FACT AND FINDINGS:

- H1. The Coos Bay Engineering Division provided the following comments on October 1, 2019:

Site Development: *Project narrative or plans do not specify if it is the intention of the applicant to place fill on the site. However, if fill is to be placed then the fill material and methods of installation shall be constructed per all requirements as described in Coos Bay Municipal Code (CBMC) 18.30: Site Grading and Erosion Control. If fill material is placed within the footprint of future structures then the applicant may be required to submit a geotechnical report, per CBMC 18.30.30 Grading and Fill Requirements which states that "A report prepared by an Oregon licensed geotechnical engineer, or (depending on the nature of the project) a certified engineering geologist is required when fills in excess of 12 inches are planned within future building areas. The specified fill material shall be placed and compacted in accordance with the recommendations of the report. Any required testing shall be as recommended in the report". This report is required prior to any structural permit issuance.*

Drainage: Site must maintain historic drainage conditions. Project will be required to submit a stormwater analysis for review and approval prior to issuance of Building Permits. Site must mitigate for any adverse impacts, and post project flows shall not exceed pre-project levels. Site may be required to detain flows. Drainage from the site cannot adversely affect adjacent neighbors or downstream systems.

Project will be required to submit a stormwater analysis for review and approval prior to issuance of Building Permits. This support must be prepared by a professional engineer.

Site must maintain historic drainage conditions. Site must mitigate for any adverse impacts, and post project flows shall not exceed pre-project levels. Drainage from the site cannot adversely affect adjacent neighbors or downstream system.

Furthermore, CBMC 18.20 states: "Plans for permanent stormwater management shall be provided for every street improvement and land development proposal that disturb 1,000 square feet or more". Permanent water quality features will be required for this project. This can include but is not limited to bioswales, rain gardens, porous pavement, etc. Post construction Water Quality measures must be installed onsite and maintained into perpetuity. Applicant must submit for review and approval an inspection and maintenance procedure manual for the permanent water quality features. Once approved, these procedures will be recorded with a Declaration. The City will prepare the Declaration and the owner will be responsible for recording fees. Design and manual for the permanent storm water control do not need to be included with land use applications but will be required prior to issuance of Site Development permit.

Sanitary Sewer: Applicant is proposing to install separate laterals for each unit. Per the document submitted with the application, the applicant is proposing to extend the existing sanitary sewer line to a "As needed" location and installing a new Sanitary Sewer Manhole. City staff will require that the applicant replace the Sewer Mainline adjacent to the subject property to accommodate the addition of 9 new sanitary sewer laterals. there will be additional requirements such as: plans & specifications prepared by a licensed engineer and fulltime inspection of the construction for this project by a licensed engineer at the applicant's expense. The engineer, shall perform all inspections to ensure that utility installations are completed to the City of Coos Bay Municipal Code (CBMC) and standards and in accordance with the approved specifications and submitted to city for review prior to permit issuance. Sanitary sewer lines shall be designed and installed per CBMC 13.25 & 18.20, & 18.35.

Portions of the downstream Sanitary Sewer system, in which the project is tying into, has been identified in the City's Sewer Master Plan as being deficient. To allow a connection to the system the applicant can provide a "payment in lieu". The payment will be based on the Equivalent Dwelling Units (EDU's) methodology already established in the 2006 City report titled, Wastewater Collection and Storm Drainage System Development Charge Study. The cost per EDU is \$6,647 plus a technology fee of 5% of the total cost of the EDU charge amount. Submit for approval calculation of equivalent dwelling units (EDU) for review and approval. Calculation must be based on methodology already established in the 2006 City report titled, "Wastewater Collection and Storm Drainage System Development Charge Study" and must be prepared by a licensed engineer. The payment in lieu shall be due prior to issuance of building permit. Should applicant not agree with the approved methodology for calculating EDUs, the applicant can follow the appeal process that is also located in the study.

APPROVAL CRITERION I. Proposed phasing plans do not exceed six years and all required public infrastructure is installed in the first phase of the development.

STATEMENTS OF FACT AND FINDINGS:

11. Phasing plan is not proposed for the development.

CONCLUSION: The proposed use is permitted in the zone and dimensional requirements. The compliance with the screening, buffering and landscape requirements will be determined at the time building plans are submitted. The proposal complies with all other "Supplemental Development Standards". The minimum off-parking has been met, parking and underground utilities and site development has been addressed and there is no phasing; Therefore, approval can be support, subject to the following Conditions:

1. Compliance with CBMC 17.362.040 Lighting is required and will be verified at the time building permits are submitted.
2. Compliance with CBMC 17.230.030 Development Standards and CMBC 17.335.060 Landscaping is required and will be verified upon submittal of construction plans.

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.

3. Compliance with CBMC 17.362.040 Lighting will be verified at the time construction plans are submitted.
4. Compliance with CBMC 17.362.050 Noise is required during construction. Upon Final Inspection and occupancy of the dwelling units, continued compliance with the noise ordinance will be required.
5. A variance to standard (3)(b)(i) must be approved to allow backing out into the right of way of South Wasson Street.
6. Compliance with Building and Fire Code Standards will be verified at the time construction plan are submitted. This includes, but is not limited to minimum fire hydrant flow, one-hour fire separations and internal sprinkler systems in each unit.
7. If fill material is greater than 12 inches placed within the footprint of future structures then the applicant will be required to submit a geotechnical report prior to building permit issuance.
8. Site must employ Permanent water quality features. Applicant will be required to submit for review and approval an inspection and maintenance procedure manual for the permanent water quality features for storm water as well as the proposed grease interceptor. Once approved, these procedures will be recorded with a Declaration the owner will be responsible for recording fees. This Operation and Maintenance Manual must be submitted prior to Site Development permit Issuance.
9. Project will be required to submit a stormwater analysis for review and approval prior to issuance of Building Permits. This support must be prepared by a professional engineer. The stormwater analysis must include at a minimum analysis of post construction water quality measures, increased run-off and on-site storm water analysis.
10. Prior to Building Permit issuance applicant to provide engineered plans for the public portions of the sanitary sewer main. Applicant shall also provide third party inspection for the portions of the sanitary sewer main that will be public. The Private lateral connection shall be designed and installed per CBMC 13.25 & 18.20, & 18.35.
11. Submit for approval calculation of equivalent dwelling units (EDU) for review and approval. Calculation must be based on methodology already established in the 2006 City report titled, "Wastewater Collection and Storm Drainage System Development Charge Study" and must be prepared by a licensed engineer. The payment in lieu shall be due prior to issuance of building permit Should applicant not agree with the approved methodology for calculating EDUs, the applicant can follow the appeal process that is also located in the study.

12. It is the responsibility of the applicant to obtain approvals and permits from the regulatory agencies, this can include but not limited to (Department of Environmental Quality, Army Corps of Engineers, Department of State Lands, State Historic Preservation Office, local tribes, etc...)
13. The project design shall substantially adhere to the site and elevation plans presented with the original application except as modified by necessity to address conditions of approval.

vii. PART III – VARIANCE (CBMC 17.372)

The following is a list of the decision criteria applicable to the request. According to Chapter 17.372 of the City of Coos Bay Municipal Code (CBMC) a Variance request must be supported by the applicable decision criteria. Each criterion is followed by findings or justification statements.

The applicant is requesting a Variance to CBMC 17.330.030 Parking Design Standard (3)(b)(i) to allow backing out into the right of way of Wasson Street.

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

STATEMENTS OF FACT AND FINDINGS:

- A1. Due to the size of the property and the City’s requirement to provide eight or more three-bedroom units, the ability to back out into the right of way of South Wasson Street is essential to the proposed development. The requested variance is the minimum necessary to make reasonable use of the property as agreed upon (as outlined in Approval Criterion C1). The need for additional living units is outlined in Approval Criterion “C2”.

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:

- B1. The proposed Variance to allow backing out into the South Wasson Street right of way will not result in violation of any other code standard.

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:

- C1. After the public process of “Request for Proposals” for the subject property, an “Agreement for Disposition of Property for Development” was signed April 17, 2019 between the City of Coos Bay and Tahoe Pacific Capital LLC, which requires a minimum of 8 or more apartments, with three (3) bedrooms, and a garage. The agreement indicates the units must be fiscally responsible affordable workforce housing in the City’s Empire District. The applicant is requesting approval for nine (9), two-story three-bedroom apartment with attached garages and landscaping to maximize the number of housing units available for rental.

- C2. The need for affordable housing is outlined in the 201B "Housing Analysis and Action Plan" for Coos County, Oregon performed by czbLLC, poverty in Coos County, which found that the poverty in Coos County has increased by 21% since 2000.

Households in the \$20,000 - \$34,999 income range might buy a house if it were available, but few to none are available for this income range.

They likely rent and there are a significant number of units available in the \$500 - \$999 per month rental range, the poor quality of these housing units is an issue.

The report also found that the County population is aging while experiencing little to no growth. Since 2010, a net loss of 600 housing units due in part to dwellings being converted vacation homes or vacation rentals. Housing costs (rental and ownership) are outpacing household wage increases by a 2:1 margin (2000 - 2016).

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

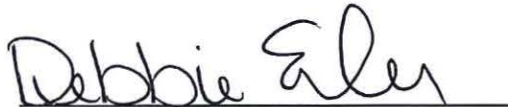
STATEMENTS OF FACT AND FINDINGS:

- D1. One Variance is being requested.

CONCLUSION: The proposed Variance is the minimum necessary to develop the property as outlined in signed agreement. 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. The need for the variance is dictated by the agreement between the City of Coos Bay and the applicant. The decision criterion has been adequately addressed and the request can be supported.

VI. RECOMMENDATION

Based on the applicant's submittal and information provided, as addressed in the Statements of Fact and Findings, Conclusions and Conditions identified in Part I (Conditional Use); Part II (Site Plan Review) and Part III (Variance), approved the requested Variance and approved Land use application #187-19-065 allowing the proposed development, subject to the noted conditions under each section.



DATE MAILED: October 1, 2019

Debbie Erler, Planner 1
Public Works and Community Development

cc: Owner, Applicant,

ATTACHMENTS: A Applicants submittal, including site plans & elevations drawings.



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/19-000065-PLNL**
 Date Received: _____

LAND USE DEVELOPMENT REVIEW APPLICATION

For Office Use Only	
STAFF CONTACT	PROJECT NO(S).

Type of Review (Please check all that apply):

- | | | |
|--|--|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Home Occupation | <input checked="" type="checkbox"/> Subdivision |
| <input type="checkbox"/> Appeal and Review | <input type="checkbox"/> Legislative/Text Amendment | <input type="checkbox"/> Temporary Use |
| <input type="checkbox"/> Architectural Design Review | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Vacation |
| <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Partition | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Estuarine Use/Activities | <input checked="" type="checkbox"/> Site Plan Review | <input type="checkbox"/> Other _____ |

Pre-Application applications require a different application form available on the City website or at City Hall.

Site Location/Address: Northwest Corner of South Wasson Street and Michigan Avenue	Assessor's Map No./Tax Lot(s): TL 9200 (14-17)
	Zoning:
	Total Land Area: 16,000 SF

Detailed Description of Proposal:

~~Construct 9 EA Townhomes~~

Construct a nine (9) units apartment complex. The applicant has decided to submit for development of a apartment complex, disregard all reference to "Townhomes".

Applicant/Owner Name: Tahoe Pacific Capital, LLC <small>(please print)</small>	Phone: (775) 342-8900
Address: 2130 Green Tree Lane	Email: acrutherford24@gmail.com
City State Zip: Reno, NV 89511	

Applicant's Representative: Adam Rutherford <small>(please print)</small>	Phone: (775) 342-8900
Address: 2130 Green Tree Lane	Email: acrutherford24@gmail.com
City State Zip: Reno, NV 89511	

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. Additional information: Date construction is expected to begin; estimated completion date of the total project and of individual segments; and anticipated future development.
5. Type II requires three (3) **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.
6. Type 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.

	9/6/19		9/6/19
Applicant's signature	Date	Owner's signature (required)	Date

PROPOSED DEVELOPMENT AND TIMELINES

The project will consist of nine (9) 3-bedroom apartments, which will each be two story.

We will use vertical fiber cement siding (Hardie Board) and Owens Corning Duration asphalt shingle roof. Our units will have their doors on the left and the garages on the right when looking at it from Wasson Street to push the driveways further away from the Michigan intersection.

Our current time frame is starting construction in the spring of 2020 and finishing in the winter of 2020 or spring/early summer of 2021.

We have not finalized our color scheme but have attached a few of the color options that we are considering. It will be either in the neutral brown/tan family or the neutral gray family of colors.

APPROVAL CRITERIA DESCRIPTION (CBMC 17.130.050)

Standards for Technical Completeness. An application is technically complete if it includes the information required by the CBDC section(s) that apply to the application in question (Approval Criteria). If the CBDC does not list the information a given application is required to contain, then such an application is technically complete if it includes three copies of the following information:

- (a) A completed application form provided by the city for that purpose;

Provided

- (b) The name, mailing address, and telephone number of the owner(s), engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;

*Owner/Official Contact: Tahoe Pacific Capital, LLC
Attn: Adam Rutherford
2130 Green Tree Lane
Reno, NV 89511
(775) 342-8900
Acrutherford24@gmail.com*

*Architect: Building Designs by Stockton
Tim Stockton (503) 320-8064
tim@stocktondesign.com*

Surveyor: Russ Dodge (541) 404-3799

Engineer: TBD

- (c) A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide three copies of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. Principal features of the plan shall be dimensioned;

Site plan was provided and accepted.

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

No easements are planned.

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

Agreement for Disposition of Property for Development between the City of Coos Bay and Tahoe Pacific Capital LLC, on April 17, 2019 which required a minimum of 8 or more apartments, with three (3) bedrooms, and a garage. The proposal is for nine (9) units.

- (f) Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance;

Transfer of ownership from the City of Coos Bay to Tahoe Pacific Capital, LLC has been prepared and is ready for signature.

- (g) A legal description of the site;

Lots 14-17, Block 33 First Addition to Empire

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

An official "Pre-Application Conference" was not conducted.

- (i) A written description of how the application does or can comply with each applicable approval criterion, and basic facts and other substantial evidence that supports the description;

As outlined in the land use applications submitted for review, the proposed development can comply with applicable approval criterion of the required land use applications.

- (j) Applications necessarily associated with the proposal, such as applications for variances to dimensional requirements of the base zone or for modifications to the road standards that are required to approve the proposal;

*Conditional Use
Site Plan Review*

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

BMP's will be installed around the site and at the surrounding drainage inlets.

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

The water main is located on Wasson Street on the project side of the street. Nine (9) individual services and a landscape service will be brought into the property.

The sanitary sewer main is located in the alley behind the proposed complex. Nine (9) individual services will be tied into the existing line and the main will be extended as needed and a manhole will be placed at the new end of the line.

The City of Coos Bay has an approved "Street Improvement Project" for the 100 Blk of South Wasson Street scheduled to start approximately in September 2019. The Applicant will work with City Staff and local utilities, to coordinate installation/repair of underground utilities. The City project includes required State ADA ramps at Wasson and Michigan.

- (m) Other information the director identified during the pre-application conference as being necessary to issuing a decision on the merits.

Not applicable.

CONDITIONAL USE APPROVAL CRITERIA (CBMC 17.347)

Nine, three-bedroom dwelling units, each with an attached garage.

- (a) The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with this title;

The proposed nine (9) unit multiple family development is listed as a "Conditionally Permitted" use in the Commercial (C) zoning district.

Tahoe Pacific Capital entered into a "Disposition and Development Agreement" on April 17, 2019 for the acquisition of the property and the development of the project which indicates the buyer will construct a multi-family housing complex with eight (8) or more apartment, each with three (3) bedrooms and a garage. The agreement indicates the units must be fiscally responsible affordable workforce housing in the City's Empire District.

The need for affordable housing is outlined in the 2018 "Housing Analysis and Action Plan" for Coos County, Oregon performed by czbLLC, poverty in Coos County, which found that the poverty in Coos County has increased by 21% since 2000. Households in the \$20,000 - \$34,999 income range might buy a house if it were available, but few to none are available for this income range. They likely rent and there are a significant number of units available in the \$500 - \$999 per month rental range, the poor quality of these housing units is an issue.

The report also found that the County population is aging while experiencing little to no growth. Since 2010, a net loss of 600 housing units (only +/-700 new units built and +/-1300 units converted to "seasonal" [Air BnB or VRBO (?)] or "vacant" [second home (?)] units). Housing costs (rental and ownership) are outpacing household wage increases by a 2:1 margin (2000 - 2016).

- (b) The site size, dimensions, location, topography, and access characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features;

The property (Lots 14-17, Block 33, First Addition to Empire), consists of four 40' by 100' lots, that are relatively flat with street frontage off South Wasson Street (platted 80-foot wide) and Michigan Avenue (platted 80-foot wide), with an alley along the west property line that is platted 16-foot wide. The lots will be consolidated.

South Wasson Street currently developed approximately 80-feet with curb/gutter, landscape strip and sidewalks on both sides.

Michigan Avenue currently developed 80-feet with curb/gutter, landscape strip and sidewalks on both sides.

Alley – partly developed with gravel access to the Empire Fire Station.

There are no noted adverse impacts in relation to size, shape, location, topography and natural features.

- (c) All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity and design to serve the proposed use either as they exist, or as they may be modified by conditions of approval;

The Coos Bay/North Bend Water Board confirmed in an email dated August 21, 2019 that water service can be provided in three banks of 3 water meters located between the curb and sidewalk on South Wasson.

Northwest Natural Gas will provide service to the proposed development.

Pacific Power will provide power service.

The City of Coos Bay has an approved "Street Improvement Project" for the 100 Blk of South Wasson Street scheduled to start approximately in September 2019. The Applicant will work with City Staff and local utilities, to coordinate installation/repair of underground utilities. The City project includes required State ADA ramps at Wasson and Michigan.

- (d) Any impacts related to building mass, parking, access, traffic, noise, vibration, exhaust and emissions, light, glare, erosion, odor, dust, heat, fire hazards, visibility, and safety are no greater than other uses permitted in the zone, or can be mitigated by imposing reasonable conditions of approval which specifically address the potential impact and are intended to reduce the impact to levels consistent with other uses permitted in the zone.

The proposed two-story structure will meet the required setbacks, lot coverage and building height standards of the Commercial zone.

1.5 off-street parking spaces are required for each multiple-family unit (CBMC 17.330.010). Two Off-street parking spaces will be provided for each unit (one in the garage and one in the driveway). Access will be off South Wasson Street. We have discussed with the City, that one continuous curb will be provided, instead of nine individual curbs.

There are no foreseeable impacts with the proposed use related to erosion, odor, dust, heat, fire hazards, visibility and safety; Therefore, mitigating conditions of approval are not necessary.

SITE PLAN REVIEW APPROVAL CRITERIA (CBMC 17.365)

Nine, three-bedroom dwelling units, each with an attached garage.

- (a) The proposed use is permitted within the district in which it is located;
Medium-density residential is a Conditionally Permitted Use in the Commercial (C). A Conditional Use is included in the applicant's submittal.
- (b) The proposal meets the lot, yard, building height and other dimensional requirements of the district within which it is located;
The submitted site plan shows compliance with the lot coverage, setbacks, building height requirements of the Commercial zoning district.
- (c) The proposal meets the screening, buffering and landscape strip requirements, as set forth in Chapter 17.335 CBDC, Supplementary Development Standards;
We are proposing a 6-foot wood fence will be installed in the backyards individually for privacy.

Landscape plans have not been finalized at this time, because the landscaping will be designed after the determination of allowed dwelling units (8 or 9). We plan a xeriscape type design in between the driveways, grass with some trees on the front corners and along Michigan, and some grass in the back yards with some xeriscape type planter areas. Xeriscaping is the process of landscaping that reduces or eliminates the need for supplemental water from irrigation.
- (d) Minimum parking and loading space requirements are met, as required by Chapter 17.330 CBDC, Off-Street Parking and Loading Requirements;
The proposed use is nine (9) dwelling units (Multiple-Residential). Per CBMC Chapter 17.330 1.5 off-street parking spaces are required for each living unit. The proposed development provides two off-street parking spaces per dwelling unit.
- (e) Improvement requirements are provided in accordance with the applicable sections of the Coos Bay development code;

Yes
- (f) All conditions of any applicable previous approvals, e.g., conditional use, have been met;
There are no prior conditional uses. The applicant has entered into a development agreement with City of Coos Bay for multiple residential units.

- (g) Development subject to site plan review has provided underground public and private utility lines, including but not limited to those for electricity and communication;

The City of Coos Bay has an approved "Street Improvement Project" for the 100 Blk of South Wasson Street scheduled to start approximately in September 2019. We will work with City Staff and local utilities to coordinate installation of underground utilities. The City project includes required State ADA ramps at Wasson and Michigan.

- (h) Public water, sewer and stormwater lines have been installed in conformance with the standards of the city code. Public water, sewer and stormwater lines within or along the frontage of a development have been extended to the extreme property lines of that development unless it can be demonstrated to the public works department that such extensions are impractical or infeasible or inappropriate; and

The Coos Bay/North Bend Water Board confirmed in an email dated August 21, 2019 that water service can be provided in three banks of 3 water meters located between the curb and sidewalk on South Wasson.

Northwest Natural Gas will provide service to the proposed development.

Pacific Power will provide power service.

The City of Coos Bay has an approved "Street Improvement Project" for the 100 Blk of South Wasson Street scheduled to start approximately in September 2019. We will work with City Staff and local utilities to coordinate installation of underground utilities. The City project includes required State ADA ramps at Wasson and Michigan.

- (i) Proposed phasing plans do not exceed six years and all required public infrastructure is installed in the first phase of the development.

Phasing is not proposed.

VARIANCE (CBMC 17.372)

Variance to the Off-Street Parking and Loading Requirements of CBMC Chapter 17.330.030 Parking design standards (3)(b)(i) to allow vehicles to back out in to the street.

- (1) **The variance is the minimum variance necessary to make reasonable use of the property.**

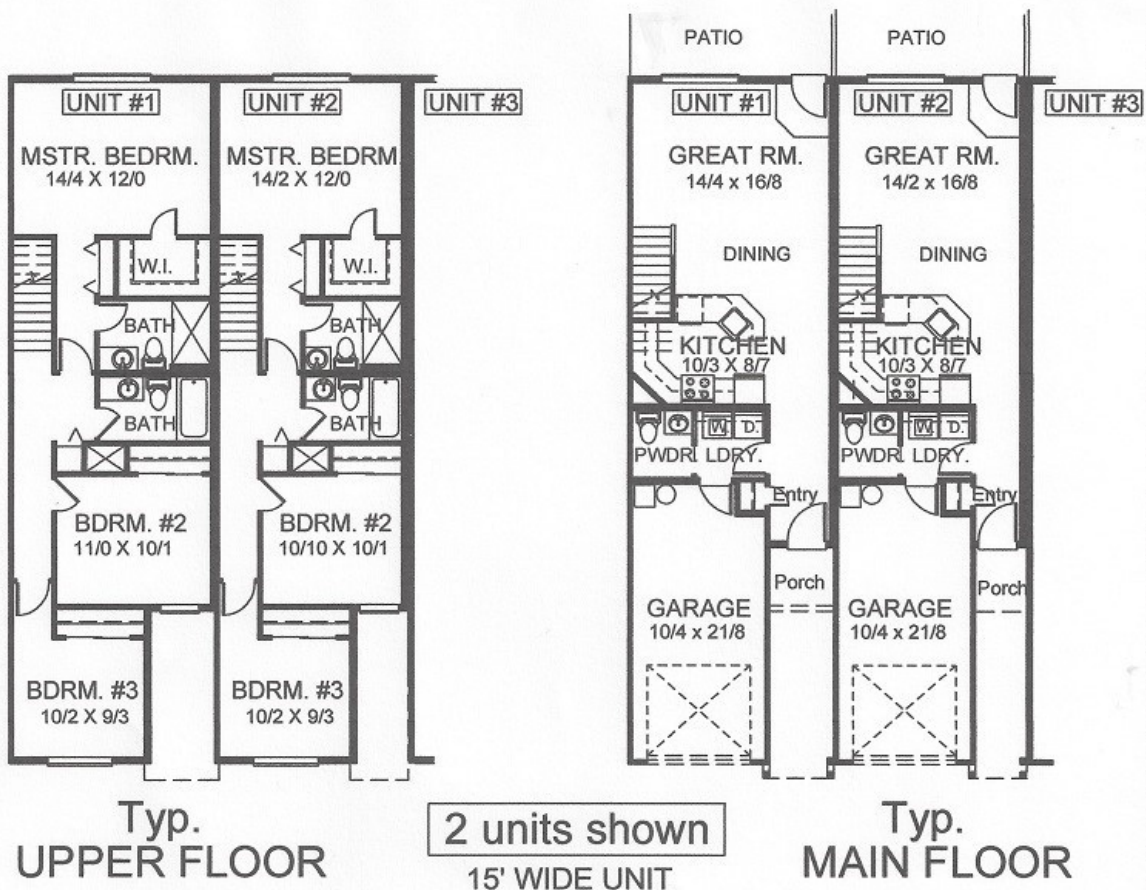
The variance is the minimum necessary to make reasonable use of the property. The scope of the project (minimum 8-units) and the size of the property necessitates the a continuous curb.
- (2) **The variance will not result in violation(s) of any other code standard, and the variance will meet the purposes of the regulation being modified.**
- (3) **The need for the variance was not created by the applicant and/or owner requesting the variance.**

Due to the size of the property and in order to meet the density required by the scope of project (minimum 8-units), and to eliminate multiple min-curbs along South Wasson right of way, a continuous curb is being requested.
- (4) **If more than one variance is requested, the cumulative effect of the variances results in a project that is consistent with the overall purpose of the zone.**

Only one variance is being requested.



8 UNIT BLDG.

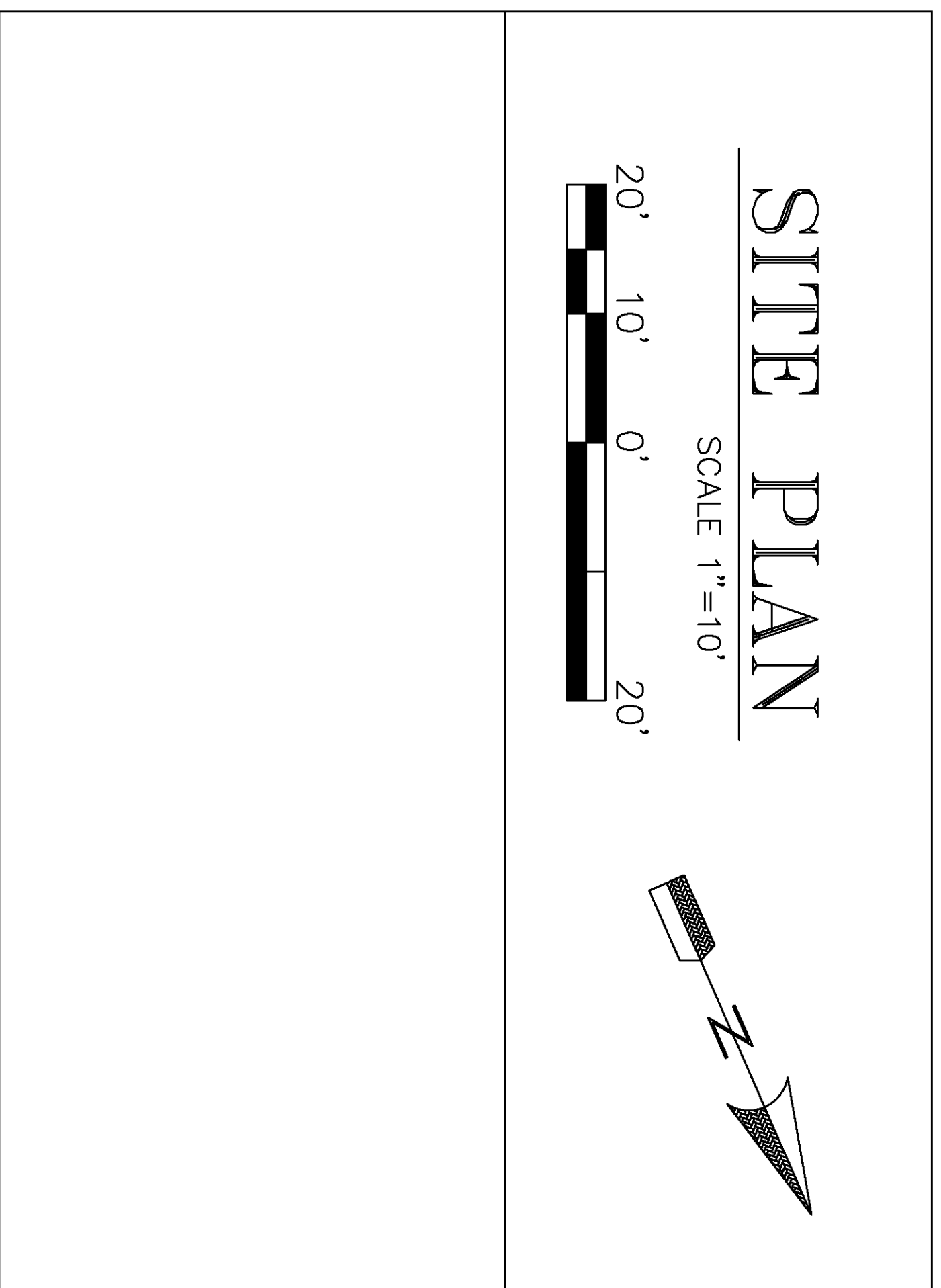
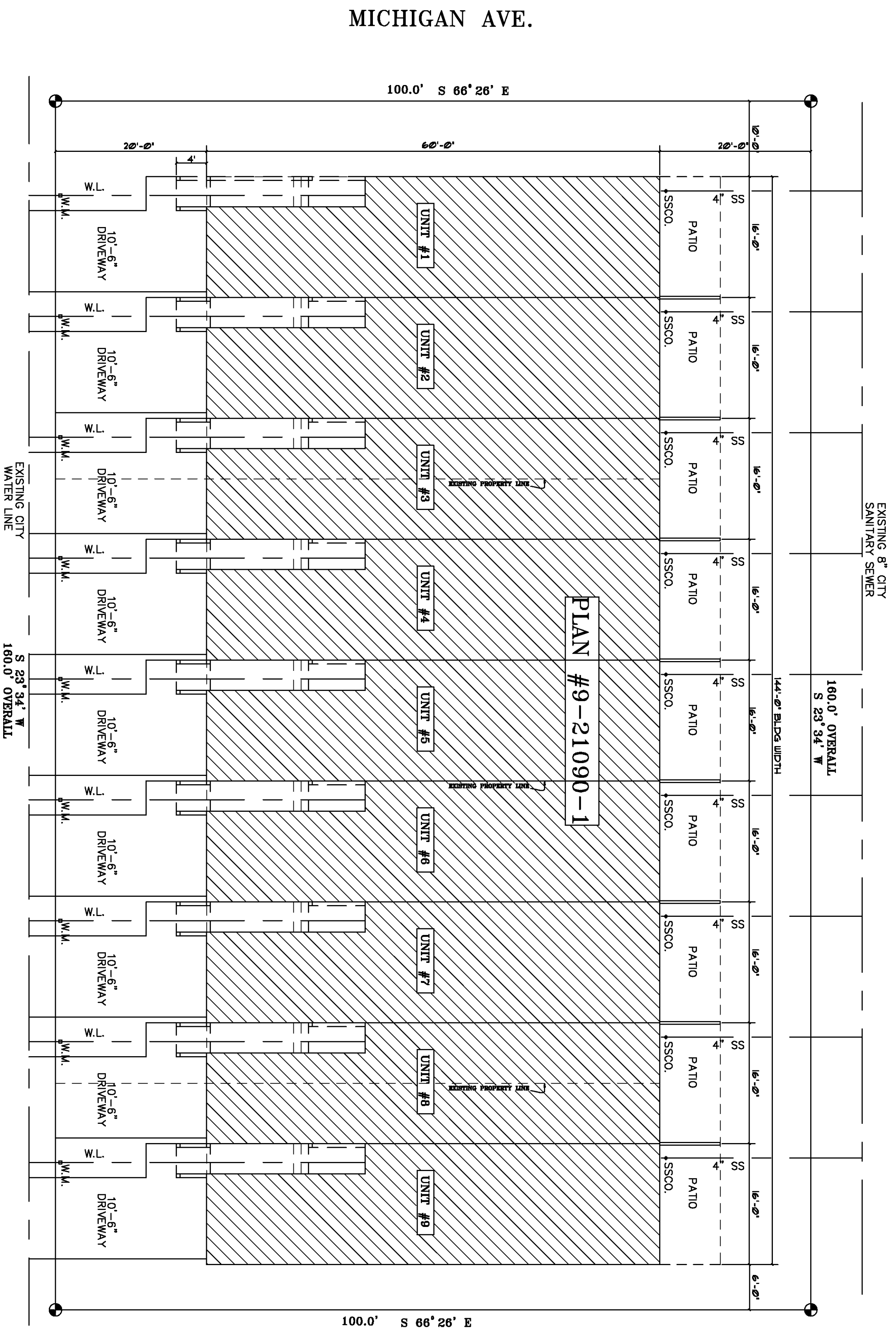


Bldg. Width = 120'-0"
 Depth = 51'-0"
 (Includes Porches)
 Total Sq. Ft. = 1,241/unit
 4 Unit Bldg.)

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8-21090

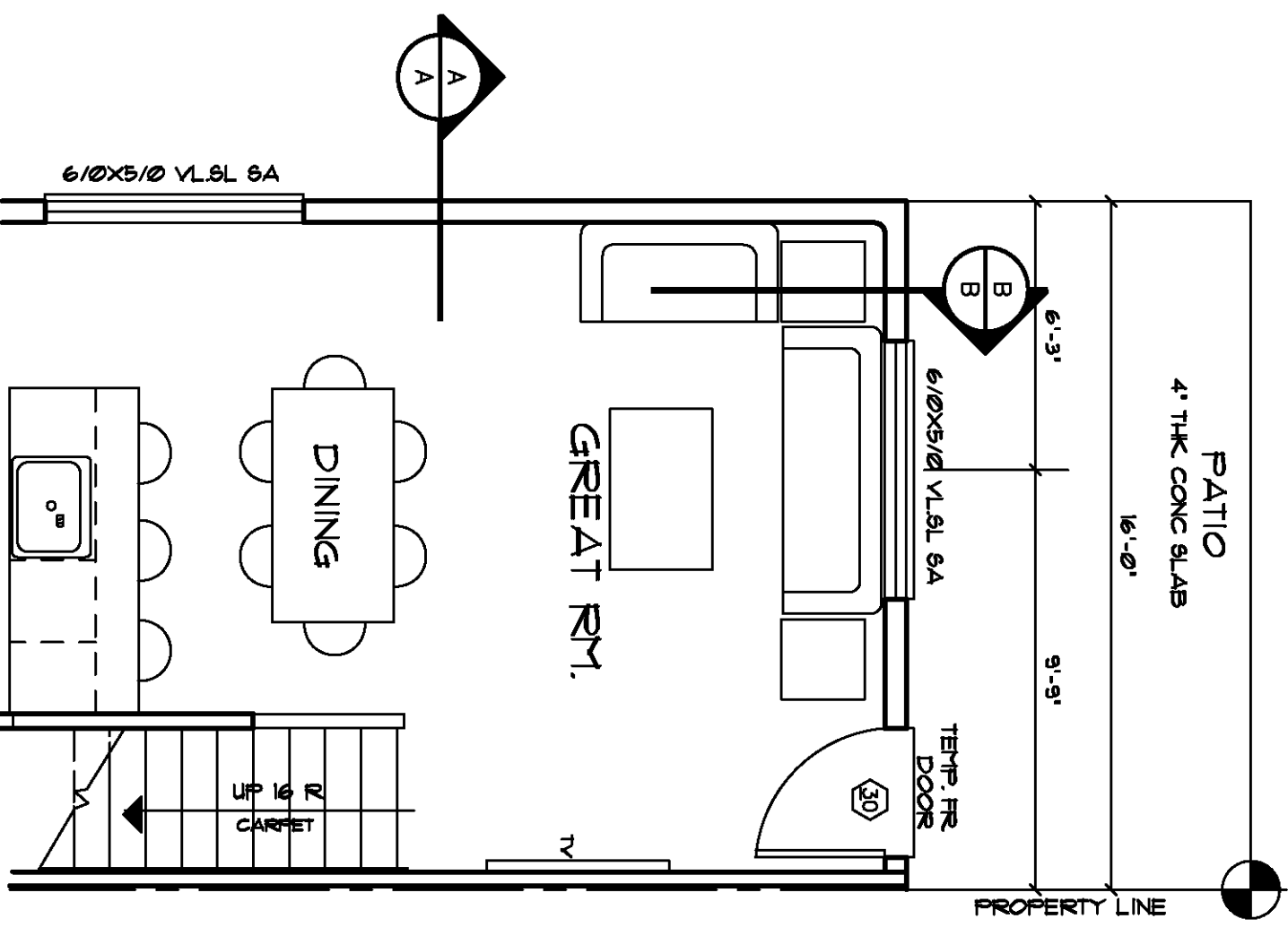
PRELIMINARY



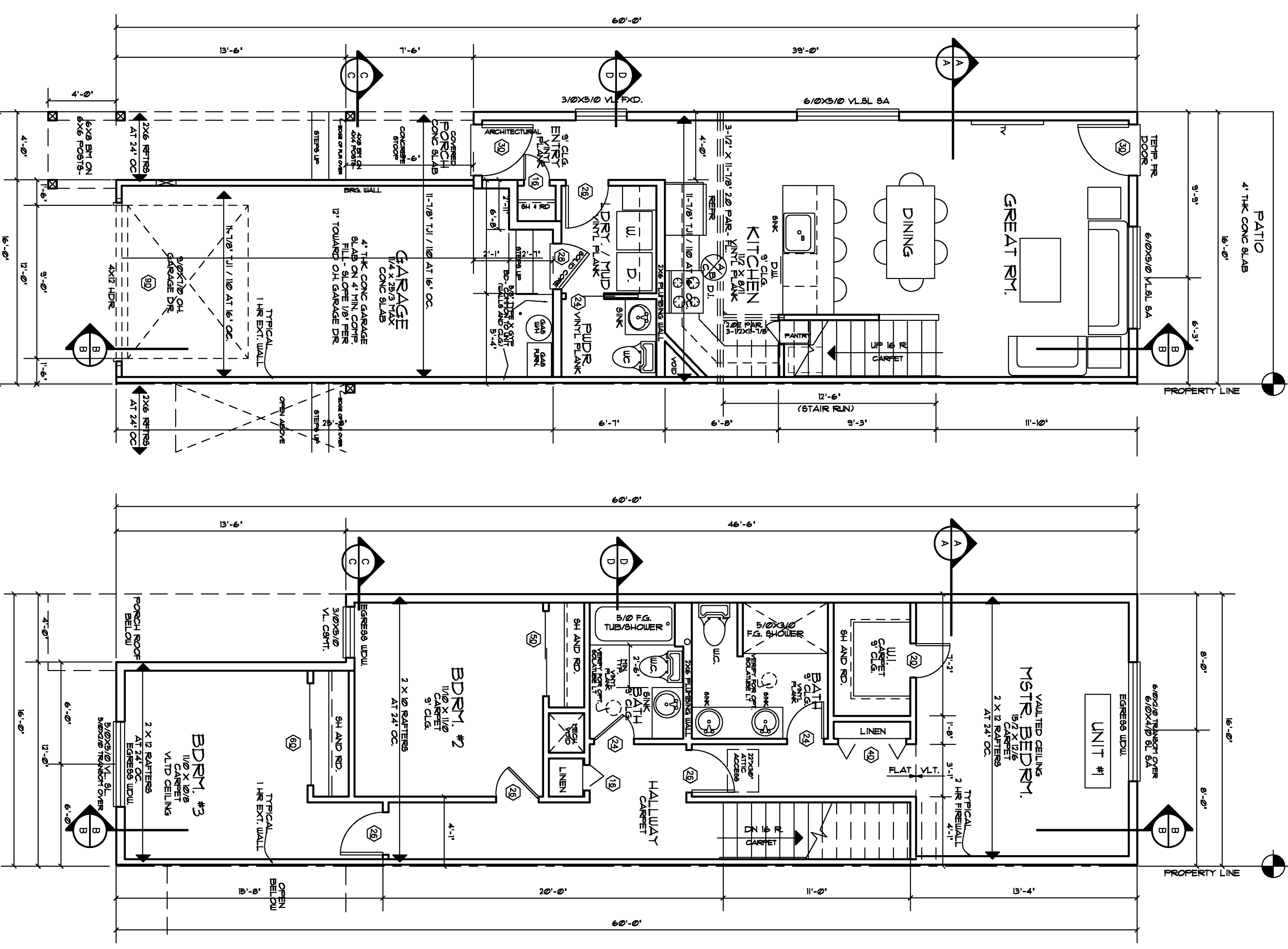
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	Plan# 9-29010-1 TOWNHOUSE CD: 06/21/16 O: 900-366-0921 CAD: TJS	Sherman Engineering Inc. Portland, Oregon Ph: 1.503.230.8876	Building Designs By Stockton LLC. Bend, Oregon Ph: 1.800.368.0821	THE DESIGNS, IDEAS, AND CONCEPTS SET FORTH IN THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF BUILDING DESIGNS BY STOCKTON. ANY USE OF SAID DRAWINGS AND/OR THEIR CONTENT WITHOUT THE WRITTEN CONSENT OF BUILDING DESIGNS BY STOCKTON IS STRICTLY PROHIBITED BY LAW. THESE COPYRIGHTED DRAWINGS ALSO MAY NOT BE COPIED, DISTRIBUTED, OR SOLD WITHOUT WRITTEN PERMISSION FROM BUILDING DESIGNS BY STOCKTON. CONTRACTOR SHALL VERIFY AND CONFIRM ALL CONDITIONS AND DIMENSIONS PRIOR TO START OF WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THIS OFFICE FOR CORRECTION PRIOR TO START OF WORK.
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MIRRORED DOOR LOCATION
OPTION AT 1ST FLR.



TYPICAL 1ST FLOOR TYPICAL 2ND FLOOR

REV: 05-23-19
REV: 06-06-19
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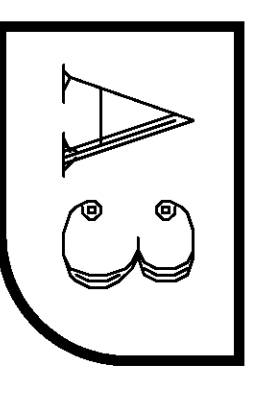
Building Designs
By
Stockton LLC.
Ph: 1.800.368.0821

Sherman Engineering Inc.
Portland, Oregon
Ph: 1.503.230.8876

Plan# 9-21090-2
9-UNIT BLDG.
UD: 52519
E00: 566-0921
C04: TUB

BLDG LEGEND
R2 OCCUPANCY - TYPE V-B CONSTRUCTION
571 SQ. FT. MAIN FLOOR PER UNIT
811 SQ. FT. UPPER FLOOR PER UNIT
1448 SQ. FT. TOTAL LIVING SPACE PER UNIT
STRUCTURAL NOTE
EXTERIOR STUDS TO BE 2X6 AT 16" OC W/ 4X8 HDRS AT BRG WALLS
INTERIOR STUDS TO BE 2X4 AT 16" OC W/ 4X8 HDRS AT BRG WALLS
2X4 HDRS AT NON-BRG WALL OPENINGS (ALL BRG NEEDED OTHERWIS)
NOTE: HEAT TO BE PROVIDED BY GAS FORCED AIR SYSTEM (VERIFY DESIGN W/ TECH CONTRACTOR)

STUDY SET ONLY
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HC-64



Monterey White



HC-190

HC



Fairview Taupe

HC-85

HC-85



From: [Matt Whitty](#)
To: [Adam Rutherford](#)
Cc: [Jeff Page](#); [Jim Hossley](#); [Jennifer Wirsing](#); [Randy Dixon](#); [Debbie Erler](#)
Subject: RE: Wasson
Date: Wednesday, August 21, 2019 4:20:21 PM
Attachments: [Water Service Sketch.pdf](#)

Adam,

I have added a sketch to your site plan showing our proposed configuration for serving the property. The sketch shows three banks of 3 water meters located between the curb and sidewalk on South Wasson.

Please contact customer service to request water service for the nine houses. This will start the process for getting the services installed. Jeff Page and I are available to answer any questions you may have regarding payment for or configuration of the services.

We require advance payment. In the case of a subdivision the developer can pay the tapping fees for the new services in advance and defer the SDC payments until the meter is installed just prior to connection to the home. Thanks!

Sincerely,
Matt

Matt Whitty, PE, PLS
Engineering Manager
Coos Bay-North Bend Water Board
2305 Ocean Boulevard
Post Office Box 539
Coos Bay, Oregon 97420-0108
Tel: (541)267-3128, ext.232
Fax: (541)269-5370

From: Adam Rutherford [mailto:acrutherford24@gmail.com]
Sent: Wednesday, August 21, 2019 12:40 PM
To: Matt Whitty
Cc: Jeff Page; Jim Hossley; jwirsing@coosbay.org; rdixon@coosbay.org; Debbie Erler (derler@coosbay.org)
Subject: Re: Wasson

Matt,

Thanks for taking the time to discuss this project with me yesterday. Attached is a copy of our proposed layout. It is good on my end, but haven't finalized with the City yet but assume there will be no changes to where the building will sit and where the units are located. Give me a call to discuss after your review. I would assume 9 individual 3/4" services are what is needed.

On Tue, Aug 20, 2019 at 4:28 PM Matt Whitty <matt_whitty@cbnbh2o.com> wrote:

Hi Adam,

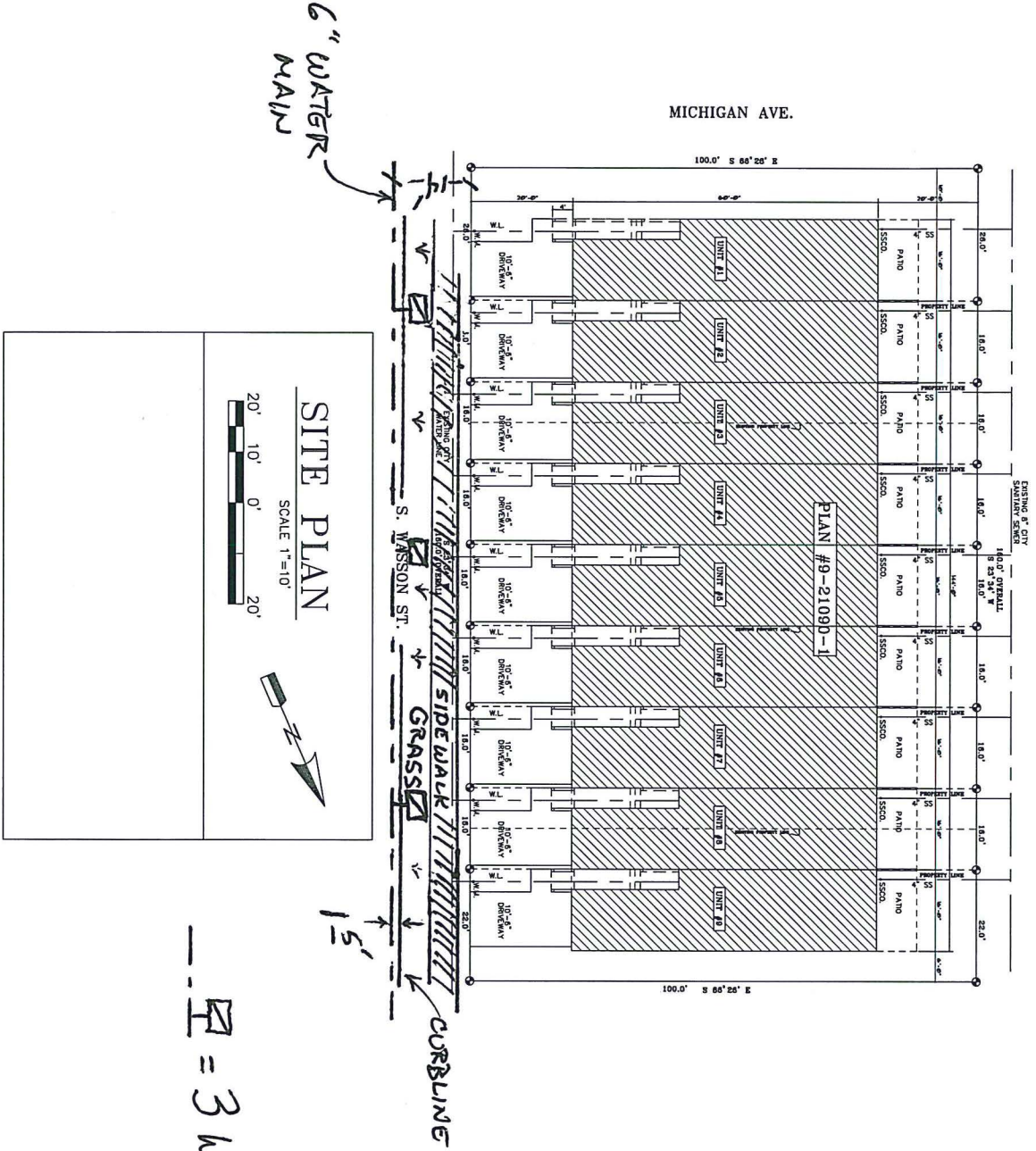
Last February you called to discuss a housing development on the City owned property at the corner of South Wasson and Michigan Avenue in Coos Bay. I'm writing to request an update on your development. The City is rebuilding South Wasson and will soon place new AC pavement over the water main at this location. This will place restrictions on our ability to serve the development from Wasson. We will likely have to serve the property from the water main on Michigan. This is a longer distance and will increase the cost of installing a service line for the development.

Please contact either myself or Jeff Page to discuss options for avoiding additional cost for installation of the water service. Thanks.

Matt

Matt Whitty, PE, PLS
Engineering Manager
Coos Bay-North Bend Water Board
2305 Ocean Boulevard
Post Office Box 539
Coos Bay, Oregon 97420-0108
Tel: (541)267-3128, ext.232
Fax: (541)269-5370

PRELIMINARY WATER SERVICE SKETCH



15' = 3 WATER METERS

SITE PLAN
SCALE 1"=10'



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P1

PROJECT #
9-21090-1
ROWHOUSE

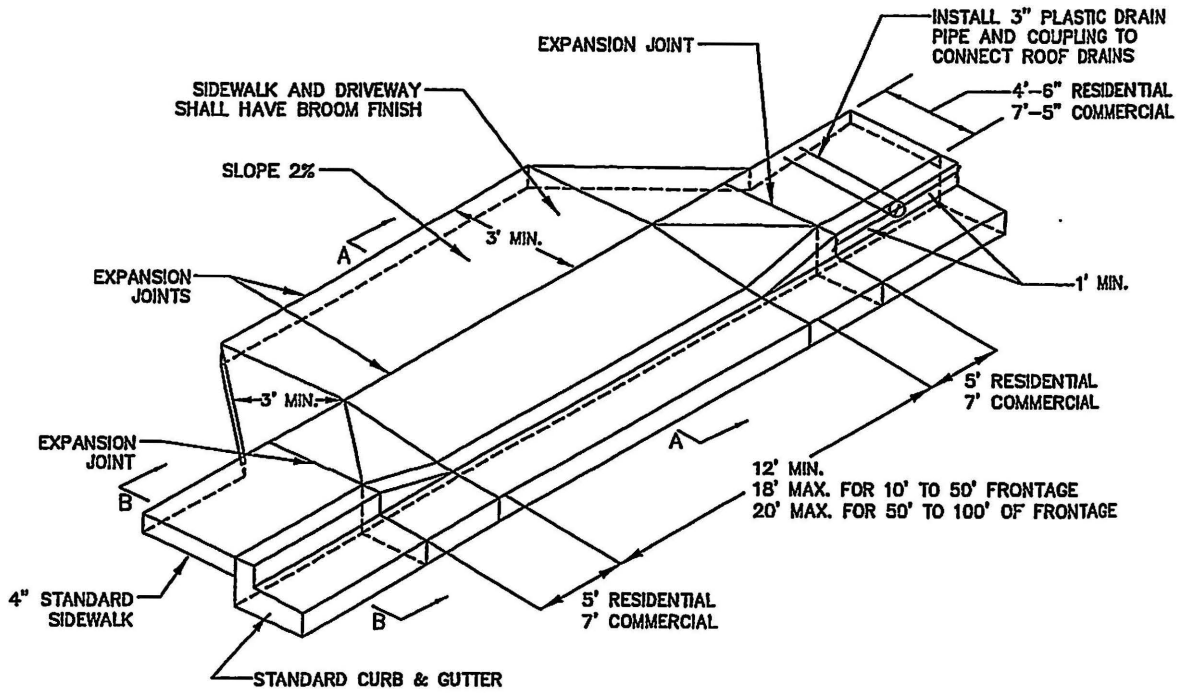
DATE
01/20/11

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Ph: 1.503.230.8876

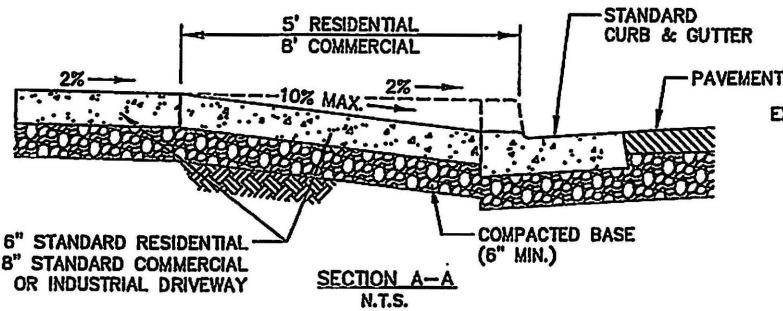
Building Designs By Stockton LLC.
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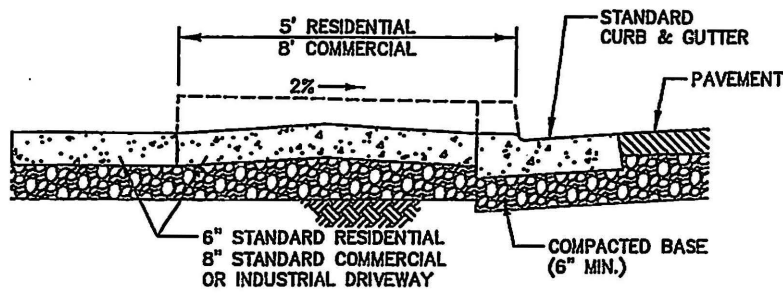
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01/20/11



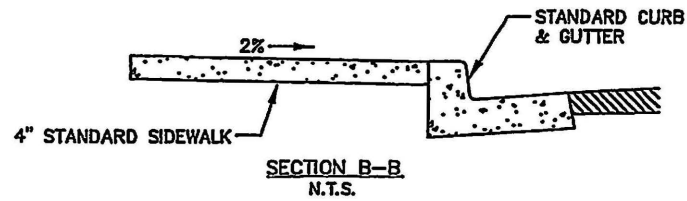
TYPICAL DRIVEWAY / DROP CURB FOR STANDARD SIDEWALK - OPTION "A"
NOT TO SCALE



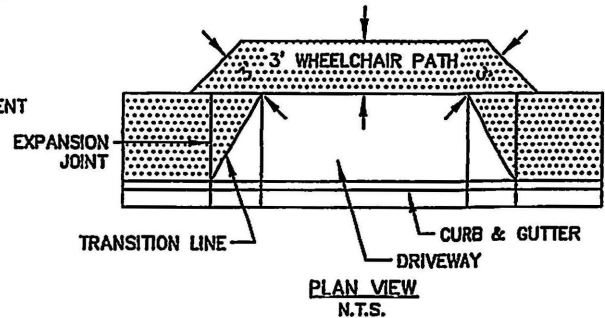
SECTION A-A
N.T.S.



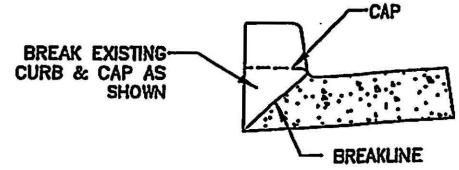
TYPICAL DROP DRIVEWAY SECTION
N.T.S.



SECTION B-B
N.T.S.



PLAN VIEW
N.T.S.



CURB BREAK (EXIST'G CURB & GUTTER)
N.T.S.

NOTES:

1. MINIMUM 3,300 PSI CONCRETE REQUIRED FOR ALL DRIVEWAY APRONS AND DRIVEWAY EXTENSIONS.
2. COMPACT BACKFILL UNDER SIDEWALK & DRIVEWAY TO 95% RELATIVE COMPACTION PER AASHTO T-99 METHOD.
3. CONCRETE APRON REQUIRED FOR ALL DRIVEWAYS (5' WIDE FOR RESIDENTIAL, 8' WIDE FOR COMMERCIAL) WHERE NO SIDEWALK IS CONSTRUCTED.
4. PLANNING COMMISSION APPROVAL REQUIRED FOR DEVIATION FROM DRIVEWAY WIDTH STANDARDS.
5. PERMITS AND INSPECTIONS REQUIRED FOR NEW AND EXISTING STRUCTURES. INSPECTION WILL BE MADE AFTER FORMS HAVE BEEN SET.
6. FOR STANDARD SIDEWALK SEE DETAIL T-8.
7. FOR STANDARD CURB & GUTTER SEE DETAIL T-13.

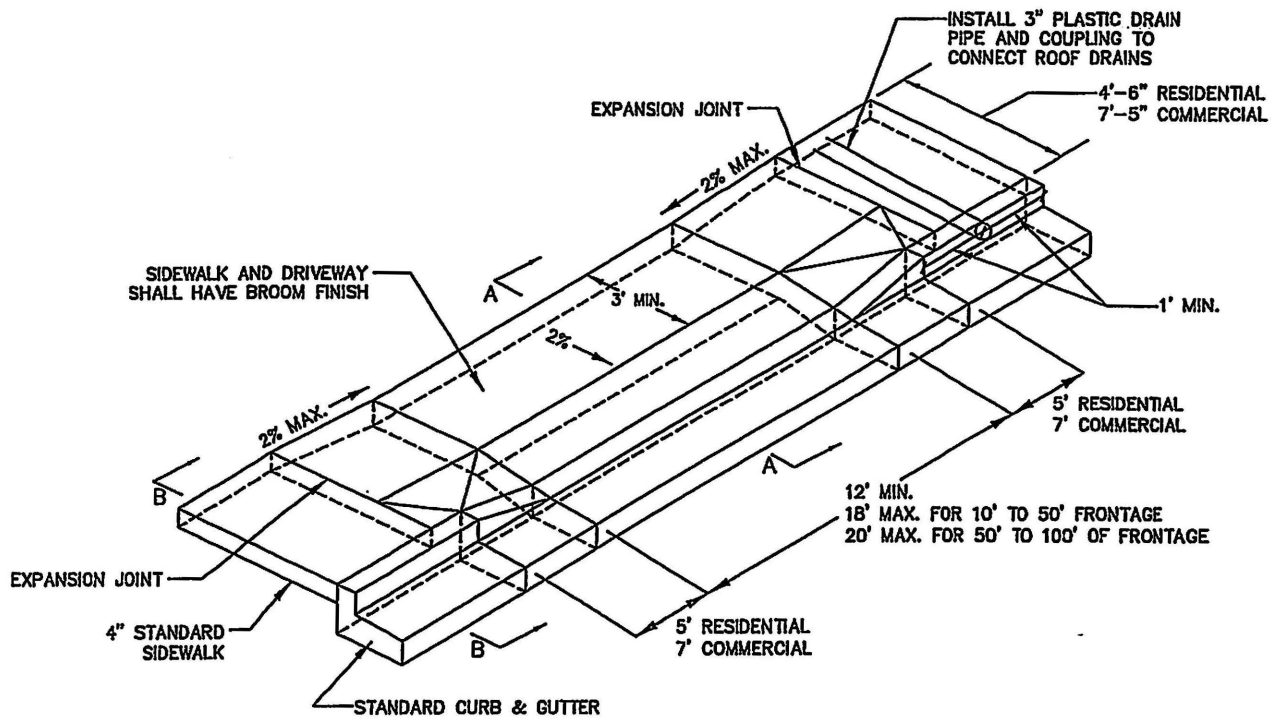


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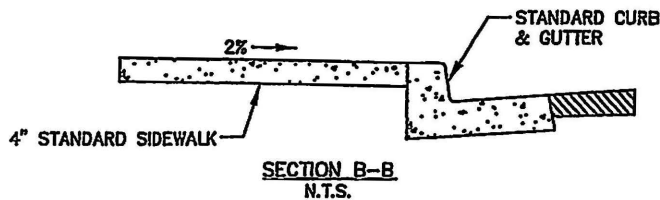
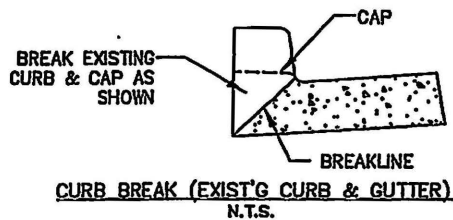
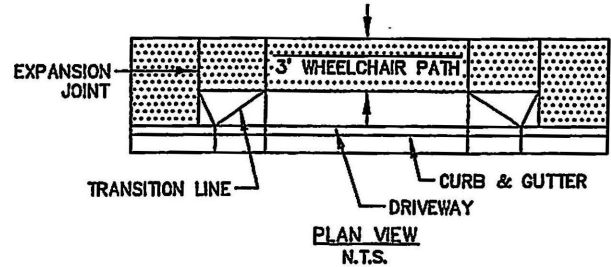
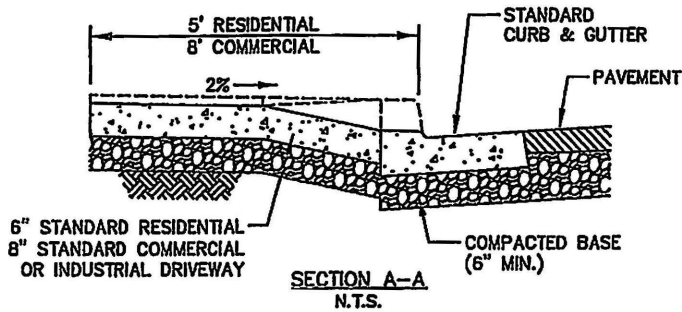
DRAWN BY: KN	
REVISIONS	
REVISED BY:	DATE:

**CONCRETE DRIVEWAY
OPTION "A"**

DRAWING NO. T-5
DATE JULY 2016



TYPICAL DRIVEWAY / DROP CURB FOR STANDARD SIDEWALK - OPTION "B"
NOT TO SCALE



NOTES:

1. MINIMUM 3,300 PSI CONCRETE REQUIRED FOR ALL DRIVEWAY APRONS AND DRIVEWAY EXTENSIONS.
2. COMPACT BACKFILL UNDER SIDEWALK & DRIVEWAY TO 95% RELATIVE COMPACTION PER AASHTO T-99 METHOD.
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6. FOR STANDARD SIDEWALK SEE DETAIL T-8.
7. FOR STANDARD CURB & GUTTER SEE DETAIL T-13.

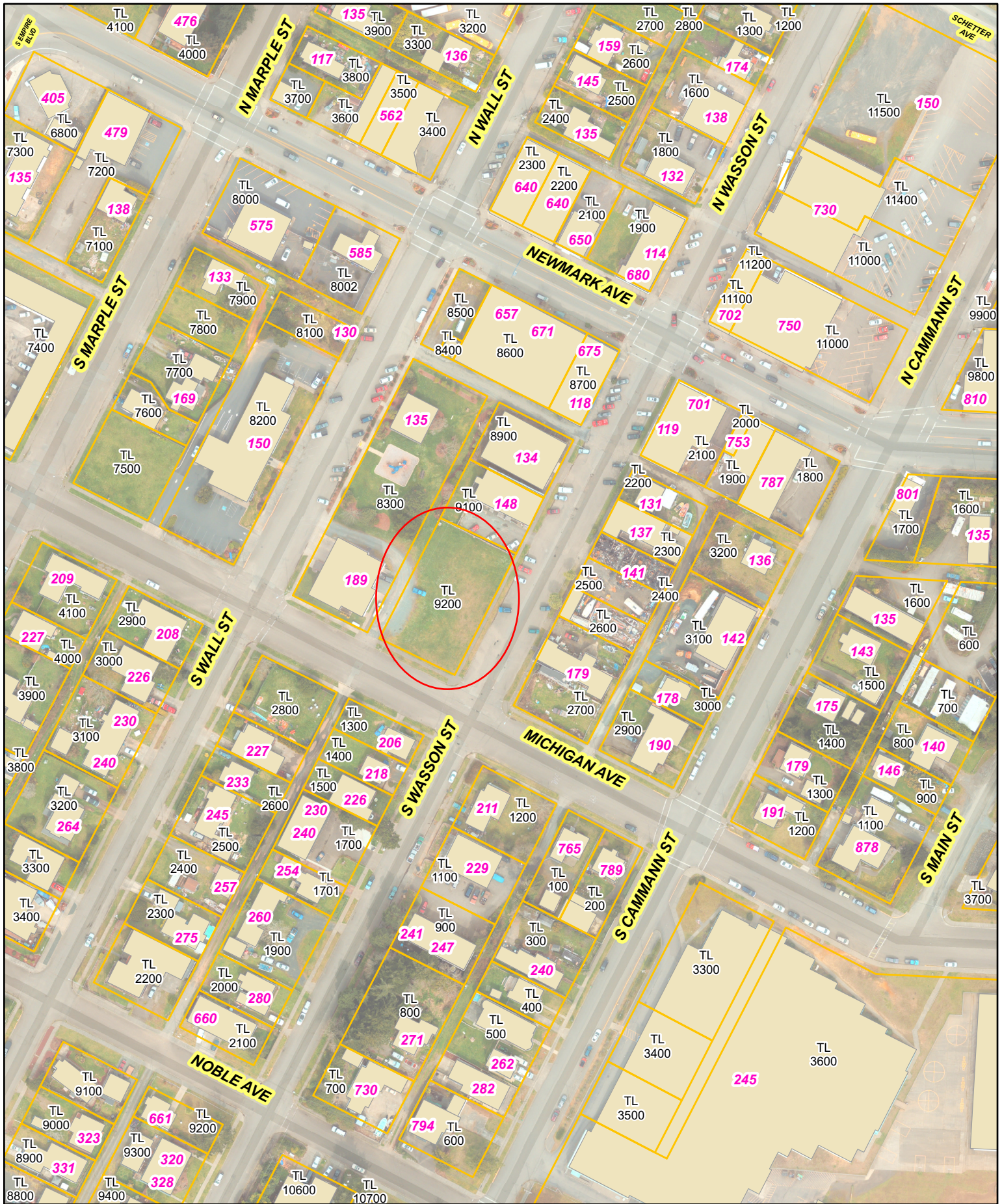


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541-269-8918

DRAWN BY: KN	
REVISIONS	
REVISED BY:	DATE:

**CONCRETE DRIVEWAY
OPTION "B"**

DRAWING NO.	T-6
DATE	JULY 2016



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Image Date: 3/6/2018



1 inch = 150 feet

Date: 9/17/2019