

September 10, 2019
Planning Commission Public Hearing
Cover sheet - Title 17 - Section 1 amendments for consideration

* Discussion recommended.

17.110 General Provisions. Minor changes to text for clarity.

17.120 Administration. Minor changes to text for clarity

17.130 Procedures.

Throughout – replacing “shoulds” with “shalls”

Clarifying processes (17.130.030(3a-d))

Expanding requirements for technical completeness (17.130.040 and 050(1-6))

Shortening in more understandable language the Type III procedure (17.130.100)

Providing clarity on notification and public hearings (17.130.110, Type 4 procedure)

Addition of notification of a Council decision on a type 4 application (17.130.110(5))

*Decision whether to hear an appeal of a Type 1 or Type 2 decision in “De Novo” mode. 17.130.130 (4)(a). The reference to De Novo review from 17.130.130(7) has been stricken.

Addition of new language to modify Type 2 and 3 permits (17.130.145)

Addition of revocation of Type 2 permits (17.130.150)

17.150 Addition of many definitions

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Chapter 17.110

GENERAL PROVISIONS

Sections:

- 17.110.010 Title.
- 17.110.020 Applicability.
- 17.110.030 Standards designated.
- 17.110.040 Purpose.
- 17.110.050 Organization.
- 17.110.060 Term construction.
- 17.110.070 Hierarchy of plans and regulations.
- 17.110.080 Timing of regulations.
- 17.110.090 More restrictive provision governs.
- 17.110.100 Severability.
- 17.110.110 Minor modifications to this title.

17.110.010 Title.

This title is known as “The Coos Bay Development Code (CBDC).” This title replaces all other related development chapters and ordinances within the city of Coos Bay. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.110.020 Applicability.

No building or other structure shall be constructed, improved, altered, enlarged or moved; nor shall any use or occupancy of premises within the city be commenced or changed after the effective date of the ordinance codified in this title, except in conformity with conditions prescribed by this title. Where the CBDC imposes greater restrictions than those imposed or required by other rules, regulations or ordinances, the provisions of the CBDC shall control. It is unlawful for any person, firm, or corporation to erect, construct, establish, alter, enlarge, use or cause to be used, any buildings, structures, improvements or use of premises contrary to the provisions of this title. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.110.030 Standards designated.

The standards this title establishes are the minimum requirements necessary to protect public health, safety and general welfare. The city may impose conditions of approval beyond the standards identified to protect public health and welfare to allow the use or activity being proposed. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.110.040 Purpose.

The purposes of this Code is to implement the Coos Bay Comprehensive Plan, promote orderly city growth; to conserve and stabilize the value of property; to encourage the most appropriate use of land; to establish standards for population density; to provide adequate open space for light, air, and appropriate landscaping; to facilitate fire and police protection; to avoid traffic congestion; to provide for community facilities; and to promote and protect the public health, safety, convenience, and general welfare. ~~The purposes of this title are to: implement the Coos Bay comprehensive plan (CBCP); encourage appropriate use of land; conserve and stabilize the value of property; aid in rendering of fire and police protection; provide adequate open space for all types of recreation; lessen the congestion on streets; create orderly growth within the city and UGA; distribute population wisely; improve the city’s appearance; facilitate adequate provision of urban level utilities and facilities such as water, sewage, electrical distribution,~~

~~transportation, schools, parks, and other public requirements; and promote public health, safety and general welfare. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

17.110.050 Organization.

The text of this title is organized as follows: Section 1, General Administration; Section 2, Zoning; and Section 3, Land Development. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.110.060 Term construction.

(1) Defining Words. All words used in this title, unless otherwise defined in Chapter 17.150 CBDC, Definitions, shall be defined by the latest version of Merriam-Webster's Unabridged Dictionary.

(2) Tenses and Usage.

(a) Words used in the singular include the plural. The reverse is true.

(b) Words used in the present tense include the future tense. The reverse is true.

(c) The words "must," "shall," "will" and "will not" are mandatory.

(d) "May" is permissive.

(e) "Prohibited" means that the proposed use or improvement is not allowed. An adjustment, variance, conditional use or other land use review shall not be approved if the effect of the approval would circumvent a prohibition. This does not preclude the council from making legislative changes in accordance with state law.

(3) Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:

(a) "And" indicates that all connected items or provisions apply;

(b) "Or" indicates that the connected items or provisions may apply singly or in combination; and

(c) "Either...or" indicates that the connected items or provisions apply singly, but not in combination.

(4) Lists. Lists of items that state "including the following," "such as," or similar language are not limited to just those items. Lists provide examples, but do not exhaust all possibilities. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016]._____

17.110.070 Hierarchy of plans and regulations.

(1) General Hierarchy. When interpreting land use plans, policies, maps and standards, the city review authority shall apply the following general hierarchy of authority. In case of ambiguity or conflict, the review authority shall refer to and rely upon the Coos Bay comprehensive plan (CBCP) for guidance above all other city texts or maps.

(a) The CBCP is the highest authority ~~and establishes land use policy and compliance in deference to State of Oregon Planning Goals. The CBCP is reviewed and updated periodically respond to the changing needs and desires of the City. The Comprehensive~~ Plan text supersedes plan designation maps.

(b) The Coos Bay Development Code (CBDC) text and zoning maps ~~implement the CBCP. are the next level of authority.~~ CBDC text supersedes zoning maps. Interpretations of CBDC text and zoning maps must be consistent with the CBCP.

(c) The city public works and engineering standards are utilized to implement the CDCP and the CBDC. the lowest authority. Interpretations of the city public works and engineering standards must be consistent with the CBCP and with the CBDC text and zoning maps.

(d) The review authority shall not interpret general language in the CBCP so as to supersede specific or numeric standards in the CBDC or adopted engineering standards. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.110.080 Timing of regulations.

(1) Land Use Approval and Building Permits.

(a) The review authority shall not process an application until the review authority finds the application to be technically complete.

(b) A technically complete application is an application that fully complies with the relevant portions of Chapter 17.130 CBDC (Procedures) and this title.

(c) The city will process technically complete applications for land use review relying upon the regulations in effect at the time the applicant submitted a complete application to the city.

(2) Legislative Changes. Applications for legislative changes, such as a plan amendment or annexation, do not create a vested right to development regulations in effect at the time the legislative application was submitted. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.110.090 More restrictive provision governs.

If the requirements of this Title are less restrictive than comparable requirements imposed by another provision of this CBDC or of any other Ordinance of the City or requirement of the State of Oregon, the provision which is more restrictive shall govern. ~~Where the conditions imposed by any provision of this title upon the use of land or building or upon the size, location, coverage or height of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this title or of any ordinance, resolution or regulation, the provisions which are more restrictive shall govern.~~ [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.110.100 Severability.

The provisions of this Code are severable. If any section, sentence, clause, or phrase of this Code is judged by a court of law to be invalid, the decision shall not affect the remaining portions of this Code and if a court of law finds any section, paragraph, sentence, or word of this title void or unconstitutional, all other parts of this title which are not expressly held void or unconstitutional shall continue in full force and effect. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.110.110 Minor modifications to this title.

The ~~Director public works and community development director (director), or their designee,~~ may make minor modifications to this title using a Type I process. These minor modifications include numbering, grammar, language clarifications and other minor corrections. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

Chapter 17.120 ADMINISTRATION

Sections:

- 17.120.010 Planning commission.
- 17.120.020 Planning department.
- 17.120.030 Review authority.
- 17.120.040 Interpretations.
- 17.120.050 Conditions of approval.
- 17.120.060 Administrative authority.
- 17.120.070 Enforcement.
- 17.120.080 Record maintenance.
- 17.120.090 Application fee schedule.

17.120.010 Planning commission.

The Coos Bay planning commission (commission) shall consider and take actions consistent with Chapter 2.35 CBMC. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.120.020 Planning department.

The city council may, at its discretion, create a Coos Bay planning department (department) which shall have such duties, authority and financing as the council deems appropriate. The city manager shall assign a person with the responsibility of directing the activities of the Coos Bay planning department who shall be known as the ~~public works and community development director (d Director), or their designee.~~ [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.120.030 Review authority.

The review authority is an individual or governing body delegated with the responsibility of issuing a final decision on a land use proposal. The review authorities responsible for issuing final decision for land use proposals are:

- (1) Type I application, director;
- (2) Type II application, director;
- (3) Type III application, planning commission; and
- (4) Type IV application, city council, upon receipt of the recommendation of the planning commission. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.120.040 Interpretations.

(1) The review authority responsible for making a decision regarding a given application may interpret relevant ambiguous terms in this title in the course of or in advance of making a decision on the merits of the application.

(a) If an interpretation is made in advance of a decision on the merits of an application, the interpretation shall be conducted as a Type I review and shall be included as part of the decision on the merits of the application.

(b) An interpretation may be appealed as part of an appeal of the decision on the merits of an application.

(2) A use that is not listed in any zone or district may be permitted by similar use determination pursuant to Type I process. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.120.050 Conditions of approval.

The review authority may impose conditions of development approval necessary to either ensure compliance with the purposes of this title, or to preserve and promote the general health, safety and welfare of Coos Bay. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.120.060 Administrative authority.

(1) Designation of Review Authority and Responsible Official.

(a) Unless otherwise noted, the director is the primary review authority and shall interpret and apply the provisions of the CBDC.

(b) Where noted in the CBDC, the director shall interpret and apply the provisions of the CBDC relating to transportation, water and sewer facilities and all other city infrastructure.

(c) The Coos Bay building official shall interpret and apply the building and construction provisions which the city has adopted.

(d) The Coos Bay fire chief is the responsible official for the purpose of administering the International Fire Code, CBMC 15.05.010(1)(a). [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.120.070 Enforcement.

The review authority shall determine the applicability of the CBDC for enforcement purposes. All departments, officials and public employees of the city vested with the duty or authority to issue permits shall conform to the provisions of the CBDC and shall issue no permit, certificate or license for any use, building or purpose which violates or fails to comply with conditions or standards imposed by the CBDC. Any permit, certificate or license issued in conflict with the provisions of the CBDC, intentionally or otherwise, shall be void. The review authority shall be responsible for carrying out the enforcement provisions of this title. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.120.080 Record maintenance.

(1) The director shall maintain the official Coos Bay comprehensive plan map, zoning map, and other official land use maps and shall, from time to time, update these maps to reflect amendments by the city council.

(2) The city shall maintain the complete record of all land use planning applications and decisions. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.120.090 Application fee schedule.

The city council shall establish a land use application fee schedule which ~~should~~shall be reviewed on a yearly basis. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

Chapter 17.130 PROCEDURES

Sections:

- 17.130.010 Review required.
- 17.130.020 Pre-application review.
- 17.130.030 Application types and classification.
- 17.130.040 Application contents.
- 17.130.050 Review for technically complete status.
- 17.130.060 Reserved.
- 17.130.070 Approval criteria.
- 17.130.080 Type I procedure.
- 17.130.090 Type II procedure.
- 17.130.100 Type III procedure.
- 17.130.110 Type IV procedure.
- 17.130.120 Notices.
- 17.130.130 Appeal.
- 17.130.140 Expiration and extension of decisions.
- 17.130.150 Revocation of Permits
- 17.130.1650 Post-decision review.

17.130.010 Review required.

Land use project review and approval is required prior to issuance of building permits for the following:

- (1) The division of land or alteration of existing lot (parcel) lines;
- (2) All conditional uses and new uses in any district;
- (3) All changes in the use of a structure that increase the intensity of use, such as by increasing the gross floor area, height or bulk of the structure, number of access points or parking spaces, number or size of signs, or other measures of intensity or the structure location or significant elements of the design; and
- (4) Building and demolition permits or any change, except painting and minor repair, to the exterior of properties listed on the National Register of Historic Places. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.020 Pre-application review.

(1) Applicability.

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

(b) The applicant shall submit the pre-application materials to the city.

(2) Waiver. The city discourages waiver of the pre-application process. In the event that the director waives the pre-application review, the pre-application waiver shall state that waiver of pre-application review may increase the maximum time for review for technically complete status and may increase the risk that the application will be rejected or processing will be delayed.

(3) Application Contents.

(a) At a minimum, a pre-application submittal shall include the following:

- (i) The requisite fee and three paper copies and one electronic copy of the following information;
- (ii) A completed form provided by the city for that purpose;
- (iii) 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~~shall be made regarding the application;
- (iv) A preliminary site plan which ~~should~~shall include, where applicable, a north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering, structures and landscaping on the site; existing and proposed natural features on the site, including vegetation, topography and grades; existing and proposed utilities (water, sewer, drainage, fire hydrants); and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. 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. The applicant is encouraged to submit drawings showing the elevation(s) of a proposed primary structure;
- (v) Proposed dedications to the city or other agency, if applicable;
- (vi) A written description of the proposed use or development. The description shall identify any variances, adjustments or exceptions needed for approval of the plan.

(4) Scheduling, Notice and Attendees.

- (a) Within seven calendar days after receipt of an application for pre-application review, the city shall mail or otherwise convey written notice of the pending pre-application conference to the applicant and other interested agencies. The notice shall state the date, time and location of the pre-application conference, the purposes of pre-application review, and the nature of the conference.
- (b) The pre-application conference shall be scheduled not more than 21 calendar days after the notice is mailed or otherwise conveyed.
- (c) The director shall determine who shall be invited to the meeting. In addition to the applicant and representatives, possible attendees include the design assistance team (DAT), ~~the director, public-works and community development director, or their designee~~, the ~~consulting~~city engineer, a representative from affected service districts, and representatives from interested state agencies and neighborhood associations recognized by the city council or by Coos County.

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

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

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

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

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

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

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

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

(6) Time Limit. The written summary of a pre-application conference is valid for up to one year. If more than one year has elapsed between the date of the last pre-application conference and the date an application is submitted, a new pre-application conference ~~may~~ shall be required. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.030 Application types and classification.

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

(2) Concurrent Application. If the applicant requests more than one type of review for a given development, an applicant shall ~~may~~ submit all applications required for the development at one time, unless otherwise prohibited from doing so by law. Concurrent applications for a given development are subject to the highest type procedure that applies to any of the applications.

(3) Procedure Types. There are four types of land use review procedures. This chapter or the chapter that authorizes an application generally identifies the type of procedure that applies to the application. If the appropriate procedure is not clearly defined, the director shall decide which of the four procedures will apply, based on the following considerations:

(a) A Type I process involves nondiscretionary standards or standards that require the exercise of professional judgment by the Director about technical issues.

(b) A Type II process involves a mix of discretionary and nondiscretionary standards that require the exercise of limited discretion by the Director about nontechnical issues and about which there may be a limited public interest.

(c) A Type III process involves standards that require the exercise of substantial discretion by the Planning Commission or a Hearings Officer and about which there may be a broad public interest.

(d) A Type IV process involves the creation, implementation or amendment by the City Council, with a recommendation by the Planning Commission, of the CBCP, CBDC or other related City land use policies or law. policy or law by ordinance. In contrast to the other three procedure types, the subject of a Type IV process applies to a relatively large geographic area containing many property owners.

(4) Undefined Review. If this title is silent as to the type of review procedure required, the director shall, using a Type I review process, determine the appropriate level of review. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.040 Application contents.

An applicant for development and/or land use review shall submit the requisite fee and three paper copies and one electronic copy of the information required by CBDC 17.130.050, except as otherwise provided therein, ~~and drawings showing the elevations of all sides of proposed structure(s)~~. Additional copies may be required, depending upon who the review authority is for the application type. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.050 Review for technically complete status.

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

(2) 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. If the CBDC does not list the information a given application is required to contain, then such an application is technically complete if it includes three hard copies and one electronic copy of the following information:

(a) A completed City land use application form ~~provided by the city for that purpose~~;

(b) Required application fee;

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

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

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

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

(g) A written description of how the application complies or with conditions, does or can comply with each applicable CBCP, CBDC, and other City policy and regulation approval criterion applicable to the application. Basic ~~and basic~~ facts and other substantial evidence ~~that supportings~~ the description must also be included in the application;

(h) Applications necessarily associated with the proposal, such as applications for variances as specified in Chapter 17.372 to dimensional requirements of the base zone or for modifications to the road standards that are required to approve the proposal;

(i) A legal description of the site;

(ie) A preliminary site plan at a scale of no more than one -inch equals 200 feet, with north arrow, date, graphic scale

(j) A floor plan at a ¼ or 1/8-inch scale.

(k) Elevations of all sides of the proposed structure at a ¼ or 1/8 inch scaled.

(l) E-existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide three copies of the plan of a size no smaller than 11” x 17”. ~~reduced to fit on an eight and one half inch by 11 inch page. Principal features of the plan shall be dimensioned;~~

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

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

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

~~(g) A legal description of the site;~~

(n) ~~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;~~

~~(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;~~

~~(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;~~

(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;

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

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

(3) Excluded Information and application fees. The director may accept as technically complete an application without information listed as being required if such information is not necessary to make a finding required by the law. However no application shall be accepted for review without required application fees.

(4) Missing Information. If the director determines an application is not technically complete, within 30 calendar days after the city receives the application the director shall send the applicant a written statement rejecting the application. Incompleteness shall be based solely on **failure to pay required fees**, failure to address the relevant criteria or development regulations, or failure to supply required

information and shall not be based on differences of opinion as to quality or accuracy. The statement shall:

- (a) List what is required to make the application technically complete;
- (b) Specify a date by which the required missing information must be provided;
- (c) State that the applicant can apply to extend the deadline for filing the required information, and explain how to do so; and
- (d) Include recommendations for additional information that, although not necessary to make the application technically complete, are recommended to address other issues that are or may be relevant to the review.

(5) Final Actions for a Technically Incomplete Application. If the director decides that all of the required information is **not submitted by the date specified**, or as extended, he or she shall:

- (a) Provide a letter rejecting the application for lack of completeness and stating the reasons for the return; or
- (b) Issue a decision denying the application based on a lack of information.

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

- (a) All the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

(7) Pursuant to ORS 227.178, the city will reach a final decision that approves, approves with conditions, or denies the application. The City will reach its decision within 120 calendar days from the date that the application was determined to be complete or deemed complete (unless the applicant agrees to extend the 120-calendar-day timeline or unless state law provides otherwise); including time for any possible appeal up to an appeal by the Land Use Board of Appeals (LUBA). However an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city.

~~on an application within 120 calendar days from the date that the application was determined to be complete or deemed complete, including the appeal period, unless the applicant agrees to extend the 120-calendar-day timeline or unless state law provides otherwise.~~

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

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

(10) Amendments to an application submitted more than 14 calendar days after the application is deemed complete may be determined by the director to be so substantial that the application ~~should~~shall be treated as having been refiled. In such a case, the director shall provide the applicant with the following options: provide the city with a waiver of the 120-day time frame set forth in ORS 227.178 of a minimum of 14 calendar days from the date the amendment was submitted; treat the application as having been refiled as

of the date the amendment was submitted; or, decide the application on the basis of the applicant's materials without the amendment.

(11) For any application which has been on file with the city for more than 180 90 calendar days and the applicant has not met the obligations of this section, the application will be deemed withdrawn. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.060 Reserved.

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

17.130.070 Approval criteria.

The director shall approve an application for review if he or she finds the applicant has sustained the burden of proving that:

(1) The application complies with the applicable regulations of the Coos Bay Comprehensive Plan and Development Code; or that the application can comply with all applicable regulations by complying with adopted conditions of approval; or that necessary variances have been approved; or that adopted conditions of approval have been met ~~and shall be subject to approval~~ prior to final plat approval.

(2) The development makes adequate provision for public services consistent with the level of service provided in adopted city policies, plans and regulations. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.080 Type I procedure.

(1) Decision. Within 30 24 calendar days after the date an application subject to a Type I process is accepted as technically complete, the ~~Director review authority~~ shall issue a Notice of Decision that the application is approveds, approveds with conditions, or denied; s the application; provided, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city. The Notice of Decision shall include a brief summary of the relevant facts and applicable standards for the application and of how the application complies with those standards based on the facts and evidence, including any conditions of approval. The City shall

~~(2) Notice of the Decision. Within seven calendar days after issuing a decision regarding an application subject to a Type I process, the city shall provide an electronic copy and hard copy of the mail a copy of the decision to the applicant and applicant's representative(s).~~

(3) Appeal and Post-Decision Review. The notice of decision shall state the date by which the appeal must be filed pursuant to CBDC 17.130.130 or state that the applicant may apply for post-decision changes pursuant to CBDC 17.130.150. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.090 Type II procedure.

(1) Notice of Application. Twenty days prior to a Type II review, the city shall mail a written notice of the application as specified in CBDC 17.130.120 (1) and (4) to property owners within 150' of the application site. as provided in CBDC 17.130.120.

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

(3) Decision.

(a) Pursuant to CBDC 17.130.050(7), within 120 calendar days after the date an application subject to a Type II process is accepted as technically complete, the review authority shall issue a decision that approves, approves with conditions, or denies the application; including time for any possible

appeal up to an appeal by the Land Use Board of Appeals (LUBA); provided, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city.

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

(4) Notice of Final Order. Within seven calendar days after issuing a decision, the city shall mail notice of the decision to property owners within 150' of the subject application area as provided in CBDC 17.130.120 (3).

(5) Appeal and Post-Decision Review. The notice of decision shall state the date by which the appeal must be filed pursuant to CBDC 17.130.130 or state that the applicant may apply for post-decision changes pursuant to CBDC 17.130.150. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.100 Type III procedure.

(1) Hearing. An application subject to a Type III process will be considered at one or more public hearings before the city's planning commission or a Hearings Officer. ~~Pursuant to CBDC 17.130.050(7), within 120 calendar days after the date an application subject to a Type III process is accepted as technically complete, the review authority shall issue a decision that approves, approves with conditions, or denies the application; including time for any possible appeal up to an appeal by the Land Use Board of Appeals (LUBA); provided, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city.~~

(2) Notice of Hearing. At least 20 calendar days before the date of the hearing, the city shall mail public notice of the hearing to adjoining property owners within a 300' radius of the application site as provided in CBDC 17.130.120 (1), (2) and (4). ~~At least 10 days before the date of the hearing, the city shall cause notice of the hearing to be published and posted as provided in CBDC 17.130.120.~~

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

(4) Public Hearings. Public hearings shall be conducted in accordance with the rules of procedure adopted by the planning commission or the Hearing Officer. A public hearing shall be recorded on audio or audiovisual tape.

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

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

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

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

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

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

(vi) State that if any member of the decision-making authority has visited the site, they ~~should~~shall describe generally what was observed.

(vii) Summarizes the procedure of the hearing.

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

(c) After the presentation of the staff report, the chair shall call for the applicant's testimony, opposition testimony and neutral testimony, in that order.

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

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

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

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

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

(6) Notice of Decision. Within seven calendar days of the date of the decision, the city shall mail a notice of decision as provided in CBDC 17.130.120 (3) to property owners within a 300' radius of the application site.

(c) At the conclusion of its initial hearing noted in 17.130.110(a) or (b), the city council may continue the hearing, take an action forwarding the application for further review consistent with the ~~CBDCoos Bay Development Code~~, or take an action to terminate or postpone further consideration of the application. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed or ~~posted. published~~. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.

(5) Decision. Within 14 calendar days after the date the record closes regarding a given application(s), the Director regarding a Type IV application requested by a property owner specific to a particular property the city shall issue a Notice of decision regarding the application(s) with the information provided in 17.130.120(3)(a) and (e). Within seven calendar days of the date of the decision, the city shall mail a notice of decision as provided in CBDC 17.130.120 (3) to property owners within a 300' radius of the application site.

(5) Appeal and Post-Decision Review. An application subject to a Type IV process is not subject to appeal or post-decision review before the city. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.120 Notices.

~~Notice shall be mailed to owners within a radius of 150 feet of the site for an application subject to Type II review and within a radius of 300 feet of the site for an application subject to Type III or IV review.~~

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

- (a) The file number;
- (b) The name(s) and address(es) of the applicant and owner;
- (c) The legal description of the site;
- (d) The street address or other easily understood geographical reference to the subject property;
- (e) A description of the proposal and a listing of the approval criteria by applicable code section number;
- (f) A statement that the application can be reviewed at City Hall during working hours, and that copies can be obtained for a fee equal to the city's cost for providing the copies;
- (g) The name and contact information of the city representative to contact regarding the application;
- (h) An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;
- (i) A statement outlining the appeals process.

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

- (a) The information required by subsection (1) of this section;
- (b) The date, time and place of the hearing;

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

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

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

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

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

(b) The appeal closing date;

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

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

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

(4) Distribution of Notices by Mail.

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

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

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

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

(ii) Agencies with jurisdiction; and

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

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

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

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

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

(ii) Agencies with jurisdiction.

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

17.130.130 Appeal.

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

(2) Standing.

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

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

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

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

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

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

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

(c) The name of the applicant;

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

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

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

(4) Scope of Review.

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

(i) Prejudice to the parties.

- (ii) Convenience or availability of evidence at the time of the initial hearing.
- (iii) Surprise to opposing parties.
- (iv) The competency, relevancy and materiality of the proposed testimony or other evidence.
- (v) Such other factors as may be determined by the reviewing body to be appropriate.

(b) Type III Decision. The reviewing body shall ~~state issue an order stating~~ the scope of review on appeal to be ~~one of the following:~~

- ~~(i) Restricted to the record made on the decision being appealed and~~
- ~~(ii) Limit the appeal to ed to such~~ issues as the reviewing body determines necessary for a proper resolution of the matter.
- ~~(iii) A de novo hearing on the merits.~~

(5) Appeal Authority.

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

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

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

(6) Review on the Record.

- (a) The record on appeal of a Type III decision shall be limited to:
- (i) A factual report prepared by the director.
 - (ii) All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
 - (iii) The written transcript or electronic recording of the hearing and a detailed summary of the evidence.

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

~~(7) Review Consisting of Additional Evidence or De Novo Review.~~

~~(a) Except as otherwise specified in this code, or required by state law, the appeal authority may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that that additional testimony or other evidence could not reasonably have been presented at the prior hearing. The appeal authority shall consider all of the following in making such a decision:~~

~~(i) Prejudice to the parties.~~

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

~~(iii) Surprise to opposing parties.~~

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

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

~~(b) "De novo hearing" shall mean a hearing by the appeal authority as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.~~

~~(78) Review Body Decision.~~

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

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

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

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

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

17.130.140 Expiration and extension of decisions.

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

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

(3) The director may approve ~~two a single~~ one-year extensions of a decision if he or she finds that the relevant facts and the law have not changed substantially since the original approval, or that the application can comply with the law in effect on the date the application for the extension was filed by complying with applicable additional and/or modified conditions of approval, and those additional conditions and/or modifications are adopted. At the director's discretion, any extension application may be referred to the Planning Commission for action. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.145 Modifications to Type II and Type III permits.

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

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

(2) Minor Modifications to Type II permits shall require compliance with the requirements of Section 17.130.080.

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

(4) Minor modifications to Type III permits may be approved by the Director. The Director, at his/her discretion, may refer the minor modification to the Planning Commission;

(5) The Director shall determine whether a proposed project modification is of a minor or major nature.

17.130.150 Revocation of Type II Permit

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

The Director may revoke or amend a Type II permit if s/he finds that:

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

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

2) Revocation of a Type II Permit is subject to Section 17.130.130 Appeal.

17.130.1650 Post-decision review.

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

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

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

(4) Preliminary Processes.

(a) Pre-application review is optional.

(b) An application for post-decision review is subject to technical completeness review, CBDC 17.130.050; provided, the review authority shall not require an application for post-decision review to contain information that is not relevant and necessary to address the requested change or the facts and law on which it is based. As part of the technical completeness review, the director shall:

(i) Determine whether the proposed change can be reviewed as a post-decision review or ~~should~~shall be subject to a new application on the merits of the request;

(ii) Classify an application for post-decision review as a Type I, II or III process based on the circumstances of the original decision and the guidelines in subsection (5) of this section.

(c) Notify the applicant in writing of the determination and classification.

(i) The classification of the application is subject to appeal as part of the decision on the merits of the post-decision review.

(ii) A decision denying post-decision review and requiring a new application may be appealed to the planning commission.

(5) Post-Decision Review Guidelines.

(a) An application for post-decision review of a Type I decision shall be subject to a Type I process.

(b) An application for post-decision review of a Type II decision shall be subject to a Type I process if the director finds the requested change:

(i) Is consistent with the applicable law or variations permitted by law, including permits to which the development is subject; and

(ii) Does not involve an issue of broad public interest, based on the record of the decision.

(c) An application for post-decision review of a Type II decision shall be subject to a Type II process if it does not qualify for a Type I process.

(d) An application for post-decision review of a Type III decision shall be subject to a Type I review process if the director finds the requested change:

- (i) Unambiguously reduces the adverse impacts of the development authorized by the decision;
- (ii) Is consistent with the applicable law or variations permitted by law, including permits to which the development is subject; and
- (iii) Does not involve an issue of broad public interest, based on the record of the decision.

(e) An application for post-decision review of a Type III decision shall be subject to a Type II review process if director finds the requested change:

- (i) Is needed to address a minor change in the facts or the law, including permits to which the development is subject;
- (ii) Involves limited discretion; and
- (iii) Does not involve an issue of broad public interest, based on the record of the decision.

(f) An application for post-decision review of a Type III decision shall be subject to a Type III review process if it is not subject to Type I or II review.

(g) Modifications to a decision other than by a timely appeal or post-decision review shall be by new application. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

Chapter 17.150 DEFINITIONS

Sections:

17.150.010 Purpose

The purpose of Chapter 17.150 is to define terms used in the CBDC and other terms that may arise interpreting the CBDC.

A. Applicability. The definition in this chapter applies to actions and interpretations of CBDC.

B. General Provisions. Terms not identified herein shall have their ordinance accepted meanings within the context they are used pursuant to the current edition of the Websters New International Dicstionary of the English Language, unabridged. Where the singular variation of a term is used it also includes the plural.

C. Conflicting Definitions. Where a term is listed in this Chapter but defined by another section of Title 17, the term is not redefined in this Chapter for purposes of that other code or statute. Unless the context clearly requires otherwise, the definitions in this section shall apply to terms in this title. In addition to definitions provided below, there are chapter-specific or section-specific definitions in this title.

D. All definitions related to the City's Flood Management regulations can be found in 17.318.060

~~17.150.010~~ Definitions.

~~The following definitions are organized alphabetically.~~

~~17.150.010 Definitions.~~

~~Unless the context clearly requires otherwise, the definitions in this section shall apply to terms in this title. In addition to definitions provided below, there are chapter-specific or section-specific definitions in this title.~~

~~**100-year floodplain**—The land lying at or below the base flood elevation. The city of Coos Bay—elevation datum is 9.00 m.s.l. (also USGS), which is equal to elevation 13.00 m.l.l.w. (also known as tidal datum).~~

A.

Abutting – Adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than eight feet in a single direction.

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

Accessory building/structure – A detached, subordinate building located on the same lot with the main building (except as provided by Chapter 17.314 CBDC), occupied by or devoted to an accessory use. If an accessory building is attached to the main building in a substantial manner as by a wall or roof, or as determined by the building official, the building shall be considered part of the main building.

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

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

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

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

Adjoin – The same as “abutting.”

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

Affordable housing – Decent, safe, quality housing that costs no more than 30 percent of a household’s gross monthly income for rent/mortgage and utility payments.

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

Agricultural service – Establishments or places of business providing agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include tree service firms or landscape services.

Agricultural uses – The use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities; and provided further, that the above uses shall not include slaughterhouses and meat packing or commercial feeding of animals.

Alley – A narrow street through a block providing only secondary access to abutting property at the rear or side property lines.

Amusement park or center – A group of amusement devices for children and/or adults and their accessory uses. Such a park or center may include miniature golf areas, bumper cars, batting cages, arcades, bumper boats, go-carts and other such activities.

Animal husbandry – The commercial raising and breeding of livestock or other nondomestic animals or insects.

Animal sales and service – Establishments or places of business primarily engaged in animal-related sales and services. The following are animal sales and services use types:

Animal sales and service: auction – Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding a 48-hour period. Typical uses include animal auctions or livestock auction yards.

Animal sales and service: grooming – Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.

Animal sales and service: kennel – Boarding, raising, caring, and training services for dogs, cats, and similar small animals. Typical uses include, animal day care, –boarding kennels (overnight) or dog training centers.

Animal sales and service: pet shop – Establishment for the retail sale of household pets and pet supplies.

Animal sales and services: veterinary (large animals) – Veterinary services for large animals. Typical uses include animal hospitals or veterinary hospitals.

Animal sales and service: veterinary (small animals) – Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.

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

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

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

Appropriate area, minimum – The smallest total area of property allowed in a particular zone.

Architectural feature – Features shall include, but not be limited to, a cornice, eave, belt course, sill, chimney, uncovered/unenclosed porch, platform landing, deck, or stairway.

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

Arterial Street. See “Street, major arterial” and “Street, minor arterial.”

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

Automotive equipment – Establishments or places of business primarily engaged in motorized vehicle-related sales or services. The following are automotive and equipment use types:

- (a) Cleaning. Washing and polishing of automobiles. Typical uses include auto laundries or car washes.
- (b) Fleet Storage. Fleet storage of vehicles used regularly in business operation but not for the long-term storage of vehicles, nor for vehicles available for sale. Typical uses include taxi fleets, mobile catering truck storage, or auto storage garages.
- (c) Parking. Parking of private motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots or garages.
- (d) Repairs, Heavy Equipment. Repair of trucks, construction and logging equipment, as well as the sale, installation, or servicing of automotive equipment and parts, together with body repairs,

painting, and steam cleaning. Typical uses include truck transmission shops, body shops, or motor freight maintenance groups.

(e) Repairs, Light Equipment. Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts, but excluding body repairs and painting. Typical uses include muffler shops, auto or motorcycle repair garages, or auto glass shops.

(f) Sales/Rentals, Heavy Equipment. Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, trucks, and aircraft together with incidental maintenance. Typical uses include aircraft dealers, farm, logging, and heavy construction equipment dealers, or tractor trailers.

(g) Sales/Rentals, Light Equipment. Sale, retail, or wholesale, and/or rental from the premises of autos, noncommercial trucks, motorcycles, motor homes, recreational vehicles, boats, and trailers with generally less than a 10,000-pound gross cargo weight together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies, and small boat sales.

(h) Storage, Nonoperating Vehicles. Storage of nonoperating motor vehicles. Typical uses include storage of private parking tow-away or impound yards.

Awning/marquee – Any movable roof-like structure cantilevered or attached to and entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening, or rolled or folded back to a position flat against the building or a cantilevered projection thereof, or which is detachable.

B.

Bakery – An establishment where products such as breads, cakes, pies, pastries, etc., are baked or produced and sold on premises for wholesale and/or retail sale.

Bar and/or cocktail lounge – Any premises wherein alcoholic beverages are sold at retail for consumption on the premises. **A Class H retailer's license is required for serving liquor by the bottle or by the drink.**

Base flood – The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year” flood.

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

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

Block – A group of lots, tracts, or parcels within well-defined and fixed boundaries.

Boarding house – A dwelling where meals or lodging and meals are provided for compensation to at least one person and no more than 16 persons by prearrangement for definite periods of at least one week's duration. A boarding house is to be distinguished from a hotel.

Bollard – A post permanently affixed into the ground or pavement, at least two feet and no more than four feet in height after installation, whose purpose is to segregate automotive traffic from certain areas.

Border lots – Residential lots abutting the urban growth area boundary which may be larger in size than most urban lots to allow for a smoother transition to larger rural lots lying outside the boundary.

Breezeway – A covered walkway connecting the main building on a property with other main buildings or accessory buildings. The structure may not be more than 12 feet high at the ridge. More than 50 percent of the total area of the structure may not be enclosed with any material other than that necessary for roof supports.

Buffer area – A landscaped or natural area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another, or intended to reduce the impact of noise levels generated on one property from the surrounding properties and intended to enhance the level of safety and promote the aesthetic qualities of the area.

Buildable area – The space remaining after demonstrating compliance with the minimum open space and yard setback requirements of this title.

Buildable land – Land not constrained by critical areas and public rights-of-way or infrastructure.

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

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

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

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

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

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

Building setback line – A line parallel to the front lot line and passing through the most forward point or plane of the building closest to the front lot line.

Building site – A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

Building/property maintenance service – Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

Bus shelter – A building for the purpose of providing shelter from weather while waiting for mass public transportation. The shelter shall be construction consistent with the city's established design which frame shall be a three-by-three-by-12-inch A500 steel tube finished with two-component high solids polyurethane rust inhibitive primer, plus two-component high solids finish. The walls are one-quarter-inch clear tempered safety glass with simulated metal muntins. Roof is standing seam sheet metal with sheet steel ceiling soffit (both are finished to match frame).

C.

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

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

Canopy – A roof-like structure made of any material that projects from the wall of a building and overhangs a sidewalk.

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

Carport – A building designed to cover, but not enclose, automobile parking spaces.

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

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

Certified factory-built home.

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

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

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

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

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

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

Civic use types – The performance of utility, educational, recreational, cultural, protective, governmental, and other uses which are strongly vested with public or social importance.

Clinic – A facility for the treatment of human ailments operated by a group of physicians, dentists, chiropractors, or other licensed practitioners for the treatment and examination of outpatients.

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

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

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

Commission – The planning commission of the city.

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

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

Community recreation – Recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, or community recreation buildings. (This shall mean the same as “recreation facility, low-intensity” and “recreation facility, high-intensity.”)

Compatible use – A use that is capable of existing in harmony with other uses situated in its immediate vicinity.

Comprehensive plan – The goals, objectives and policies, documents and maps adopted by motion by the council to guide the physical development of the city; to coordinate city programs, services and controls; and to promote the general welfare.

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

Concrete slab – A broad, flat, somewhat thick concrete surface extending under a manufactured home or built in place to the extent of the structure which rests upon it which meets applicable IBC standards.

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

Condominium – The private ownership of single units in a multiple-unit structure with common or single ownership of land and facilities.

Construction – The building of, or substantial improvement to, any structure or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, “construction” refers to the act of construction or the result of construction.

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

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

(b) Heavy. Service and/or sales requiring the outside storage of building materials and equipment. Typical uses include building materials stores, tool and equipment rental or sales, excavation, septic, and demolition services.

Contiguous – Adjoining properties under the same ownership with a common boundary of two or more points. Properties shall not be considered contiguous if divided by a public dedicated road or alleyway.

Convenience sales and personal services – Establishments or places of business primarily engaged in the provision of frequently or recurrently needed small personal items or services. These include various general retail sales and personal services of an appropriate size and scale to meet the above criterion. Typical uses include neighborhood grocery, drug stores, laundromat/dry cleaners, or barbershops.

Convenience store – A retail establishment that is usually open for extended daily hours of business, normally located as a single entity or in a strip-building configuration along major roadways, is typically a self-service facility not dependent upon comparison shopping, and by its manner of display and merchandising.

Conversion – The change of a structure or building use or purpose ~~to which a structure or building is put.~~

Council or city council – The city council of the city of Coos Bay.

Court – An open, unoccupied space, on the same lot with, and bounded on three or more sides by, a building(s).

Critical facility – A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

Cul-de-sac – A local street having only one means of vehicular access to another street and terminating at its other end in a circular-shaped turnaround. This definition of “cul-de-sac” shall in no way be interpreted to include a dead-end street.

Cultural resources – Any structure, natural feature, site or area listed in the State of Oregon Inventory of Historic Sites and Buildings or any archaeological site.

Curb cut – The level of the established curb in front of a building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.

D.

De novo – Latin, “anew.” A de novo hearing is a completely new hearing. De novo review implies no deference to a previous hearing ruling.

Dedication – The deliberate appropriation of land by the owner for any general and public uses, personally reserving no other rights than those rights compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing.

Density – The number of permitted dwelling units allowed on each acre of land or fraction thereof.

Low-Density – 6 dwelling units per gross acre

Medium-Density – eight units per net acre minimum to 16 units per net area maximum

Hig-Density – 17 units or more per net acre

Density, net – The number of dwelling units or persons per net acre covering only the land devoted to building lots.

Design storm – A prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. (A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs.)

Detention facility – An above- or below-ground facility, such as a pond or tank, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. There is little or no infiltration of stored stormwater.

Developer – Any person, firm, or corporation undertaking the subdividing and/or development of any parcel of land; also known as the “applicant.”

Development – The placement, erection, or removal of any fill, solid material, or structure on land, in or under the water, discharge or disposal of any dredged material or of any liquid or solid waste; or the grading, removing, dredging, mining, or extraction of any materials, including mineral resources; the construction, reconstruction, removal, demolition or alteration of the size of any structure; or the removal or harvesting of vegetation. Development shall not be defined or interpreted to include activities related to or undertaken in conjunction with the cultivation, use, or subdivision of land for agricultural purposes or any improvement made in the interior of any structure.

Dining establishments – Establishments or places of business primarily engaged in the sale of prepared food for on-premises consumption. Dining establishment uses include:

- (a) Fast Order Food. An establishment whose primary business is the sale of food which is:
 - (i) Primarily intended for immediate consumption;

(ii) Available upon a short waiting time; and

(iii) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold, including drive-in fast food establishments.

(b) Sit-Down. An establishment whose primary business is the sale of food which is prepared, served, and consumed on the premises, and does not use a drive-up window.

Director - The person designated or his/her designee with overall responsibility to implement the CBDC.

Discrete lots – A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law (ORS 92.017).

District, zoning – Any portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this title and within which certain yards and other open spaces are required, certain lot areas are established, and a combination of such aforesaid conditions are applied.

Dormitory – A building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units, which are used or intended to be used by residents of the institution for living and sleeping, but not for cooking or eating purposes.

Double-faced sign – A sign with advertising on two surfaces, generally back-to-back.

Drainage – The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation, prevention, or alleviation of flooding.

Drainage basin – A geographic and hydrologic subunit of a watershed.

Drinking establishments – Establishments or places of business primarily engaged in the sale of beverages for on-premises consumption.

Drive-in or drive-through facility – An establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Driveway – That space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

Dryland moorage – Boat moorage space provided on dry land, such that boats are mechanically lowered to and raised from the water.

Dwelling – A building or any portion of it which has cooking and toilet facilities and is designed exclusively for private residential for occupancy by one family only. It does not include hotels, motels, boarding houses, recreational vehicles, park models, tents, yurts, pods or other similar accommodations.

Dwelling, attached – A dwelling having any portion of a wall in common with adjoining dwellings.

Dwelling, detached – A dwelling that is entirely surrounded by open space on the same lot.

Dwelling, duplex – A detached building, designed for or occupied exclusively by two families living independently of each other, and shall not include a manufactured home.

Dwelling, manufactured home – see definition of Manufactured home.

Dwelling, multiple-family – A building or portion thereof designed or used as a residence by ~~two~~ three or more families, and containing ~~two or more~~ than two dwelling units.

Dwelling, single-family – A building designed or used for residence purposes by not more than one family, and containing one dwelling unit only.

Dwelling unit – One or more rooms which have cooking and toilet facilities and are designed for occupancy for one family only.

E.

Easement – A right which one person has to use the land of another for a specific purpose.

Educational service – A facility customarily associated with public or private primary and secondary schools, nursery schools, vocational schools, colleges, or universities. Does not include personal instructional services listed under “Personal services, general.”

Elevated building – For National Flood Insurance Program purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Elevation – ~~Either the vertical distance above or below a fixed reference level, or a~~ A flat scale drawing of the exterior of the front, rear, or side of a building or structure.

Emergency shelter – A facility whose primary purpose is to provide housing for individuals and families in the event of an emergency or an emergency hazardous situation.

Eminent domain – The authority of the city of Coos Bay or other government agency to take, or to authorize the taking of, private property for public use with just compensation to the owner.

Employees – All persons, including proprietors, working on the premises during the largest shift at peak season.

Energy-efficient structure – A structure designed and built to comply with the annual thermal performance standards established by the Northwest Power Planning Council as the Model Conservation Standards.

Enlargement – An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

Environment – The physical, social and economic conditions that exist within the area which will be affected by a proposed project.

Environmentally sensitive lands – Lands shown on the city zoning map as an overlay to demonstrate areas which may contain wetlands, steep slopes, or other similar environmentally critical features which may limit or prevent construction.

Erected – Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, paving, and the like shall be considered within the definition of “erected.”

Erosion – The detachment and movement of soil or rock fragments by water, wind, and/or gravity.

F.

Facade – The front of a building, particularly that part of a building facing a street or courtyard.

Family – An individual or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than three additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling.

Family residential – The residential occupancy of living units by families and excludes tourist habitation and group care. Typical uses include single-family dwellings, duplex dwellings, and multiple-family dwellings.

Farmer's market/fish market – The commercial premises for the retail sale of produce, meat and poultry, seafood and other products.

Fence – Any artificially constructed barrier or any material or combination of materials erected to enclose or screen areas of land.

Fence, sight-obscuring – A fence ~~or evergreen planting, or combination of fence and planting,~~ arranged in such a way as to obstruct vision.

Fill – Placement of Earth material, including soil and rocks, or any other approved substance or material over original earth material.

Financial institutions/establishments – Includes, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, and other similar uses.

Finished Grade – The lowest point of elevation of the finished surface of the ground paving or sidewalk within the area between the building and the property line between the exterior wall of a building and a point five feet from the wall. When the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building. If walls are parallel to and within five feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

Flea market – An occasional sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, but not to include private garage sales.

Flood insurance rate map (FIRM) – The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodplain – Land area subject to flooding.

Floodway – The channel of a river and the portion of the floodplain that carries most of the flood. Regulations require that the floodway be kept open so that flood flows are not obstructed or diverted onto other properties.

Floor – The top surface of an enclosed area in a building (including basement), i.e., the top of a slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used primarily for the parking of vehicles and where openings are installed to allow the free passage of water.

Floor area – The sum of the gross horizontal areas of all of the floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes.

Food and beverage retail sales – Establishments or places of business primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include groceries or delicatessens.

Food packing and processing – Businesses engaged in the packing or processing of agricultural crops, animals, seafood, and their by-products which entails cutting, sorting, boxing, crating, canning, rendering, tanning, and so forth.

Foster care home – A home licensed and regulated by the state and classified by the state as a foster home, providing care and guidance for not more than five unrelated juveniles, adults or both.

Freestanding sign – A sign erected on a freestanding frame, mast, or pole supported on the ground and not attached to any building.

Frontage – That portion of a parcel of property which abuts a dedicated public street or highway, or private road or driveway approved by the city.

Frontage, corner lot – All the property on two sides of a street between two intersecting streets, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on two sides between an intersecting street and the dead end of the street. This definition also includes ingress-egress easements when used as the only means of access.

Fuel sales – Establishments or places of business primarily engaged in the retail sale, from the premises, of petroleum products with the incidental sale of tires, batteries, and replacement items, lubricating services, and minor repair services, but does not include body work or repair. Typical uses include automobile service stations, filling stations, or truck stops.

Fuel storage facility – An area that is used or planned to be used for the storage of petroleum. The facilities may be aboveground or underground storage tanks.

Funeral and interment services – Establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human dead. The following are interment services use types:

- (a) Cemetery. Places primarily for the burial of human remains; may include crematory and interring services. Typical uses include mausoleums, columbariums, and crematoriums.
- (b) Cremating/Interring. Crematory services involving the purification and reduction of the human body by fire and/or the keeping of human bodies other than in cemeteries. Typical uses include crematories, crematoriums, columbariums, and mausoleums.
- (c) Undertaking. Undertaking services such as preparing the dead for burial and arranging and managing funerals.

G.

Gallery – A business establishment devoted to the exhibition, display and/or sale of collections of such items as art, crafts and memorabilia.

Garage – A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, or storing motor vehicles internally and enclosed within the building.

Garage, detached – An accessory building intended and primarily used for the storage of motor vehicles, which is separate from and secondary to the main structure of the occupants.

~~**Grade (adjacent ground level)** – The lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet from the wall. If walls are parallel to and within five feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley or public way.~~

Greenhouse – An enclosed building, permanent or portable, that is used for the growth of plants.

Ground floor area – The square footage area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, patios, swimming pools, parking areas, driveways, garages, exterior stairways, secondary stairways, and drive-through teller lanes or walk-up windows of financial institutions only. Ground floor area is the total building area used in determining the percentage of lot coverage.

Groundwater – The portion of water contained in interconnected pores or fractures in a saturated zone or stratum located beneath the surface of the earth or below a surface water body.

Group care facility – A facility licensed by the state to provide, on a 24-hour basis, training, care, custody, correction or control, or any combination of those functions, to one or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped or other special class of persons, either by governmental unit or agency or by a person or organization devoted to such functions. This term shall not include schools, hospitals, prisons or other social service facilities.

Group residential – The residential occupancy of living units by groups of more than five persons who are not related by blood, marriage, or adoption, and where communal kitchen/dining facilities are provided. Typical uses include occupancy of fraternity and sorority houses, retirement homes, boarding houses, cooperatives, but excludes group residential care facilities.

Group residential care facility – Any private or public institution requiring state licensure and/or any nonprofit facility performing the same functions which provide services including, but not limited to, the care, boarding, housing or training of more than five physically, mentally, or socially handicapped or delinquent persons or dependent persons by any person who is not the parent or guardian of, and who is not related by blood, marriage, or legal adoption to, these persons.

Guesthouse – A detached accessory building without cooking facilities designed for and used to house nonpaying transient visitors or guests of the occupants of the main dwelling on the lot.

Gutter – A constructed waterway, usually along a street curb, installed to collect and conduct street surface water.

H.

Habitable floor – Any floor usable for living purposes, including working, sleeping, eating, cooking, or recreating uses, or any combination of these uses. A floor used only for storage purposes is not a habitable floor.

Half-story – An area under a roof finished for living accommodations or business purposes located wholly or partly within the roof frame and having a floor area at least one-half as large as the story below. Space with less than five feet clear headroom shall not be considered as floor area.

Hazardous waste treatment – The physical, chemical, or biological processing of dangerous waste to make wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

Hazardous waste treatment and storage facility, off-site – Treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.

Hazardous waste treatment and storage facility, on-site – Treatment and storage facilities that treat and store waste from generators on properties on the same geographically contiguous or bordering property.

Health care facility – An establishment primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners; medical and dental laboratories; outpatient care facilities; blood banks; and oxygen and miscellaneous types of medical supplies and services.

Health club – Gymnasiums (except those associated with educational institutions), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

Hearings examiner/Officer – The person(s) appointed ~~hearings examiner~~ by the ~~Director city council of Coos Bay~~ to hear and decide land use cases ~~in lieu of not heard or resolved by the Coos Bay planning commission review. , as directed by the Coos Bay city council and this title.~~

Historic property – A building, structure, object, area or site that is significant in the history, architecture, archaeology or culture of Coos Bay, the region or the nation.

Home occupation – An occupation, profession, or craft secondary to the use of a dwelling unit for residential purposes, is carried on by a member of the family residing within the residence, and requires no structural alterations or changes in the dwelling unit.

Homeless shelter – Any place or premises operated by a nonprofit organization wherein residence is provided to persons who need emergency shelter on a daily or weekly basis. Individual bath and cooking/eating facilities may or may not be provided.

Homeowners' association – A nonprofit organization operating under recorded land agreements through which the following take place: (a) Each person owning or purchasing a lot in a planned unit or other described land area is automatically a member by such ownership or purchase; (b) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and (c) Construction and maintenance responsibilities for any undivided property are identified and assigned.

Horticulture – Businesses primarily devoted to cultivation and/or storage of horticultural and floricultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes. Typical uses include plant nurseries and garden centers.

Hospital – An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

I. _____

Illuminated sign – Any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, or from a remote position.

Immediate vicinity – With regard to the built or manmade environment, this refers to all development that is within 500 linear feet of any proposed development, measured in a straight line from the property line that is closest to any existing development.

Impervious surfaces – Those surfaces that do not absorb water and consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt on a lot.

Improvement plans – The technical drawings of the design and proposed construction of such items as streets, water and sewer systems, and drainage detention systems.

Improvements – Any manmade features located on, above, or under real property.

Inauguration – Inauguration of use shall be either of the following: (a) securing of a building permit for approved construction projects and construction has commenced; or (b) for subdivisions, recordation of the final, city-approved map at the county recorder's office. For the permit to remain valid, construction under the building permit must successfully complete the first inspection within six months of issuance of the building permit. A foundation permit shall be treated as equivalent to a building permit, but grading, demolition, electrical, mechanical or plumbing permits shall not be considered or treated as building permits.

Incompatible use – A use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity.

Indirect illumination – A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.

Indoor amusement – Establishments engaged in providing entertainment indoors for a fee or admission charge, including such activities as theaters, bowling, pool, billiards, or arcades, that feature three or more coin or token operated devices, such as pinball and video games.

Indoor storage – The keeping of any goods, materials, merchandise, or supplies as an accessory use to any retail, office, or service use.

Industrial park – A planned, coordinated development of a tract of land with two or more separate industrial buildings. An industrial park is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site circulation, parking, utility needs, building design and orientation, and open space.

Industry, heavy – A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, light – A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Infiltration – The downward movement of water from the surface to the subsoil.

Infill – The development of land uses upon vacant or under-utilized sites.

J.

K.

L.

Land clearing – The exposure of earth by the removal of vegetative cover of any kind.

Land-disturbing activity – Any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling and excavation.

Land division – A partition or subdivision.

Landscape plan – A detailed sketch to scale illustrating the type, size, location and number of plants and other landscape elements to be placed in a development.

Landscaping – Not only trees, grass, bushes, shrubs, flowers, and garden areas, but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and artificial turf or carpeting, but excluding artificial plants, shrubs, bushes, flowers, and materials in movable containers.

Land Use Decision - A final decision or determination made by the City (or other agency with jurisdiction) that concerns the adoption, amendment, or application of the Comprehensive Plan or any provision of the CBDC where the decision requires the interpretation or exercise of policy or legal judgment. All decisions requiring quasi-judicial review by the City are Land Use Decisions. Decisions subject to administrative review are considered limited land use decisions, pursuant with ORS [197.015].

Laundromat – An establishment providing washing and drying machines on the premises for rental use to the general public for family laundering purposes.

Laundry services – Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as “personal services, general.” Typical uses include laundry agencies, diaper service, or linen supply services.

Lawn. Grass or similar materials maintained as a ground cover of less than six inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

Library service and cultural exhibit – The preservation and/or exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collections of books, manuscripts, and so forth for study and reading, but excludes private galleries whose primary purpose is the display and sale of art objects.

Limited manufacturing – Establishments engaged in the on-site production of goods by hand manufacturing (only the use of hand tools or light mechanical equipment) primarily for direct sale to consumers of those goods produced on site or other similar goods with no outside open storage permitted. Typical uses include ceramic studios, candle-making shops, woodworking, custom jewelry manufacturers, small furniture shops, or instruction studios for similar arts and crafts.

Loading space – An off-street space on the same lot with a building or group of buildings for the temporary maneuvering and parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodge, club, fraternal or civic assembly – Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose for members, but not primarily for profit nor for rendering a service which is customarily carried on as a business. Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations. The following are assembly types:

- (a) Small. Fewer than 16 persons on a regular basis.
- (b) Large. Sixteen or more persons on a regular basis.

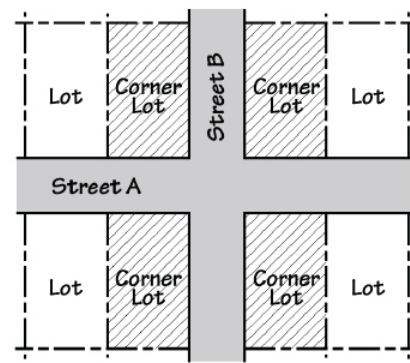
Lodging house – A building other than a hotel where lodging is provided for five or more persons for compensation pursuant to previous arrangements, but not open to the public, and meals and drinks are not served.

Lot – A single unit of land legally created by a partition or a subdivision or a unit or contiguous of land under a single ownership capable of being used under the regulations of this title, of land. A parcel of land used or which is capable of being used under the regulations of this title, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation. “Lot” shall also mean the individual leaseholds within an approved manufactured home park.

Lot area – The computed area contained within the horizontal area within the lot lines of a lot; said area to be exclusive of street or alley rights-of-way.

Lot, building – Land occupied or to be occupied by a building and its accessory buildings.

Lot, corner – A lot abutting on two or more intersecting streets other than an alley with a boundary line bordering on each of the streets as shown on the exhibit Lot, corner exhibit below. -

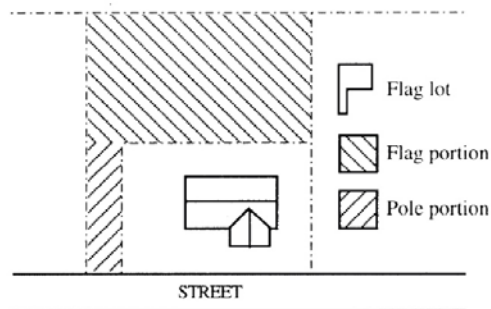


Lot, corner exhibit

Lot coverage – That percentage of the total lot area covered by structures, including decks and all other projections, except eaves (up to three feet), and all other impervious surfaces.

Lot depth – The horizontal distance between the midpoint of the front lot line and opposite lot line, usually the rear lot line. In the case of a corner lot, the depth shall be the length of the street side lot line.

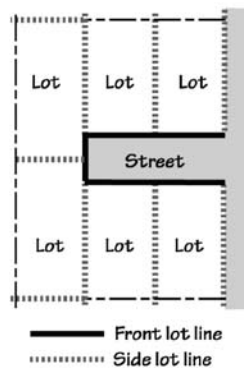
Lot, flag – A lot the developable portion of which is located behind another lot that has normal street frontage. A flag lot includes a strip of land that goes out to the public right-of-way street for public access. As shown on the Lot, flag exhibit below, there are two distinct parts to a flag lot; the flag which comprises the actual building site located behind another lot, and the pole which provides access from the street to the flag. A flag lot generally results from the division of a large lot that does not have sufficient width for division into two lots that would both have normal frontage onto the street. separated from the public right of way to which the lot has direct access by a narrow strip of land often used as a driveway. Creation of a flag lot is subject to additional standards in this code.



Lot, interior – A lot or parcel of land other than a corner or a through lot.

Lot, irregular – A lot which is shaped so that application of setback requirements is difficult; examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.

Lot line – The property line along the edge of bounding a lot. The Lot line exhibit below identifies front and side property lines.



Lot line exhibit

Lot line, front – In the case of an interior lot, the lot line separating a lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

Lot line, rear – A lot line which is opposite and most distant from the front lot line; and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.

Lot line, side – Any lot line which is not a front or rear lot line.

Lot line, street side – Any side lot line that abuts a public street right-of-way or public or private access easement.

Lot of record – A lot as shown on the records of the county assessor or county auditor at the time of the passage of this title; provided, however, this shall not include lots that may appear on the records of the county assessor which were created contrary to the provisions of laws and regulations in effect prior to the passage of this title. Any lots created after the adoption of this title shall comply with the standards contained herein.

Lot, through – An interior lot having a frontage on two parallel or approximately parallel streets other than alleys, and/or highways. Such a lot has one front yard fronting on the primary public street.

Lot width – The average (mean) horizontal distance measured between the side lot lines, at the building setback line between the two opposite side lot lines. Average lot width shall be the average of the front and rear lot lines. ordinarily measured parallel to the front lot line.

Lounge – A building or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on premises.

Lowest floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title.

M.

Maintain – To cause or allow to continue in existence. When the context indicates, the word means to preserve and care for a structure; improve or condition an area to such an extent that it remains attractive, safe, presentable, and carries out the purpose for which it was installed, constructed, or required.

Major Remodeling. See “Substantial improvement.”

Manufactured home— A structure, transportable in one or more sections, as defined by ORS 446.003, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a recreational vehicle.

Manufacturing – Establishments engaged in the mechanical or chemical production, processing, assembling, packaging, or treatment of materials or substances into new products usually by power-driven machines and materials-handling equipment. Products of these establishments are primarily for wholesale markets or transfer to other industrial users but may include direct sale to consumers.

Map – A final diagram, drawing, or other writing concerning a land partition.

Marijuana processing – As defined under ORS 475B.015(25)(a) – Cannabis.

Marina – A facility that provides moorage, launching, storage, supplies, and a variety of services for recreational, commercial, fishing, and other vessels. Moorage facilities with five or fewer berths are excluded from this category.

Marketplace retail sales – Commercial premises of at least 5,000 square feet which are planned and developed as a market and which may have multiple occupancy by business firms having common access or open air access from a public right-of-way. Example businesses located in the marketplace include farmer’s market and fish market.

Marquee – A permanent or temporary roofed structure attached to and supported by the building and projecting over public property.

Medical services – Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use or group residential (group care) use type. Typical uses include medical offices, dental laboratories, health maintenance organizations, or detoxification centers.

Mining and processing – Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil, or gas and/or the on-site processing and production of mineral products. Typical uses are borrow pits, oil and gas drilling, concrete batch plants, sand, gravel and aggregate processing plants, or coal processing plants.

Mitigation – Taking one or more of the following actions listed in order of priority.

1. Avoiding the impact altogether by not taking a certain development action or parts of that action.
2. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective measures.
5. Compensating for the impact by replacing or providing comparable substitute resources or environments.

Mitigation Plan - A plan that outlines the activities that will be undertaken to alleviate project impacts to sensitive areas.

Mixed-use zoning – ~~Zoning that permits a~~ A combination of typically separated uses within a single development. A planned unit development is an example of mixed-use zoning. “Mixed use” in an urban context refers to usually a single building or buildings adjacent to one another in one project area with more than one type of activity taking place within its confines. An example of a mixed-use development might have commercial uses on the ground floor, office above them, and residential units above the office. Other combinations of uses may also occur in this type of setting.

Mobile Home. See “Certified factory-built home.”

Modular home/prefabricated home – A residential structure, consisting of many components, which meets the requirements of the International Building Code and is constructed in a factory, transported to the building site, and then partially constructed at the site. The construction requirements are to be the same as for a site-built home.

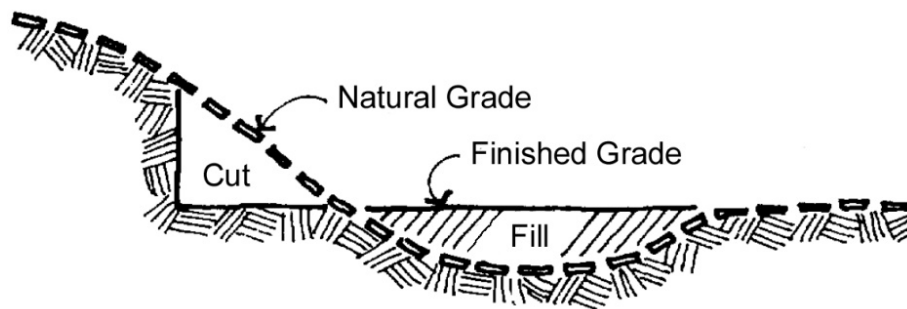
Motor home – A portable, temporary dwelling to be used for travel, recreational, and/or vacation use constructed as an integral part of a self-propelled vehicle.

Mural – Any pictorial or graphic decoration, other than a sign, which is applied directly to a structure and is neither used for, nor intended to achieve the purposes of, advertising by the use of lettering or script to draw attention to or to direct the observer to a particular business or business location, nor to draw attention to specific products, goods, or services by the use of a brand name, trademark, copyright, or any other device restricted in use without permission of the owner.

N.

National Register of Historic Places – A list of properties that have been formally judged to have historic significance and which have been accepted by the keeper of the National Register. The state of Oregon and the city of Coos Bay also maintain separate designations for inclusion. The city’s list is contained within the comprehensive plan.

Natural Grade - The elevation of the ground level in its natural and original state, before manmade alterations such as grading, filling, excavation, and construction. See the Natural Grade figure below.



Natural Grade figure

Neighborhood – An identifiable geographic area of relatively small size; a collection of units and other land uses that provide a relationship between dwellings, school, religious facilities, minor retail and/or other local facilities.

New construction – Structures for which the start of construction commenced on or after the effective date of this title.

Night club – An establishment in which live music, dancing, or entertainment is conducted. that has a capacity for at least 30 persons seated at tables and the bar employs a bartender and maintains table service, dancing, and/or live entertainment for the guests.

Nonconforming Structure – An existing structure that was created in conformance with the development regulations then in effect but which subsequently, due to a change in the zone or zoning regulations, does not conform to the current regulations imposed by this title or amendments thereto such as One or more elements of a development, such as setbacks, screening, height or parking area requirements that was created in conformance with the development regulations then in effect but which subsequently, due to a change in the zone or zoning regulations, does not conform to the current regulations imposed by this title or amendments thereto.

Nonconforming lot – A lot that does not comply with currently applicable city regulations.

Nonconforming use – A land use of land which lawfully existed at the time the ordinance codified in this title, or any amendment thereto, becomes effective, but which does not conform to the current regulations imposed by this title or such amendment thereto, that was allowed by right when established or that obtained a required land use approval when established, but that subsequently due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. See also, chapter 18.1.4 Nonconforming Situations.

Non-water-dependent – In general, non-water-dependent uses are those that do not require direct access to or location near waterways, and therefore could be located away from said waters.

O.

Occupancy – The physical placement of a structure on land, or the utilization of land on a temporary or permanent basis. This includes existing structures built prior to the enactment of the ordinance codified in this title that do not have authorization by virtue of a valid permit issued.

Office – A building or portion of a building wherein services and activities are conducted performed in an administrative setting generally focusing on -involving predominantly administrative, professional, business, government or financial services. or clerical operations.

Off-street parking – The minimum off-street, on-site parking of vehicles that shall be provided under the terms of this title.

One-Hundred year floodplain (100-year floodplain) – The land lying at or below the base flood elevation. The city of Coos Bay elevation datum is 9.00 m.s.l. (also USGS), which is equal to elevation 13.00 m.l.l.w. (also known as tidal datum).

Open space – Land perpetually set aside and maintained for the conservation/preservation of natural features or scenic amenities, for the buffering of a use within or adjacent to the development, for solar and wind access, or for bicycle/pedestrian access ways. These lands shall remain undeveloped except for natural or landscaped vegetation and do not include thoroughfares, parking areas, or improvements other than recreational facilities. -

Ordinance – A law set forth by governmental authority; a development regulation adopted by the legislative branch of the locality.

Overlay zone – A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond that required by the underlying zones.

Owner – The owner of record of real property as shown on the tax rolls of the county, or person purchasing a piece of property under contract. For the purposes of this title, in terms of violations and binding agreements between the county and the owner, “owner” shall also mean a leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement, violations of agreement, or the provisions of this title. For the purpose of processing an application for a land use approval or permit under this title, where such application or permit must be filed by an owner, the term “owner” also includes a governmental entity contemplating acquisition of a parcel for a use which would require such permit or approval.

P.

Parcel – A single unit of land that is created by a partition of land (ORS 92.010).

Park, public – An area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities.

Parking lot or area and/or garage – An off-street facility used for the storage or parking of four or more motor vehicles to provide an accessory service to a commercial, industrial, public or residential use.

Parking lot or area, and/or garage public – A parking area available to the public, with or without payment of a fee.

Parking lot or area, and/or garage private - A parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area.

Parkrow or Planter Strip - A landscape area for street trees and other plantings within the public right-of-way, usually in the form of a continuous planter area between the street and sidewalk.

Parking Space - A rectangular space designed and designated to provide parking for automobiles and bicycles in compliance with Chapter 17.330. A parking space will provide access and maneuvering space sufficient to permit an automobile to be parked without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.

Parking service – Parking services involving public garages and lots.

~~Parking space~~ – ~~A rectangle not less than eight feet five inches wide and 16 feet long, together with access and maneuvering space, sufficient to permit a compact automobile to be parked within the rectangle without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.~~

Parking space, compact – A rectangle not less than seven feet five inches wide and 15 feet long, together with access and maneuvering space, sufficient to permit a compact automobile to be parked within the rectangle without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.

Parking structure – A standalone structure used for the storage or parking of motor vehicles. The footprint of a parking structure will be included in the calculation of lot coverage.

Partition, land – To divide land into two or three parcels of land within a twelve (12) month period, calendar year, but does not include:

- (a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or
- (b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance.

Partition, major – A partition which necessitates the creation of a road or street.

Partition, minor – A partition that does not necessitate the creation of a road or street.

Permit – A license, certificate, approval, or other entitlement for use granted by a public agency.

Permit Modification – Major – A modification that includes a significant departure for the originally approved Permit for land development or a land use.

Permit Modification – Minor – A modification that includes minor changes not affecting the use, design or intent of the originally approved Permit for land development or land use.

Personal services, general – Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature, but excludes services classified as “spectator sports and entertainment,” or “participant sports and recreation.” Typical uses include photography studios, driving schools, or reducing salons, laundromats, or dance instruction.

Planned unit development (PUD) – A tract of land planned and developed as an integrated unit under single ownership or control which in this context may be vested in partnerships, corporations, syndicates, or trusts. The PUD shall encompass a comprehensive development plan of a parcel of land, which has been approved by the review authority, and may use innovative and unique development concepts, including but not limited to clustering and mixing of land uses residential units to create useful open space and to preserve site features.

Plant nursery – An enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

Plat – A map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

Plaza - An open public space associated with commercial development.

Plot – A parcel of ground upon which a building and its accessory buildings have been or may be erected.

Porch - Covered porches, exterior balconies, or other similar areas attached to a building and having dimensions of not less than six feet in depth and eight feet in width.

Porch, enclosed - A porch that contains wall(s) that are more than 42 inches in height measured from finished floor level for 50 percent or more of the porch perimeter.

Porch, unenclosed - All walls contained in an unenclosed porch are less than 42 inches in height, but an unenclosed porch may be covered.

Preliminary plat – A neat and approximate drawing of either a proposed subdivision showing the general layout of rights-of-way and easements, streets and alleys, lots, blocks, and tracts in the subdivision or short subdivision, and other elements of a subdivision which shall furnish a basis for the approval or disapproval of the general layout of the preliminary plat.

Preschool facility – An educational center or establishment, including a kindergarten, that provides primarily instruction, supplemented by daytime care, for four or more children between the ages of two and five years, and which operates on a regular basis.

Primary Building or Structure - A structure or combination of structures of principal importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure may be determined by comparing the size, placement, design, appearance, function, and the orientation of the structures on a site, among other relevant factors.

Private Drive - A private drive is a road in private ownership, not dedicated to the public, which serves three or fewer dwelling units.

Private clubs – Organizations that are privately owned and operated by their members and not operated for profit, and which maintain recreational, dining, and/or athletic facilities for the exclusive use of the members and their guests and uses accessory or incidental thereto.

Private parking – Parking facilities for the noncommercial use of the occupant and guests of the occupant, which includes garages and carports meeting the dimensional requirements of off-street parking requirements of this title.

Private road – That easement or parcel created to provide the access from a city road to short platted lots; the maintenance of this is to be the responsibility of the lot owners.

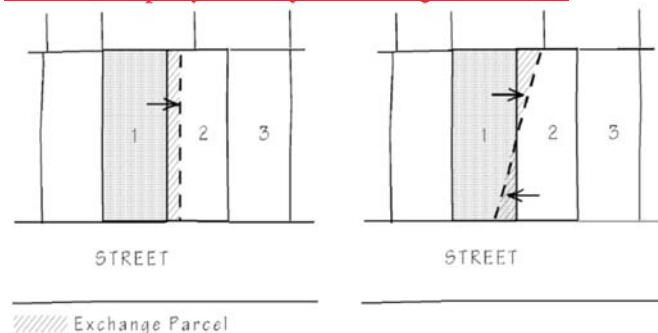
Professional and administrative service – The conduct of business in any of the following related categories: advertising, architecture, landscape architecture, engineering, planning, law, medicine, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investments, and any similar type business.

Professional office – The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.

Prohibited use – Any use that is specifically enumerated or interpreted as not allowable in any specific district.

Projecting sign – A sign other than a wall-mounted sign which projects from and is supported by a wall of a building or structure.

Property Line Adjustment - The relocation of a single common property line between ~~Property line adjustments are changes in the boundary between~~ two or more existing adjacent parcels ~~not resulting in an increase in the number of lots pursuant to the requirements of Chapter 17.367.~~ ~~where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed are not thereby created.~~ See the Property line adjustment figure below.



Property Line Adjustment figure

Public assembly, place of – Any area, building or structure where large numbers of individuals meet or collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, gymnasiums, stadiums, houses of worship, or comparable facilities.

Public building – Buildings which are owned, operated, and maintained by a public agency such as City Hall, police and fire stations, educational institutions, zoos, museums, and the like.

Public improvement – Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.

Public safety service – Life safety services together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.

Public use – The use of any land, water, or building by a public agency for the general public, or by the public itself.

Public utility – Any person, firm, corporation, governmental department, or board, duly authorized to furnish under government regulations to the public, electricity, gas, communications, transportation, or water.

Q.

R.

Readerboard sign – A sign with letters and/or advertising which can be readily changed manually or electronically.

Recreational area – Lands perpetually set aside and maintained for use by all residents of a development. These areas shall be improved and shall be of a specified size.

Recreational Facility, Low Density and High Density. See “Community recreation.”

Recreational space – An area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.

Recreational vehicle – A vehicle that is:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towed by a light-duty truck;
- (d) Designed for human occupancy; and

(d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. _

Refuse service – Any place used for disposal of used material. Typical uses include sanitary landfills, dumps, or refuse disposal sites.

Religious assembly – A religious organization involving public assembly typically occurring in but not limited to synagogues, temples, or churches. The following are religious assembly use types:

(a) Small. Fewer than 16 persons on a regular basis.

(b) Large. Sixteen or more persons on a regular basis.

Repair service, consumer – Establishments primarily engaged in repair services to individuals and households rather than firms, but excluding “automotive and equipment” use types. Typical uses include appliance repair shops, apparel repair firms, or musical instrument repair firms.

~~**Residential certified factory built home park** – A parcel of land under single, private ownership which is issued to provide a permanent or semi permanent location or accommodation for certified factory built homes. It shall include all buildings as part of the facilities.~~

Residential Structure – A structure that contains one or more dwelling units.

Residential treatment facility – A facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence), recovery homes, and nursing homes, rest and convalescent homes, and orphanages.

Residential use – Use of land or structure thereon, or portion thereof, as a dwelling place for one or more families or households, but not including occupancy of a transient nature, such as in hotels, motels, or timesharing condominium uses.

Retail food establishment – Any fixed or mobile place or facility at or in which food or beverages are offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry out restaurants and drive-in restaurants. A cafeteria is a restaurant for purposes of this title.

Retail sales, general – The sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified as “agricultural sales,” “animal sales and service,” “automotive and equipment,” “business equipment sales and service,” “construction sales and service,” “food and beverage retail sales,” and “fuel sales.” Typical uses include department stores, apparel stores, furniture stores, hardware stores, or florists.

Retail trade – Establishments primarily engaged in providing finished products to individual consumers. Retail trade establishments may include, but are not limited to, apparel, books, groceries, camera shops, convenience stores and automobile service stations.

Retirement home – A place of residence for several families or individuals in apartment-like quarters, which may feature services such as limited nursing facilities, minimum maintenance living accommodations and recreation programs and facilities.

Right-of-way – A street, alley, or other thoroughfare or easement, whether physically accessible or not, that has been permanently established or dedicated for the passage of persons or vehicles. Title to this land remains with the public or private agency until the need no longer exists.

Riparian vegetation – Dense, narrow band of vegetation along lakes, streams, rivers, and sloughs. Typical plant species include willow, black cottonwood, red alder, Oregon ash, and western wax myrtle.

Roofline – The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Rooming house – A building wherein furnished rooms without cooking facilities are rented for compensation to three or more non-transient persons not included in the family unit of the owner or tenant of the premises.

Row houses – A series of single-family dwelling units that are erected in a row on adjoining lots, each being separated from an adjoining unit by two separate but abutting walls along the dividing lot line.

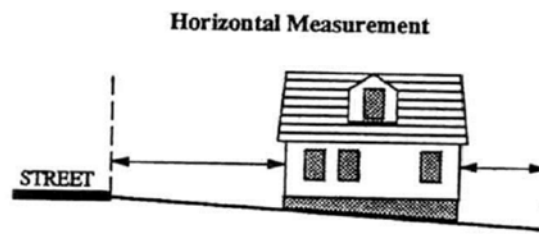
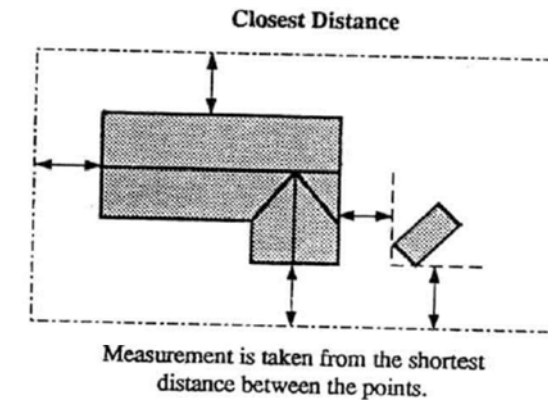
Scrap operation – Places of business primarily engaged in the storage, sale, dismantling, or other processing of used, source-separated, or waste materials which are not intended for reuse in their original form. Scrap operation uses include:

- (a) Light. Businesses only engaged in the recycling of household items, such as glass, tin, cardboard, paper, or beverage cans.
- (b) Heavy. Except as may be permitted as scrap operation, light, these businesses can include automotive wrecking yards, junkyards, paper salvage yards, or solid waste collection or recycling service, including fleet storage, fleet repair, collection, transportation, disposal or resource recovery of solid wastes.

Screening – A device or materials used to conceal adjacent land or development. Screening may include walls, berms, or vegetation that must be of sufficient density to block the view of adjacent land or development from either side of the screen. The screen, if vegetative, shall be planted and maintained to completely block the view of adjacent land or development after 12 months. The screen shall be maintained or constructed at such a density as to block the view to adjacent properties.

Service station – A building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water, other operating commodities for motor vehicles or boats, and food and beverages as an accessory to automobile related uses. The cross-section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements.

Setback – The minimum allowable horizontal distance required between a structure and a property lot line. ~~from a property line to the nearest vertical wall or other element of a building or structure as defined herein. Setback is not measured from the curb unless the curb also is the property line.~~



Shopping center – A group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related in its location, size and type of shops to the trade area which the unit serves.

Sidewalk – That portion of a transition strip improved for pedestrian traffic in accordance with standards fixed by the review authority.

Sign – Any identification, description, illustration, symbol, or device which is Anything whatsoever placed, erected, constructed, posted, or affixed in any manner directly on the ground or to any post, fence, building, land or structure for out-of-doors advertising, but not including devices, structures or representations installed by any governmental authority. __

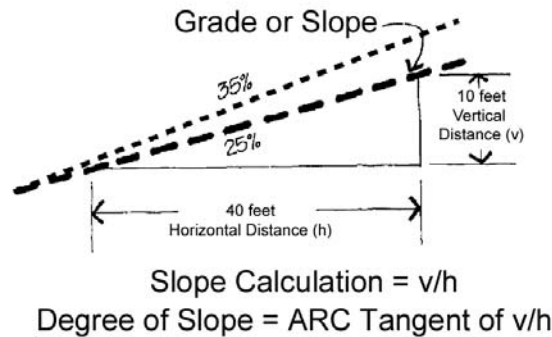
Sign area – The size of a sign in square feet of the largest face, measured within any type of perimeter, border, or defined edges or within a background of color if different than the wall upon which it is placed enclosing the outer limits of any sign, excluding essential sign structures, foundations, or supports. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area within a standard geometric figure, i.e., rectangle, parallelogram, or triangle, of the smallest size sufficient to cover the entire area of the sign. The area of three-dimensional or spherical signs shall be measured by using the largest cross-section in a flat projection.

Single-faced sign – A sign with advertising on only one surface.

Site – The lot(s), parcel(s) and tract(s) included in a proposed subdivision or short subdivision and contiguous lots, parcels or tracts in which the owner of the site has a greater than possessory interest.

Site plan – A plan prepared to scale, showing accurately and with complete dimensions all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land.

Slope - The deviation of a surface from the horizontal, usually expressed in percent. See Slope Figure below.



Slope figure

Soil – The surface layer of the earth, supporting plant life.

Soil removal – Removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, rock or similar materials or combination thereof, except common household gardening.

Solar access – The availability of direct sunlight to solar energy systems.

Solar energy system – Any structural element, device, or combination of devices or elements which rely upon direct sunlight as an energy source, including, but not limited to, any substance or device which collects, stores, or distributes sunlight for use in the following: (a) the heating or cooling of a structure or building; (b) the heating or pumping of water; (c) industrial, commercial, or agricultural processes; or (d) the generation of electricity. Use of this term includes passive, active and hybrid systems. Attached solar energy systems shall be considered as a part of the structure or building to which they are attached. Detached solar energy systems shall be considered accessory uses.

Spectator sports and entertainment – Establishments or places primarily engaged in the provision of cultural, entertainment, athletic, and other events to spectators as well as those involving social or fraternal gatherings. The following are spectator sports and entertainment use types:

Spectator sports and entertainment: indoor – Those uses conducted within an enclosed building. Typical uses include theaters or meeting halls.

Spectator sports and entertainment: outdoor – Those uses conducted outdoors. Typical uses include stadiums or drive-in theaters.

Standard factory-built home – A residential housing unit which is built at a location different from the intended site of occupancy but which meets city building, plumbing, heating, and ventilation codes. These units shall be subject to the same regulations as conventionally built units.

Start of construction (for flood damage prevention only) – Includes major remodeling, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages, or sheds not occupied as dwelling units or not part of the main structure.

Stepback - Building setbacks are stepped or progressive recessions in a building’s face as the building rises higher. Setbacks are designed to reduce building mass to allow views around the building from above and/or from a distance, to allow more light down to the adjacent rights-of-way, and to improve the aesthetic experience of the building from adjacent rights-of-way. An example of a setback is shown on the setback figure below:

Stormwater – That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.

Story – That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement or unused under-floor space shall be considered as a story.

Street – All roads, streets, highways, freeways, easements, and public rights-of-way used for or designed for vehicular access or use, including private roads but not including private driveways.

Street, collector – A street penetrating neighborhoods, collecting traffic from local streets in the neighborhood and channeling it into the arterial system.

Street, dead-end – A local street with only one outlet, without possibility of extension, and a maximum length of 400 feet. A vehicle turnaround may be required.

Street, improved – A street with a paved roadway that has a structural cross-section that meets the minimum street improvement standards of the city of Coos Bay.

Street line – The dividing line between any street, road or other thoroughfare and the adjacent lots.

Street, local – A street which is primarily to provide direct access to abutting property and for local traffic movement.

Street, major arterial – All state highways and major routes leading into and through the city.

Street, minor arterial – A street of considerable continuity which is used primarily for through traffic and travel between large areas.

Street, open – A street which provides access for property development. An open street must be:

- (a) One for which the city accepts responsibility of grading and drainage maintenance;
- (b) Paved to city standards with curbs, storm drainage, etc.; or
- (c) An all-weather roadway and, in most cases, graveled or strip-paved. (“All-weather” means that a standard automobile can negotiate the road without difficulty year-round.)

Street, private – A thoroughfare that is privately built and maintained which affords a primary means of vehicular access.

Structural alteration – Any material or dimensional changes in the structural elements of a building such as bearing walls, columns, beams, and roofs.

Structure – A building or any piece of work joined together in some definite manner, which requires location on the ground or is attached to something located on the ground. Under the National Flood Insurance Program, “structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

Subdivision, land – Either an act of subdividing land into four or more lots or a tract of land subdivided. To divide an area into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such a year.

Substantial damage – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Construction - Physical alteration of the land and/or building to an extent that there is obvious progress toward completion of the project as follows: For new construction, it shall include walls extending up from grade level; for existing buildings, it shall include issuance of a building permit with inspections for work equal to or greater than 25% of the value of the project as indicated on the building permit; and if no building permit is required, proof that site work equal to or greater than 25% of the value of the project has been completed. Land value and permit costs shall not be included in the calculation for value of construction completed.

Substantial improvement – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- (c) The term does not, however, include either:
 - (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (ii) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

In any one-year period, if improvements to the structure total more than 50 percent of the value of the structure, the structure will be required to be brought up to current floodplain management standards. The one-year period will be a rolling period and start at the completion, or date of finalization, of the oldest improvement within the last 365-day period. At the end of each improvement, the structure must be deemed habitable as defined by the Oregon Building Code.

Surface water – Waters that flow over the land surface and frequently interact with groundwater.

Swale – A shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot.

T.

Tavern – A building where beer and/or wine is served to the public, which holds a Class A or B license from the Oregon State Liquor Control Board.

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

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

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

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

Tourist habitation – Establishments primarily engaged in the provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are tourist habitation use types:

~~(a)~~ **(a)** Bed and Breakfast. Lodging services involving the provision of room and/or board in an existing dwelling with no more than eight bedrooms.

(b) Bed and breakfast house – A hotel in what was built as a single-family dwelling and which offers up to six bedrooms for transient guests. This definition is for historic reference for vacation rentals authorized prior to +++, ++, 2020.

(b) Campground. Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

(c) Lodging. Lodging services involving the provision of room and/or board. Typical uses include hotels, motels and pay for stay arrangements for less than 30 days in city residences. (examples, Airbnb, vrbo),- or motels.

(d) Waterfront Heritage Bed and Breakfast. Lodging facilities in the WH zone in a dwelling with no more than eight bedrooms involving the provision of room and board.

(e) Waterfront Inn. Overnight lodging facilities in the WH zone with all units water-oriented. A restaurant and conference facilities may be included.

(f) Hostel. Any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed, or maintained under the sponsorship of a non-profit organization which holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended.

(g) Hotel/Motel. A building or portion thereof designed and used for transient lodging in a non-residential zone for a period of less than 30 days, lodged with or without meals and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

(h) Vacation rental. A residential structure being rented for compensation for less than thirty (30) days without concurrent occupation by the owner/operator.

Townhouse - A single family dwelling unit in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides.”

Tract – One or more contiguous lots or parcels under the same ownership.

Trailer – A separate vehicle, not driven or propelled by its own power, but drawn by some independent power; to include any portable or movable structure or vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals, or merchandise of any kind, including boats, boat trailers, jet skis, half-tracks, snowmobiles, and the like, not included in other definitions.

Transportation service – Transportation offered to the public involving group assembly rather than door-to-door service; may also include the fleet storage of vehicles or cars. Typical uses include bus terminals, railroad depots, or airports.

Travel trailer – A vehicle with or without motor power primarily designed as temporary living quarters for recreational, camping, or travel use, and in which the plumbing, heating, and electrical systems contained therein may be operated without connection to outside utilities, being of such size or weight as not to require a special highway movement permit. The term shall include truck campers.

Turnaround - A vehicle maneuvering area at the end of a dead-end street or driveway (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around.

U.

Unbuildable Area - All areas outside of building envelopes and within open space.

Units per acre – The number of dwelling units allowed on one acre. For example, a maximum of four units/acre would mean that no more than four dwelling units on one acre are allowed in a particular zone.

Unstable slopes – Those sloping areas of land which have in the past exhibited, are currently exhibiting, or will likely in the future exhibit movement of earth.

Use – The purpose that land or structures now serve or for which it is occupied, maintained, arranged, designed or intended.

Use, cease of - Use shall be considered as ceased when the site and/or building is no longer used or available for occupancy by the specific use. A building or site vacant while being continuously marketed, repaired, or otherwise similarly unavailable for use is not considered to be a cessation of use. A building or site that is occupied by a different use shall be considered as a cessation of the former use.

Use, start of - Use shall be considered as begun when the applicant has physically moved into the site or is in the process of physically moving into the site in preparation of beginning occupation and/or operation. Actual operation and/or business open to the public need not occur to consider a use as begun.

Use, principal – The main use of land or buildings as distinguished from a subordinate or accessory use.

Use, temporary – A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Temporary uses do not involve the construction or alteration of any permanent structure.

Utilities easements – Rights-of-way that may be used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone, and television cable for the construction, operation, maintenance, alteration, and repair of their respective facilities.

Utility and service – Public utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations, sewer pump stations, water reservoirs, and radio, microwave, and telephone transmitters.

Utility substation – A subsidiary or branch facility utilizing aboveground structures, which is necessary to provide or facilitate distribution, transmission, or metering of water, gas, sewage, radio signals and/or electric energy and telecommunication signals. Such facilities have a local impact on surrounding properties and may consist of, but are not limited to, the following: (a) water, gas, telecommunication and electrical distribution or metering sites; (b) water or sewage pumping stations; (c) water towers and reservoirs; (d) public wells and any accessory treatment facilities; (e) transmission towers and accessory equipment to provide radio and data communications service, radio paging, or cellular communications service; (f) telecommunication facilities.

V.

Vacation Rental – A residential structure being rented for compensation for less than thirty (30) days.

Variance – A modification of the terms of this title to a particular piece of property which, because of special circumstances, is deprived of privileges enjoyed by other properties of the same zone and which modification remedies the disparity in privileges.

Vehicle sign – Advertising copy painted or permanently affixed to lawfully parked and operable vehicles or trailers.

Video sales and rental – Commercial establishments engaged in the sale and rental of video equipment, tapes and accessories for home entertainment.

Vision clearance area – Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance with a triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines or intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

Visitor information service – A service providing visitor information about the city, the region and the state.

Visual obstruction – Any fence, hedge, tree, shrub, device, wall, or structure exceeding three and one-half feet in height above the elevation of the top of the curb, and so located on a street or alley intersection as to dangerously limit the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed of branches to a minimum height of at least six feet.

W.

~~Wall-mounted sign – A sign affixed directly to or painted or otherwise inscribed on an exterior wall and confined to the limits thereof.~~

Warehouse – A building used primarily for the storage of goods and materials.

Water-dependent – A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production, or source of water. Under the National Flood Insurance Program, “water-dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Water-oriented use – A use located on properties east of Front Street, including the WH-3 subdistrict, in the waterfront heritage zoning district, which is enhanced by a view of, or access to, the waterfront.

Water-related – Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

Watercraft sales/rentals – Sales, rental and incidental repairs of watercraft, such as, but not limited to, jet skis, canoes, motorboats, and sailboats. Motorized watercraft and sailboats, where motorized watercraft and sailboats are displayed in the water.

Waterfront – The mean high-water line.

Wetlands – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wholesale, storage, and distributing – Establishments or places of business primarily engaged in the wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are wholesale, storage, and distribution use types:

- (a) Mini-Warehouse. Storage or warehousing service within a building(s) primarily for individuals to store personal effects and by businesses to store materials for operation of an industrial or commercial enterprise located elsewhere. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant but in no case may storage space in a mini-warehouse facility function as an independent retail, wholesale, business, or service use. Spaces shall not be used for workshops, hobby shops, manufacturing, or similar uses and human occupancy of the spaces shall be limited to that required to transport, arrange, and maintain stored materials.
- (b) Light. Wholesale, storage, and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, or moving and storage firms.
- (c) Heavy. Open-air storage, distribution, and handling of materials and equipment. Typical uses include monument or stone yards, wood chip storage, or lumber storage.

Y.

Yard – Open space on a lot which is unobstructed by a structure, and measured between the property line and the nearest point at the outermost face of any vertical support, exterior wall line, or foundation of a building. May also be an area defined by required setbacks.

Yard, front – A yard between side lot lines and measured horizontally at right angles to the front ~~from the front~~ lot line to the nearest point of the building.

Yard, rear – A yard between side lot lines and measured horizontally at right angles to the ~~from the~~ rear yard ~~lot~~ line to the nearest point of the building.

Yard, side – An open space between the front ~~-yard between the front~~ and rear yards measured horizontally and at right angles from the a ~~a~~ side lot line or street side lot line to the nearest point of a building.

Z.

Zero lot line development – A single-family housing unit which has no yard requirements on one or more of the lot lines, in conformance with the International Building Code.

Zone – Area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established.

Zone or Zoning district – The same as “district” or “zone.”

~~**Zoning officer** – The officer who is charged with the administration and enforcement of this title, or an authorized deputy. [Ord. 503 § 1 (Exh. B), 2018; Ord. 490 § 1, 2018; Ord. 486 § 1, 2017; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.140.010].~~

Chapter 17.110

GENERAL PROVISIONS

Sections:

- 17.110.010 Title.
- 17.110.020 Applicability.
- 17.110.030 Standards designated.
- 17.110.040 Purpose.
- 17.110.050 Organization.
- 17.110.060 Term construction.
- 17.110.070 Hierarchy of plans and regulations.
- 17.110.080 Timing of regulations.
- 17.110.090 More restrictive provision governs.
- 17.110.100 Severability.
- 17.110.110 Minor modifications to this title.

17.110.010 Title.

This title is known as “The Coos Bay Development Code (CBDC).” This title replaces all other related development chapters and ordinances within the city of Coos Bay. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.110.020 Applicability.

No building or other structure shall be constructed, improved, altered, enlarged or moved; nor shall any use or occupancy of premises within the city be commenced or changed after the effective date of the ordinance codified in this title, except in conformity with conditions prescribed by this title. Where the CBDC imposes greater restrictions than those imposed or required by other rules, regulations or ordinances, the provisions of the CBDC shall control. It is unlawful for any person, firm, or corporation to erect, construct, establish, alter, enlarge, use or cause to be used, any buildings, structures, improvements or use of premises contrary to the provisions of this title. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.110.030 Standards designated.

The standards this title establishes are the minimum requirements necessary to protect public health, safety and general welfare. The city may impose conditions of approval beyond the standards identified to protect public health and welfare to allow the use or activity being proposed. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.110.040 Purpose.

The purposes of this Code is to implement the Coos Bay Comprehensive Plan, promote orderly city growth; to conserve and stabilize the value of property; to encourage the most appropriate use of land; to establish standards for population density; to provide adequate open space for light, air, and appropriate landscaping; to facilitate fire and police protection; to avoid traffic congestion; to provide for community facilities; and to promote and protect the public health, safety, convenience, and general welfare.

17.110.050 Organization.

The text of this title is organized as follows: Section 1, General Administration; Section 2, Zoning; and Section 3, Land Development. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.110.060 Term construction.

(1) Defining Words. All words used in this title, unless otherwise defined in Chapter 17.150 CBDC, Definitions, shall be defined by the latest version of Merriam-Webster's Unabridged Dictionary.

(2) Tenses and Usage.

(a) Words used in the singular include the plural. The reverse is true.

(b) Words used in the present tense include the future tense. The reverse is true.

(c) The words "must," "shall," "will" and "will not" are mandatory.

(d) "May" is permissive.

(e) "Prohibited" means that the proposed use or improvement is not allowed. An adjustment, variance, conditional use or other land use review shall not be approved if the effect of the approval would circumvent a prohibition. This does not preclude the council from making legislative changes in accordance with state law.

(3) Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:

(a) "And" indicates that all connected items or provisions apply;

(b) "Or" indicates that the connected items or provisions may apply singly or in combination; and

(c) "Either...or" indicates that the connected items or provisions apply singly, but not in combination.

(4) Lists. Lists of items that state "including the following," "such as," or similar language are not limited to just those items. Lists provide examples, but do not exhaust all possibilities. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.110.070 Hierarchy of plans and regulations.

(1) General Hierarchy. When interpreting land use plans, policies, maps and standards, the city review authority shall apply the following general hierarchy of authority. In case of ambiguity or conflict, the review authority shall refer to and rely upon the Coos Bay comprehensive plan (CBCP) for guidance above all other city texts or maps.

(a) The CBCP is the highest authority and establishes land use policy and compliance in deference to State of Oregon Planning Goals. The CBCP is reviewed and updated periodically respond to the changing needs and desires of the City. The Comprehensive Plan text supersedes plan designation maps.

(b) The Coos Bay Development Code (CBDC) text and zoning maps implement the CBCP. CBDC text supersedes zoning maps. Interpretations of CBDC text and zoning maps must be consistent with the CBCP.

(c) The city public works and engineering standards are utilized to implement the CDCP and the CBDC. Interpretations of the city public works and engineering standards must be consistent with the CBCP and with the CBDC text and zoning maps.

(d) The review authority shall not interpret general language in the CBCP so as to supersede specific or numeric standards in the CBDC or adopted engineering standards. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.110.080 Timing of regulations.

(1) Land Use Approval and Building Permits.

- (a) The review authority shall not process an application until the review authority finds the application to be technically complete.
- (b) A technically complete application is an application that fully complies with the relevant portions of Chapter 17.130 CBDC (Procedures) and this title.
- (c) The city will process technically complete applications for land use review relying upon the regulations in effect at the time the applicant submitted a complete application to the city.

(2) Legislative Changes. Applications for legislative changes, such as a plan amendment or annexation, do not create a vested right to development regulations in effect at the time the legislative application was submitted. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.110.090 More restrictive provision governs.

If the requirements of this Title are less restrictive than comparable requirements imposed by another provision of this CBDC or of any other Ordinance of the City or requirement of the State of Oregon, the provision which is more restrictive shall govern.

17.110.100 Severability.

The provisions of this Code are severable. If any section, sentence, clause, or phrase of this Code is judged by a court of law to be invalid, the decision shall not affect the remaining portions of this Code and shall continue in full force and effect.

17.110.110 Minor modifications to this title.

The Director may make minor modifications to this title using a Type I process. These minor modifications include numbering, grammar, language clarifications and other minor corrections. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

Chapter 17.120

ADMINISTRATION

Sections:

- 17.120.010 Planning commission.
- 17.120.020 Planning department.
- 17.120.030 Review authority.
- 17.120.040 Interpretations.
- 17.120.050 Conditions of approval.
- 17.120.060 Administrative authority.
- 17.120.070 Enforcement.
- 17.120.080 Record maintenance.
- 17.120.090 Application fee schedule.

17.120.010 Planning commission.

The Coos Bay planning commission (commission) shall consider and take actions consistent with Chapter 2.35 CBMC. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.120.020 Planning department.

The city council may, at its discretion, create a Coos Bay planning department (department) which shall have such duties, authority and financing as the council deems appropriate. The city manager shall assign a person with the responsibility of directing the activities of the Coos Bay planning department who shall be known as the Director. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.120.030 Review authority.

The review authority is an individual or governing body delegated with the responsibility of issuing a final decision on a land use proposal. The review authorities responsible for issuing final decision for land use proposals are:

- (1) Type I application, director;
- (2) Type II application, director;
- (3) Type III application, planning commission; and
- (4) Type IV application, city council, upon receipt of the recommendation of the planning commission. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.120.040 Interpretations.

(1) The review authority responsible for making a decision regarding a given application may interpret relevant ambiguous terms in this title in the course of or in advance of making a decision on the merits of the application.

(a) If an interpretation is made in advance of a decision on the merits of an application, the interpretation shall be conducted as a Type I review and shall be included as part of the decision on the merits of the application.

(b) An interpretation may be appealed as part of an appeal of the decision on the merits of an application.

(2) A use that is not listed in any zone or district may be permitted by similar use determination pursuant to Type I process. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016]. **17.120.050 Conditions of approval.**

The review authority may impose conditions of development approval necessary to either ensure compliance with the purposes of this title, or to preserve and promote the general health, safety and welfare of Coos Bay. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.120.060 Administrative authority.

(1) Designation of Review Authority and Responsible Official.

(a) Unless otherwise noted, the director is the primary review authority and shall interpret and apply the provisions of the CBDC.

(b) Where noted in the CBDC, the director shall interpret and apply the provisions of the CBDC relating to transportation, water and sewer facilities and all other city infrastructure.

(c) The Coos Bay building official shall interpret and apply the building and construction provisions which the city has adopted.

(d) The Coos Bay fire chief is the responsible official for the purpose of administering the International Fire Code, CBMC 15.05.010(1)(a). [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.120.070 Enforcement.

The review authority shall determine the applicability of the CBDC for enforcement purposes. All departments, officials and public employees of the city vested with the duty or authority to issue permits shall conform to the provisions of the CBDC and shall issue no permit, certificate or license for any use, building or purpose which violates or fails to comply with conditions or standards imposed by the CBDC. Any permit, certificate or license issued in conflict with the provisions of the CBDC, intentionally or otherwise, shall be void. The review authority shall be responsible for carrying out the enforcement provisions of this title. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.120.080 Record maintenance.

(1) The director shall maintain the official Coos Bay comprehensive plan map, zoning map, and other official land use maps and shall, from time to time, update these maps to reflect amendments by the city council.

(2) The city shall maintain the complete record of all land use planning applications and decisions. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.120.090 Application fee schedule.

The city council shall establish a land use application fee schedule which shall be reviewed on a yearly basis. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

Chapter 17.130 PROCEDURES

Sections:

- 17.130.010 Review required.
- 17.130.020 Pre-application review.
- 17.130.030 Application types and classification.
- 17.130.040 Application contents.
- 17.130.050 Review for technically complete status.
- 17.130.060 Reserved.
- 17.130.070 Approval criteria.
- 17.130.080 Type I procedure.
- 17.130.090 Type II procedure.
- 17.130.100 Type III procedure.
- 17.130.110 Type IV procedure.
- 17.130.120 Notices.
- 17.130.130 Appeal.
- 17.130.140 Expiration and extension of decisions.
- 17.130.150 Revocation of Permits
- 17.130.160 Post-decision review.

17.130.010 Review required.

Land use project review and approval is required prior to issuance of building permits for the following:

- (1) The division of land or alteration of existing lot (parcel) lines;
- (2) All conditional uses and new uses in any district;
- (3) All changes in the use of a structure that increase the intensity of use, such as by increasing the gross floor area, height or bulk of the structure, number of access points or parking spaces, number or size of signs, or other measures of intensity or the structure location or significant elements of the design; and
- (4) Building and demolition permits or any change, except painting and minor repair, to the exterior of properties listed on the National Register of Historic Places. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.020 Pre-application review.

(1) Applicability.

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

(b) The applicant shall submit the pre-application materials to the city.

(2) Waiver. The city discourages waiver of the pre-application process. In the event that the director waives the pre-application review, the pre-application waiver shall state that waiver of pre-application review may increase the maximum time for review for technically complete status and may increase the risk that the application will be rejected or processing will be delayed.

(3) Application Contents.

(a) At a minimum, a pre-application submittal shall include the following:

- (i) The requisite fee and three paper copies and one electronic copy of the following information;
- (ii) A completed form provided by the city for that purpose;
- (iii) The name, mailing address, and telephone number of the owner(s), engineer, surveyor, planner, and/or attorney and the person with whom official contact shall be made regarding the application;
- (iv) A preliminary site plan which shall include, where applicable, a north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering, structures and landscaping on the site; existing and proposed natural features on the site, including vegetation, topography and grades; existing and proposed utilities (water, sewer, drainage, fire hydrants); and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. 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. The applicant is encouraged to submit drawings showing the elevation(s) of a proposed primary structure;
- (v) Proposed dedications to the city or other agency, if applicable;
- (vi) A written description of the proposed use or development. The description shall identify any variances, adjustments or exceptions needed for approval of the plan.

(4) Scheduling, Notice and Attendees.

- (a) Within seven calendar days after receipt of an application for pre-application review, the city shall mail or otherwise convey written notice of the pending pre-application conference to the applicant and other interested agencies. The notice shall state the date, time and location of the pre-application conference, the purposes of pre-application review, and the nature of the conference.
- (b) The pre-application conference shall be scheduled not more than 21 calendar days after the notice is mailed or otherwise conveyed.
- (c) The director shall determine who shall be invited to the meeting. In addition to the applicant and representatives, possible attendees include the design assistance team (DAT), the director, , the city engineer, a representative from affected service districts, and representatives from interested state agencies and neighborhood associations recognized by the city council or by Coos County.

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

- (a) Summarize the proposed application(s);
- (b) Provide the relevant approval criteria and development standards in the city code or other applicable law; and exceptions, adjustments or other variations from applicable criteria or standards that may be necessary;
- (c) Evaluate the information offered by the applicant to comply with the relevant criteria and standards, and identify specific additional information that is needed to respond to the relevant criteria and standards or is recommended to respond to other issues;
- (d) Identify applicable application fees in effect at the time, with a disclaimer that fees may change;

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

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

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

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

(6) Time Limit. The written summary of a pre-application conference is valid for up to one year. If more than one year has elapsed between the date of the last pre-application conference and the date an application is submitted, a new pre-application conference shall be required. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.030 Application types and classification.

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

(2) Concurrent Application. If the applicant requests more than one type of review for a given development, an applicant shall submit all applications required for the development at one time, unless otherwise prohibited from doing so by law. Concurrent applications for a given development are subject to the highest type procedure that applies to any of the applications.

(3) Procedure Types. There are four types of land use review procedures. This chapter or the chapter that authorizes an application generally identifies the type of procedure that applies to the application. If the appropriate procedure is not clearly defined, the director shall decide which of the four procedures will apply, based on the following considerations:

(a) A Type I process involves nondiscretionary standards or standards that require the exercise of professional judgment by the Director about technical issues.

(b) A Type II process involves a mix of discretionary and nondiscretionary standards that require the exercise of limited discretion by the Director about nontechnical issues and about which there may be a limited public interest.

(c) A Type III process involves standards that require the exercise of substantial discretion by the Planning Commission or a Hearings Officer and about which there may be a broad public interest.

(d) A Type IV process involves the creation, implementation or amendment by the City Council, with a recommendation by the Planning Commission, of the CBCP, CBDC or other related City land use policies or law.

(4) Undefined Review. If this title is silent as to the type of review procedure required, the director shall, using a Type I review process, determine the appropriate level of review. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.040 Application contents.

An applicant for development and/or land use review shall submit the requisite fee and three paper copies and one electronic copy of the information required by CBDC 17.130.050, except as otherwise provided

therein.). Additional copies may be required, depending upon who the review authority is for the application type. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.050 Review for technically complete status.

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

(2) 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. If the CBDC does not list the information a given application is required to contain, then such an application is technically complete if it includes three hard copies and one electronic copy of the following information:

- (a) A completed City land use application form;
- (b) Required application fee;
- (c) A copy of the pre-application conference summary, if the application was subject to pre-application review, which shall include all information required by the Director to address issues, comments and concerns in the summary;
- (d) The name, e-mail address, mailing address, and telephone number of the owner(s) and official contact regarding the application.
- (e) Written authorization to file the application signed by the owner of the property that is the subject of the application, if the applicant is not the same as the owner as listed by the Coos County assessor;
- (f) Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance;(e) A written description of how the application complies or with conditions, can comply with each applicable CBCP, CBDC, and other City policy and regulation approval criterion applicable to the application. Basic facts and other substantial evidence supporting the description must also be included in the application;
- (g) Applications necessarily associated with the proposal, such as applications for variances as specified in Chapter 17.372 or for modifications to the road standards that are required to approve the proposal;
- (h) A legal description of the site;
- (i) A preliminary site plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale
- (j) A floor plan at a ¼ or 1/8-inch scale.
- (k) Elevations of all sides of the proposed structure at a ¼ or 1/8 inch scaled.
- (l) Existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide three copies of the plan of a size no smaller than 11" x 17".
- (m) Proposed easements or dedications to the city or other agency, if applicable;

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

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

(3) Excluded Information and application fees. The director may accept as technically complete an application without information listed as being required if such information is not necessary to make a finding required by the law. However no application shall be accepted for review without required application fees.

(4) Missing Information. If the director determines an application is not technically complete, within 30 calendar days after the city receives the application the director shall send the applicant a written statement rejecting the application. Incompleteness shall be based solely on failure to pay required fees, failure to address the relevant criteria or development regulations, or failure to supply required information and shall not be based on differences of opinion as to quality or accuracy. The statement shall:

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

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

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

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

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

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

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

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

(a) All the missing information;

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

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

(7) Pursuant to ORS 227.178, the city will reach a final decision that approves, approves with conditions, or denies the application. The City will reach its decision within 120 calendar days from the date that the application was determined to be complete or deemed complete (unless the applicant agrees to extend the 120-calendar-day timeline or unless state law provides otherwise); including time for any possible appeal up to an appeal by the Land Use Board of Appeals (LUBA). However, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city.

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

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

(10) Amendments to an application submitted more than 14 calendar days after the application is deemed complete may be determined by the director to be so substantial that the application shall be treated as having been refiled. In such a case, the director shall provide the applicant with the following options: provide the city with a waiver of the 120-day time frame set forth in ORS 227.178 of a minimum of 14 calendar days from the date the amendment was submitted; treat the application as having been refiled as of the date the amendment was submitted; or, decide the application on the basis of the applicant's materials without the amendment.

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

17.130.060 Reserved.

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

17.130.070 Approval criteria.

The director shall approve an application for review if he or she finds the applicant has sustained the burden of proving that:

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

(2) The development makes adequate provision for public services consistent with the level of service provided in adopted city policies, plans and regulations. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.080 Type I procedure.

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

(3) Appeal and Post-Decision Review. The notice of decision shall state the date by which the appeal must be filed pursuant to CBDC 17.130.130 or state that the applicant may apply for post-decision changes pursuant to CBDC 17.130.150. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.090 Type II procedure.

(1) Notice of Application. Twenty days prior to a Type II review, the city shall mail a written notice of the application as specified in CBDC 17.130.120 (1) and (4) to property owners within 150' of the

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

(3) Decision.

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

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

(4) Notice of Final Order. Within seven calendar days after issuing a decision, the city shall mail notice of the decision to property owners within 150' of the subject application area as provided in CBDC 17.130.120 (3).

(5) Appeal and Post-Decision Review. The notice of decision shall state the date by which the appeal must be filed pursuant to CBDC 17.130.130 or state that the applicant may apply for post-decision changes pursuant to CBDC 17.130.150. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.100 Type III procedure.

(1) Hearing. An application subject to a Type III process will be considered at one or more public hearings before the city's planning commission or a Hearings Officer.

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

(3) Staff Report. At least seven calendar days before the date of the hearing, the director shall make available hard copy of the staff report regarding the application available at City Hall, an electronic copy of the staff report available on the City web site, and shall mail a hard copy of the staff report to the planning commission, the applicant, and the applicant's representative(s) and other parties who request it. The staff report shall set out the relevant facts and applicable standards for the application and a summary of how the application complies with those standards based on the facts and evidence, including any conditions of approval. (4) Public Hearings. Public hearings shall be conducted in accordance with the rules of procedure adopted by the planning commission or the Hearing Officer. A public hearing shall be recorded on audio or audiovisual tape.

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

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

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

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

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

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

(vi) State that if any member of the decision-making authority has visited the site, they shall describe generally what was observed.

(vii) Summarizes the procedure of the hearing.

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

(c) After the presentation of the staff report, the chair shall call for the applicant's testimony, opposition testimony and neutral testimony, in that order.

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

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

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

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

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

(6) Notice of Decision. Within seven calendar days of the date of the decision, the city shall mail a notice of decision as provided in CBDC 17.130.120 (3) to property owners within a 300' radius of the application site.

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

17.130.110 Type IV procedure.

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

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

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

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

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

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

(ii) That the planning commission recommends against or in favor of approval of the application(s) with or without certain changes, or that the planning commission makes no recommendation regarding the application(s), together with a brief summary of the basis for the recommendation. (iii) That, in the case of a joint planning commission/council hearing, the council may take action as noted in 17.130.110(4c).

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

(c) At the conclusion of its initial hearing noted in 17.130.110(a) or (b), the city council may continue the hearing, take an action forwarding the application for further review consistent with the CBDC, or take an action to terminate or postpone further consideration of the application. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.

(5) Decision. Within 14 calendar days after the date the record closes regarding a given application(s), the Director regarding a Type IV application requested by a property owner specific to a particular property the city shall issue a Notice of decision regarding the application(s) with the information provided in 17.130.120(3)(a) and (e). Within seven calendar days of the date of the decision, the city shall mail a notice of decision as provided in CBDC 17.130.120 (3) to property owners within a 300' radius of the application site.(5) Appeal and Post-Decision Review. An application subject to a Type IV process is not subject to appeal or post-decision review before the city. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.120 Notices.

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

- (a) The file number;
- (b) The name(s) and address(es) of the applicant and owner;
- (c) The legal description of the site;
- (d) The street address or other easily understood geographical reference to the subject property;
- (e) A description of the proposal and a listing of the approval criteria by applicable code section number;
- (f) A statement that the application can be reviewed at City Hall during working hours, and that copies can be obtained for a fee equal to the city's cost for providing the copies;
- (g) The name and contact information of the city representative to contact regarding the application;
- (h) An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;
- (i) A statement outlining the appeals process.

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

- (a) The information required by subsection (1) of this section;
- (b) The date, time and place of the hearing;
- (c) A statement that the planning commission will conduct the hearing in accordance with the rules of procedure adopted by the planning commission;
- (d) A statement that the staff report will be available at least seven days prior to the hearing and how the report may be viewed; and
- (e) A statement that interested parties may testify orally or in writing at the public hearing.

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

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

- (b) The appeal closing date;
 - (c) A description of how to file an appeal of the decision; including applicable fees;
 - (d) A statement that the public record in the case is available for review and the place, days and times for review; and
 - (e) The name and telephone number of the city staff person to contact for information about the case or to review the case file.
- (4) Distribution of Notices by Mail.
- (a) The city shall mail notice of application subject to Type II review to:
 - (i) The applicant and the applicant's representative;
 - (A) The property owner of record; shall be the person(s) listed in the records of the Coos County assessor; and
 - (B) Failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing executed by the person who did the mailing shall be conclusive evidence that notice was mailed to parties listed or referenced in the certificate;
 - (ii) Agencies with jurisdiction; and
 - (iii) Other persons with standing who request such notice in writing.
 - (b) The city shall mail notice of a hearing regarding an application subject to a Type III process to:
 - (i) The applicant and the applicant's representative;
 - (A) The property owner of record; shall be the person(s) listed in the records of the Coos County assessor; and
 - (B) Failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing executed by the person who did the mailing shall be conclusive evidence that notice was mailed to parties listed or referenced in the certificate.
 - (ii) Agencies with jurisdiction.
 - (iii) Other persons with standing who request such notice in writing. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.130 Appeal.

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

(2) **Standing.**

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

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

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

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

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

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

(4) Scope of Review.

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

- (i) Prejudice to the parties.
- (ii) Convenience or availability of evidence at the time of the initial hearing.
- (iii) Surprise to opposing parties.
- (iv) The competency, relevancy and materiality of the proposed testimony or other evidence.
- (v) Such other factors as may be determined by the reviewing body to be appropriate.

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

(5) Appeal Authority.

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

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

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

(6) Review on the Record.

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

(i) A factual report prepared by the director.

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

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

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

(7) Review Body Decision.

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

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

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

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

(b) Action by the appeal authority shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting.

Pursuant to ORS 227.178, the city shall issue the final decision within 120 calendar days from the date the application was deemed technically complete unless the applicant agrees to extend the 120-calendar-day timeline or unless state law provides otherwise. In no case shall the review body render its decision later than 60 calendar days after the filing of the request for review. The city shall file the final decision within five working days after it is rendered. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.140 Expiration and extension of decisions.

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

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

(3) The director may approve two one-year extensions of a decision if he or she finds that the relevant facts and the law have not changed substantially since the original approval, or that the application can comply with the law in effect on the date the application for the extension was filed by complying with applicable additional and/or modified conditions of approval, and those additional conditions and/or modifications are adopted. At the director's discretion, any extension application may be referred to the Planning Commission for action. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.130.145 Modifications to Type II and Type III permits.

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

- (1) Major modifications to Type II permits shall require compliance with the requirements of Section 17.130.090.
- (2) Minor Modifications to Type II permits shall require compliance with the requirements of Section 17.130.080.
- (3) Major modifications to Type III permits shall require planning commission review and approval pursuant to the requirements of Section 17.130.100.
- (4) Minor modifications to Type III permits may be approved by the Director. The Director, at his/her discretion, may refer the minor modification to the Planning Commission;
- (5) The Director shall determine whether a proposed project modification is of a minor or major nature.

17.130.150 Revocation of Type II Permit

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

The Director may revoke or amend a Type II permit if s/he finds that:

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

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

2) Revocation of a Type II Permit is subject to Section 17.130.130 Appeal.

17.130.160 Post-decision review.

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

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

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

(4) Preliminary Processes.

(a) Pre-application review is optional.

(b) An application for post-decision review is subject to technical completeness review, CBDC 17.130.050; provided, the review authority shall not require an application for post-decision review to contain information that is not relevant and necessary to address the requested change or the facts and law on which it is based. As part of the technical completeness review, the director shall:

(i) Determine whether the proposed change can be reviewed as a post-decision review or shall be subject to a new application on the merits of the request;

(ii) Classify an application for post-decision review as a Type I, II or III process based on the circumstances of the original decision and the guidelines in subsection (5) of this section.

(c) Notify the applicant in writing of the determination and classification.

(i) The classification of the application is subject to appeal as part of the decision on the merits of the post-decision review.

(ii) A decision denying post-decision review and requiring a new application may be appealed to the planning commission.

(5) Post-Decision Review Guidelines.

(a) An application for post-decision review of a Type I decision shall be subject to a Type I process.

(b) An application for post-decision review of a Type II decision shall be subject to a Type I process if the director finds the requested change:

(i) Is consistent with the applicable law or variations permitted by law, including permits to which the development is subject; and

(ii) Does not involve an issue of broad public interest, based on the record of the decision.

(c) An application for post-decision review of a Type II decision shall be subject to a Type II process if it does not qualify for a Type I process.

(d) An application for post-decision review of a Type III decision shall be subject to a Type I review process if the director finds the requested change:

- (i) Unambiguously reduces the adverse impacts of the development authorized by the decision;
- (ii) Is consistent with the applicable law or variations permitted by law, including permits to which the development is subject; and
- (iii) Does not involve an issue of broad public interest, based on the record of the decision.

(e) An application for post-decision review of a Type III decision shall be subject to a Type II review process if director finds the requested change:

- (i) Is needed to address a minor change in the facts or the law, including permits to which the development is subject;
- (ii) Involves limited discretion; and
- (iii) Does not involve an issue of broad public interest, based on the record of the decision.

(f) An application for post-decision review of a Type III decision shall be subject to a Type III review process if it is not subject to Type I or II review.

(g) Modifications to a decision other than by a timely appeal or post-decision review shall be by new application. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

Chapter 17.150 DEFINITIONS

Sections:

17.150.010 Purpose

The purpose of Chapter 17.150 is to define terms used in the CBDC and other terms that may arise interpreting the CBDC.

A. **Applicability.** The definition in this chapter applies to actions and interpretations of CBDC.

B. **General Provisions.** Terms not identified herein shall have their ordinance accepted meanings within the context they are used pursuant to the current edition of the Webster's New International Dictionary of the English Language, unabridged. Where the singular variation of a term is used it also includes the plural.

C. **Conflicting Definitions.** Where a term is listed in this Chapter but defined by another section of Title 17, the term is not redefined in this Chapter for purposes of that other code or statute. Unless the context clearly requires otherwise, the definitions in this section shall apply to terms in this title. In addition to definitions provided below, there are chapter-specific or section-specific definitions in this title.

D. All definitions related to the City's Flood Management regulations can be found in 17.318.060

17.160.010 Definitions.

The following definitions are organized alphabetically.

A.

Abutting – Adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than eight feet in a single direction.

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

Accessory building/structure – A detached, subordinate building located on the same lot with the main building (except as provided by Chapter 17.314 CBDC), occupied by or devoted to an accessory use. If an accessory building is attached to the main building in a substantial manner as by a wall or roof, or as determined by the building official, the building shall be considered part of the main building.

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

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

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

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

Adjoin – The same as “abutting.”

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

Affordable housing – Decent, safe, quality housing that costs no more than 30 percent of a household’s gross monthly income for rent/mortgage and utility payments.

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

Agricultural service – Establishments or places of business providing agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include tree service firms or landscape services.

Agricultural uses – The use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities; and provided further, that the above uses shall not include slaughterhouses and meat packing or commercial feeding of animals.

Alley – A narrow street through a block providing only secondary access to abutting property at the rear or side property lines.

Amusement park or center – A group of amusement devices for children and/or adults and their accessory uses. Such a park or center may include miniature golf areas, bumper cars, batting cages, arcades, bumper boats, go-carts and other such activities.

Animal husbandry – The commercial raising and breeding of livestock or other nondomestic animals or insects.

Animal sales and service – Establishments or places of business primarily engaged in animal-related sales and services. The following are animal sales and services use types:

Animal sales and service: auction – Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding a 48-hour period. Typical uses include animal auctions or livestock auction yards.

Animal sales and service: grooming – Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.

Animal sales and service: kennel – Boarding, raising, caring, and training services for dogs, cats, and similar small animals. Typical uses include, animal day care, boarding kennels (overnight) or dog training centers.

Animal sales and service: pet shop – Establishment for the retail sale of household pets and pet supplies.

Animal sales and services: veterinary (large animals) – Veterinary services for large animals. Typical uses include animal hospitals or veterinary hospitals.

Animal sales and service: veterinary (small animals) – Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.

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

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

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

Appropriate area, minimum – The smallest total area of property allowed in a particular zone.

Architectural feature – Features shall include, but not be limited to, a cornice, eave, belt course, sill, chimney, uncovered/unenclosed porch, platform landing, deck, or stairway.

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

Arterial Street. See “Street, major arterial” and “Street, minor arterial.”

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

Automotive equipment – Establishments or places of business primarily engaged in motorized vehicle-related sales or services. The following are automotive and equipment use types:

- (a) Cleaning. Washing and polishing of automobiles. Typical uses include auto laundries or car washes.
- (b) Fleet Storage. Fleet storage of vehicles used regularly in business operation but not for the long-term storage of vehicles, nor for vehicles available for sale. Typical uses include taxi fleets, mobile catering truck storage, or auto storage garages.
- (c) Parking. Parking of private motor vehicles on a temporary basis within a privately-owned off-street parking area with or without a fee. Typical uses include commercial parking lots or garages.
- (d) Repairs, Heavy Equipment. Repair of trucks, construction and logging equipment, as well as the sale, installation, or servicing of automotive equipment and parts, together with body repairs, painting, and steam cleaning. Typical uses include truck transmission shops, body shops, or motor freight maintenance groups.
- (e) Repairs, Light Equipment. Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts, but excluding body repairs and painting. Typical uses include muffler shops, auto or motorcycle repair garages, or auto glass shops.

(f) Sales/Rentals, Heavy Equipment. Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, trucks, and aircraft together with incidental maintenance. Typical uses include aircraft dealers, farm, logging, and heavy construction equipment dealers, or tractor trailers.

(g) Sales/Rentals, Light Equipment. Sale, retail, or wholesale, and/or rental from the premises of autos, noncommercial trucks, motorcycles, motor homes, recreational vehicles, boats, and trailers with generally less than a 10,000-pound gross cargo weight together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies, and small boat sales.

(h) Storage, Nonoperating Vehicles. Storage of nonoperating motor vehicles. Typical uses include storage of private parking tow-away or impound yards.

Awning/marquee – Any movable roof-like structure cantilevered or attached to and entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening, or rolled or folded back to a position flat against the building or a cantilevered projection thereof, or which is detachable.

B.

Bakery – An establishment where products such as breads, cakes, pies, pastries, etc., are baked or produced and sold on premises for wholesale and/or retail sale.

Bar and/or cocktail lounge – Any premises wherein alcoholic beverages are sold at retail for consumption on the premises. **A Class H retailer's license is required for serving liquor by the bottle or by the drink.**

Base flood – The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year” flood.

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

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

Block – A group of lots, tracts, or parcels within well-defined and fixed boundaries.

Boarding house – A dwelling where meals or lodging and meals are provided for compensation to at least one person and no more than 16 persons by prearrangement for definite periods of at least one week's duration. A boarding house is to be distinguished from a hotel.

Bollard – A post permanently affixed into the ground or pavement, at least two feet and no more than four feet in height after installation, whose purpose is to segregate automotive traffic from certain areas.

Border lots – Residential lots abutting the urban growth area boundary which may be larger in size than most urban lots to allow for a smoother transition to larger rural lots lying outside the boundary.

Breezeway – A covered walkway connecting the main building on a property with other main buildings or accessory buildings. The structure may not be more than 12 feet high at the ridge. More than 50 percent of the total area of the structure may not be enclosed with any material other than that necessary for roof supports.

Buffer area – A landscaped or natural area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another, or intended to reduce the impact of noise levels generated on one property from the surrounding properties and intended to enhance the level of safety and promote the aesthetic qualities of the area.

Buildable area – The space remaining after demonstrating compliance with the minimum open space and yard setback requirements of this title.

Buildable land – Land not constrained by critical areas and public rights-of-way or infrastructure.

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

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

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

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

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

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

Building setback line – A line parallel to the front lot line and passing through the most forward point or plane of the building closest to the front lot line.

Building site – A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

Building/property maintenance service – Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

Bus shelter – A building for the purpose of providing shelter from weather while waiting for mass public transportation. The shelter shall be construction consistent with the city's established design which frame shall be a three-by-three-by-12-inch A500 steel tube finished with two-component high solids polyurethane rust inhibitive primer, plus two-component high solids finish. The walls are one-quarter-inch clear tempered safety glass with simulated metal muntins. Roof is standing seam sheet metal with sheet steel ceiling soffit (both are finished to match frame).

C.

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

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

Canopy – A roof-like structure made of any material that projects from the wall of a building and overhangs a sidewalk.

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

Carport – A building designed to cover, but not enclose, automobile parking spaces.

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

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

Certified factory-built home.

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

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

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

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

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

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

Civic use types – The performance of utility, educational, recreational, cultural, protective, governmental, and other uses which are strongly vested with public or social importance.

Clinic – A facility for the treatment of human ailments operated by a group of physicians, dentists, chiropractors, or other licensed practitioners for the treatment and examination of outpatients.

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

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

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

Commission – The planning commission of the city.

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

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

Community recreation – Recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, or community recreation buildings. (This shall mean the same as “recreation facility, low-intensity” and “recreation facility, high-intensity.”)

Compatible use – A use that is capable of existing in harmony with other uses situated in its immediate vicinity.

Comprehensive plan – The goals, objectives and policies, documents and maps adopted by motion by the council to guide the physical development of the city; to coordinate city programs, services and controls; and to promote the general welfare.

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

Concrete slab – A broad, flat, somewhat thick concrete surface extending under a manufactured home or built in place to the extent of the structure which rests upon it which meets applicable IBC standards.

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

Condominium – The private ownership of single units in a multiple-unit structure with common or single ownership of land and facilities.

Construction – The building of, or substantial improvement to, any structure or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, “construction” refers to the act of construction or the result of construction.

Construction sales and service – Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale

from the premises of materials used in the construction of buildings or other structures other than solely retail sale of paint, fixtures, and hardware; but excludes those classified as one of the “automotive and heavy equipment” use types. The following are construction sales and service use types:

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

(b) Heavy. Service and/or sales requiring the outside storage of building materials and equipment. Typical uses include building materials stores, tool and equipment rental or sales, excavation, septic, and demolition services.

Contiguous – Adjoining properties under the same ownership with a common boundary of two or more points. Properties shall not be considered contiguous if divided by a public dedicated road or alleyway.

Convenience sales and personal services – Establishments or places of business primarily engaged in the provision of frequently or recurrently needed small personal items or services. These include various general retail sales and personal services of an appropriate size and scale to meet the above criterion. Typical uses include neighborhood grocery, drug stores, laundromat/dry cleaners, or barbershops.

Convenience store – A retail establishment that is usually open for extended daily hours of business, normally located as a single entity or in a strip-building configuration along major roadways, is typically a self-service facility not dependent upon comparison shopping, and by its manner of display and merchandising.

Conversion – The change of a structure or building use or purpose.

Council or city council – The city council of the city of Coos Bay.

Court – An open, unoccupied space, on the same lot with, and bounded on three or more sides by, a building(s).

Critical facility – A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

Cul-de-sac – A local street having only one means of vehicular access to another street and terminating at its other end in a circular-shaped turnaround. This definition of “cul-de-sac” shall in no way be interpreted to include a dead-end street.

Cultural resources – Any structure, natural feature, site or area listed in the State of Oregon Inventory of Historic Sites and Buildings or any archaeological site.

Curb cut – The level of the established curb in front of a building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.

D.

De novo – Latin, “anew.” A de novo hearing is a completely new hearing. De novo review implies no deference to a previous hearing ruling.

Dedication – The deliberate appropriation of land by the owner for any general and public uses, personally reserving no other rights than those rights compatible with the full exercise and enjoyment of

the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing.

Density – The number of permitted dwelling units allowed on each acre of land or fraction thereof.

Low-Density – 6 dwelling units per gross acre

Medium-Density – eight units per net acre minimum to 16 units per net area maximum

High-Density – 17 units or more per net acre

Density, net – The number of dwelling units or persons per net acre covering only the land devoted to building lots.

Design storm – A prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. (A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs.)

Detention facility – An above- or below-ground facility, such as a pond or tank, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. There is little or no infiltration of stored stormwater.

Developer – Any person, firm, or corporation undertaking the subdividing and/or development of any parcel of land; also known as the “applicant.”

Development – The placement, erection, or removal of any fill, solid material, or structure on land, in or under the water, discharge or disposal of any dredged material or of any liquid or solid waste; or the grading, removing, dredging, mining, or extraction of any materials, including mineral resources; the construction, reconstruction, removal, demolition or alteration of the size of any structure; or the removal or harvesting of vegetation. Development shall not be defined or interpreted to include activities related to or undertaken in conjunction with the cultivation, use, or subdivision of land for agricultural purposes or any improvement made in the interior of any structure.

Dining establishments – Establishments or places of business primarily engaged in the sale of prepared food for on-premises consumption. Dining establishment uses include:

- (a) Fast Order Food. An establishment whose primary business is the sale of food which is:
 - (i) Primarily intended for immediate consumption;
 - (ii) Available upon a short waiting time; and
 - (iii) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold, including drive-in fast food establishments.
- (b) Sit-Down. An establishment whose primary business is the sale of food which is prepared, served, and consumed on the premises, and does not use a drive-up window.

Director - The person designated or his/her designee with overall responsibility to implement the CBDC.

Discrete lots – A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law (ORS 92.017).

District, zoning – Any portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this title and within which certain yards and other open spaces are required, certain lot areas are established, and a combination of such aforesaid conditions are applied.

Dormitory – A building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units, which are used or intended to be used by residents of the institution for living and sleeping, but not for cooking or eating purposes.

Double-faced sign – A sign with advertising on two surfaces, generally back-to-back.

Drainage – The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation, prevention, or alleviation of flooding.

Drainage basin – A geographic and hydrologic subunit of a watershed.

Drinking establishments – Establishments or places of business primarily engaged in the sale of beverages for on-premises consumption.

Drive-in or drive-through facility – An establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Driveway – That space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

Dryland moorage – Boat moorage space provided on dry land, such that boats are mechanically lowered to and raised from the water.

Dwelling – A building or any portion of it which has cooking and toilet facilities and is designed exclusively for private residential for occupancy by one family only. It does not include hotels, motels, boarding houses, recreational vehicles, park models, tents, yurts, pods or other similar accommodations.

Dwelling, attached – A dwelling having any portion of a wall in common with adjoining dwellings.

Dwelling, detached – A dwelling that is entirely surrounded by open space on the same lot.

Dwelling, duplex – A detached building, designed for or occupied exclusively by two families living independently of each other, and shall not include a manufactured home.

Dwelling, manufactured home – see definition of **Manufactured home**.

Dwelling, multiple-family – A building or portion thereof designed or used as a residence by three or more families, and containing more than two dwelling units.

Dwelling, single-family – A building designed or used for residence purposes by not more than one family, and containing one dwelling unit only.

Dwelling unit – One or more rooms which have cooking and toilet facilities and are designed for occupancy for one family only.

E.

Easement – A right which one person has to use the land of another for a specific purpose.

Educational service – A facility customarily associated with public or private primary and secondary schools, nursery schools, vocational schools, colleges, or universities. Does not include personal instructional services listed under “Personal services, general.”

Elevated building – For National Flood Insurance Program purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Elevation – A flat scale drawing of the exterior of the front, rear, or side of a building or structure.

Emergency shelter – A facility whose primary purpose is to provide housing for individuals and families in the event of an emergency or an emergency hazardous situation.

Eminent domain – The authority of the city of Coos Bay or other government agency to take, or to authorize the taking of, private property for public use with just compensation to the owner.

Employees – All persons, including proprietors, working on the premises during the largest shift at peak season.

Energy-efficient structure – A structure designed and built to comply with the annual thermal performance standards established by the Northwest Power Planning Council as the Model Conservation Standards.

Enlargement – An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

Environment – The physical, social and economic conditions that exist within the area which will be affected by a proposed project.

Environmentally sensitive lands – Lands shown on the city zoning map as an overlay to demonstrate areas which may contain wetlands, steep slopes, or other similar environmentally critical features which may limit or prevent construction.

Erected – Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, paving, and the like shall be considered within the definition of “erected.”

Erosion – The detachment and movement of soil or rock fragments by water, wind, and/or gravity.

F.

Facade – The front of a building, particularly that part of a building facing a street or courtyard.

Family – An individual or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than three additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling.

Family residential – The residential occupancy of living units by families and excludes tourist habitation and group care. Typical uses include single-family dwellings, duplex dwellings, and multiple-family dwellings.

Farmer’s market/fish market – The commercial premises for the retail sale of produce, meat and poultry, seafood and other products.

Fence – Any artificially constructed barrier or any material or combination of materials erected to enclose or screen areas of land.

Fence, sight-obscuring – A fence arranged in such a way as to obstruct vision.

Fill – Placement of Earth material, including soil and rocks, or any other approved substance or material over original earth material.

Financial institutions/establishments – Includes, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, and other similar uses. **Finished Grade** – The lowest point of elevation of the finished surface of the ground paving or sidewalk within the area between the building and the property line between the exterior wall of a building and a point five feet from the wall. When the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building. If walls are parallel to and within five feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

Flea market – An occasional sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, but not to include private garage sales.

Flood insurance rate map (FIRM) – The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodplain – Land area subject to flooding.

Floodway – The channel of a river and the portion of the floodplain that carries most of the flood. Regulations require that the floodway be kept open so that flood flows are not obstructed or diverted onto other properties.

Floor – The top surface of an enclosed area in a building (including basement), i.e., the top of a slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used primarily for the parking of vehicles and where openings are installed to allow the free passage of water.

Floor area – The sum of the gross horizontal areas of all of the floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes.

Food and beverage retail sales – Establishments or places of business primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include groceries or delicatessens.

Food packing and processing – Businesses engaged in the packing or processing of agricultural crops, animals, seafood, and their by-products which entails cutting, sorting, boxing, crating, canning, rendering, tanning, and so forth.

Foster care home – A home licensed and regulated by the state and classified by the state as a foster home, providing care and guidance for not more than five unrelated juveniles, adults or both.

Freestanding sign – A sign erected on a freestanding frame, mast, or pole supported on the ground and not attached to any building.

Frontage – That portion of a parcel of property which abuts a dedicated public street or highway, or private road or driveway approved by the city.

Frontage, corner lot – All the property on two sides of a street between two intersecting streets, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on two sides between an intersecting street and the dead end of the street. This definition also includes ingress-egress easements when used as the only means of access.

Fuel sales – Establishments or places of business primarily engaged in the retail sale, from the premises, of petroleum products with the incidental sale of tires, batteries, and replacement items, lubricating services, and minor repair services, but does not include body work or repair. Typical uses include automobile service stations, filling stations, or truck stops.

Fuel storage facility – An area that is used or planned to be used for the storage of petroleum. The facilities may be aboveground or underground storage tanks.

Funeral and interment services – Establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human dead. The following are interment services use types:

- (a) Cemetery. Places primarily for the burial of human remains; may include crematory and interring services. Typical uses include mausoleums, columbariums, and crematoriums.
- (b) Cremating/Interring. Crematory services involving the purification and reduction of the human body by fire and/or the keeping of human bodies other than in cemeteries. Typical uses include crematories, crematoriums, columbariums, and mausoleums.
- (c) Undertaking. Undertaking services such as preparing the dead for burial and arranging and managing funerals.

G.

Gallery – A business establishment devoted to the exhibition, display and/or sale of collections of such items as art, crafts and memorabilia.

Garage – A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, or storing motor vehicles internally and enclosed within the building.

Garage, detached – An accessory building intended and primarily used for the storage of motor vehicles, which is separate from and secondary to the main structure of the occupants.

Greenhouse – An enclosed building, permanent or portable, that is used for the growth of plants.

Ground floor area – The square footage area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, patios, swimming pools, parking areas, driveways, garages, exterior stairways, secondary stairways, and drive-through teller lanes or walk-up windows of financial institutions only. Ground floor area is the total building area used in determining the percentage of lot coverage.

Groundwater – The portion of water contained in interconnected pores or fractures in a saturated zone or stratum located beneath the surface of the earth or below a surface water body.

Group care facility – A facility licensed by the state to provide, on a 24-hour basis, training, care, custody, correction or control, or any combination of those functions, to one or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped or other special class of persons, either by governmental unit or agency or by a person or organization devoted to such functions. This term shall not include schools, hospitals, prisons or other social service facilities.

Group residential – The residential occupancy of living units by groups of more than five persons who are not related by blood, marriage, or adoption, and where communal kitchen/dining facilities are provided. Typical uses include occupancy of fraternity and sorority houses, retirement homes, boarding houses, cooperatives, but excludes group residential care facilities.

Group residential care facility – Any private or public institution requiring state licensure and/or any nonprofit facility performing the same functions which provide services including, but not limited to, the care, boarding, housing or training of more than five physically, mentally, or socially handicapped or delinquent persons or dependent persons by any person who is not the parent or guardian of, and who is not related by blood, marriage, or legal adoption to, these persons.

Guesthouse – A detached accessory building without cooking facilities designed for and used to house nonpaying transient visitors or guests of the occupants of the main dwelling on the lot.

Gutter – A constructed waterway, usually along a street curb, installed to collect and conduct street surface water.

H.

Habitable floor – Any floor usable for living purposes, including working, sleeping, eating, cooking, or recreating uses, or any combination of these uses. A floor used only for storage purposes is not a habitable floor.

Half-story – An area under a roof finished for living accommodations or business purposes located wholly or partly within the roof frame and having a floor area at least one-half as large as the story below. Space with less than five feet clear headroom shall not be considered as floor area.

Hazardous waste treatment – The physical, chemical, or biological processing of dangerous waste to make wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

Hazardous waste treatment and storage facility, off-site – Treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.

Hazardous waste treatment and storage facility, on-site – Treatment and storage facilities that treat and store waste from generators on properties on the same geographically contiguous or bordering property.

Health care facility – An establishment primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners; medical and dental laboratories; outpatient care facilities; blood banks; and oxygen and miscellaneous types of medical supplies and services.

Health club – Gymnasiums (except those associated with educational institutions), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

Hearings Officer – The person(s) appointed by the Director to hear and decide land use cases in lieu of Coos Bay planning commission review.

Historic property – A building, structure, object, area or site that is significant in the history, architecture, archaeology or culture of Coos Bay, the region or the nation.

Home occupation – An occupation, profession, or craft secondary to the use of a dwelling unit for residential purposes, is carried on by a member of the family residing within the residence, and requires no structural alterations or changes in the dwelling unit.

Homeless shelter – Any place or premises operated by a nonprofit organization wherein residence is provided to persons who need emergency shelter on a daily or weekly basis. Individual bath and cooking/eating facilities may or may not be provided.

Homeowners' association – A nonprofit organization operating under recorded land agreements through which the following take place: (a) Each person owning or purchasing a lot in a planned unit or other described land area is automatically a member by such ownership or purchase; (b) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and (c) Construction and maintenance responsibilities for any undivided property are identified and assigned.

Horticulture – Businesses primarily devoted to cultivation and/or storage of horticultural and floricultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes. Typical uses include plant nurseries and garden centers.

Hospital – An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

I.

Illuminated sign – Any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, or from a remote position.

Immediate vicinity – With regard to the built or manmade environment, this refers to all development that is within 500 linear feet of any proposed development, measured in a straight line from the property line that is closest to any existing development.

Impervious surfaces – Those surfaces that do not absorb water and consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt on a lot.

Improvement plans – The technical drawings of the design and proposed construction of such items as streets, water and sewer systems, and drainage detention systems.

Improvements – Any manmade features located on, above, or under real property.

Inauguration – Inauguration of use shall be either of the following: (a) securing of a building permit for approved construction projects and construction has commenced; or (b) for subdivisions, recordation of the final, city-approved map at the county recorder's office. For the permit to remain valid, construction under the building permit must successfully complete the first inspection within six months of issuance of the building permit. A foundation permit shall be treated as equivalent to a building permit, but grading, demolition, electrical, mechanical or plumbing permits shall not be considered or treated as building permits.

Incompatible use – A use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity.

Indirect illumination – A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.

Indoor amusement – Establishments engaged in providing entertainment indoors for a fee or admission charge, including such activities as theaters, bowling, pool, billiards, or arcades, that feature three or more coin or token operated devices, such as pinball and video games.

Indoor storage – The keeping of any goods, materials, merchandise, or supplies as an accessory use to any retail, office, or service use.

Industrial park – A planned, coordinated development of a tract of land with two or more separate industrial buildings. An industrial park is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site circulation, parking, utility needs, building design and orientation, and open space.

Industry, heavy – A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, light – A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Infiltration – The downward movement of water from the surface to the subsoil.

Infill – The development of land uses upon vacant or under-utilized sites.

J.

K.

L.

Land clearing – The exposure of earth by the removal of vegetative cover of any kind.

Land-disturbing activity – Any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling and excavation.

Land division – A partition or subdivision.

Landscape plan – A detailed sketch to scale illustrating the type, size, location and number of plants and other landscape elements to be placed in a development.

Landscaping – Not only trees, grass, bushes, shrubs, flowers, and garden areas, but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and artificial turf or carpeting, but excluding artificial plants, shrubs, bushes, flowers, and materials in movable containers.

Land Use Decision - A final decision or determination made by the City (or other agency with jurisdiction) that concerns the adoption, amendment, or application of the Comprehensive Plan or any provision of the CBDC where the decision requires the interpretation or exercise of policy or legal judgment. All decisions requiring quasi-judicial review by the City are Land Use Decisions. Decisions subject to administrative review are considered limited land use decisions, pursuant with ORS [197.015](#).

Laundromat – An establishment providing washing and drying machines on the premises for rental use to the general public for family laundering purposes.

Laundry services – Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as “personal services, general.” Typical uses include laundry agencies, diaper service, or linen supply services.

Lawn. Grass or similar materials maintained as a ground cover of less than six inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

Library service and cultural exhibit – The preservation and/or exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collections of books, manuscripts, and so forth for study and reading, but excludes private galleries whose primary purpose is the display and sale of art objects.

Limited manufacturing – Establishments engaged in the on-site production of goods by hand manufacturing (only the use of hand tools or light mechanical equipment) primarily for direct sale to consumers of those goods produced on site or other similar goods with no outside open storage permitted. Typical uses include ceramic studios, candle-making shops, woodworking, custom jewelry manufacturers, small furniture shops, or instruction studios for similar arts and crafts.

Loading space – An off-street space on the same lot with a building or group of buildings for the temporary maneuvering and parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodge, club, fraternal or civic assembly – Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose for members, but not primarily for profit nor for rendering a service which is customarily carried on as a business. Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations. The following are assembly types:

(a) Small. Fewer than 16 persons on a regular basis.

(b) Large. Sixteen or more persons on a regular basis.

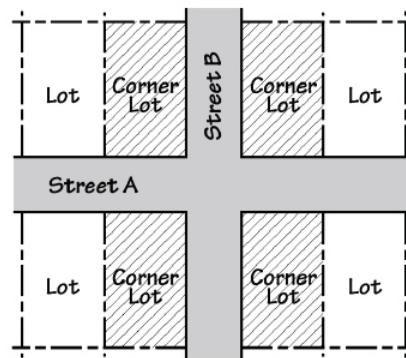
Lodging house – A building other than a hotel where lodging is provided for five or more persons for compensation pursuant to previous arrangements, but not open to the public, and meals and drinks are not served.

Lot – A single unit of land legally created by a partition or a subdivision or a unit or contiguous of land under a single ownership capable of being used under the regulations of this title, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation. “Lot” shall also mean the individual leaseholds within an approved manufactured home park

Lot area – The computed area contained within the horizontal area within the lot lines of a lot; said area to be exclusive of street or alley rights-of-way.

Lot, building – Land occupied or to be occupied by a building and its accessory buildings.

Lot, corner – A lot abutting on two or more intersecting streets other than an alley with a boundary line bordering on each of the streets as shown on the exhibit Lot, corner exhibit below.

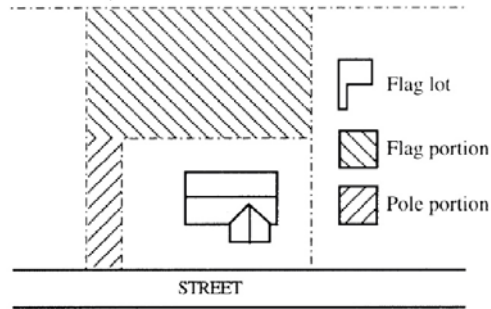


Lot, corner exhibit

Lot coverage – That percentage of the total lot area covered by structures, including decks and all other projections, except eaves (up to three feet), and all other impervious surfaces.

Lot depth – The horizontal distance between the midpoint of the front lot line and opposite lot line, usually the rear lot line. In the case of a corner lot, the depth shall be the length of the street side lot line.

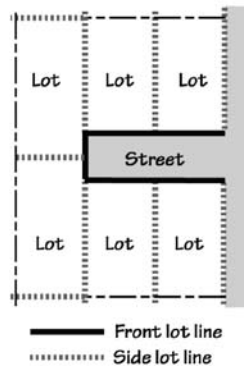
Lot, flag – A lot the developable portion of which is located behind another lot that has normal street frontage. A flag lot includes a strip of land that goes out to the public right-of-way street for public access. As shown on the Lot, flag exhibit below, there are two distinct parts to a flag lot; the flag which comprises the actual building site located behind another lot, and the pole which provides access from the street to the flag. A flag lot generally results from the division of a large lot that does not have sufficient width for division into two lots that would both have normal frontage onto the street. Creation of a flag lot is subject to additional standards in this code.



Lot, interior – A lot or parcel of land other than a corner or a through lot.

Lot, irregular – A lot which is shaped so that application of setback requirements is difficult; examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.

Lot line – The property line along the edge of a lot. The Lot line exhibit below identifies front and side property lines.



Lot line exhibit

Lot line, front – In the case of an interior lot, the lot line separating a lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

Lot line, rear – A lot line which is opposite and most distant from the front lot line; and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.

Lot line, side – Any lot line which is not a front or rear lot line.

Lot line, street side – Any side lot line that abuts a public street right-of-way or public or private access easement.

Lot of record – A lot as shown on the records of the county assessor or county auditor at the time of the passage of this title; provided, however, this shall not include lots that may appear on the records of the county assessor which were created contrary to the provisions of laws and regulations in effect prior to the passage of this title. Any lots created after the adoption of this title shall comply with the standards contained herein.

Lot, through – An interior lot having a frontage on two parallel or approximately parallel streets other than alleys. Such a lot has one front yard fronting on the primary public street.

Lot width – The average (mean) horizontal distance measured between the side lot lines, ordinarily measured parallel to the front lot line.

Lounge – A building or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on premises.

Lowest floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title.

M.

Maintain – To cause or allow to continue in existence. When the context indicates, the word means to preserve and care for a structure; improve or condition an area to such an extent that it remains attractive, safe, presentable, and carries out the purpose for which it was installed, constructed, or required.

Major Remodeling. See “Substantial improvement.”

Manufactured home– A structure, transportable in one or more sections, as defined by ORS 446.003, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a recreational vehicle.

Manufacturing – Establishments engaged in the mechanical or chemical production, processing, assembling, packaging, or treatment of materials or substances into new products usually by power-driven machines and materials-handling equipment. Products of these establishments are primarily for wholesale markets or transfer to other industrial users but may include direct sale to consumers.

Map – A final diagram, drawing, or other writing concerning a land partition.

Marijuana processing – As defined under ORS 475B.015(25)(a) – Cannabis.

Marina – A facility that provides moorage, launching, storage, supplies, and a variety of services for recreational, commercial, fishing, and other vessels. Moorage facilities with five or fewer berths are excluded from this category.

Marketplace retail sales – Commercial premises of at least 5,000 square feet which are planned and developed as a market and which may have multiple occupancy by business firms having common access or open-air access from a public right-of-way. Example businesses located in the marketplace include farmer's market and fish market.

Marquee – A permanent or temporary roofed structure attached to and supported by the building and projecting over public property.

Medical services – Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services, but

excludes those classified as any civic use or group residential (group care) use type. Typical uses include medical offices, dental laboratories, health maintenance organizations, or detoxification centers.

Mining and processing – Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil, or gas and/or the on-site processing and production of mineral products. Typical uses are borrow pits, oil and gas drilling, concrete batch plants, sand, gravel and aggregate processing plants, or coal processing plants.

Mitigation – Taking one or more of the following actions listed in order of priority.

1. Avoiding the impact altogether by not taking a certain development action or parts of that action.
2. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective measures.
5. Compensating for the impact by replacing or providing comparable substitute resources or environments.

Mitigation Plan - A plan that outlines the activities that will be undertaken to alleviate project impacts to sensitive areas.

Mixed-use– A combination of typically separated uses within a single development. A planned unit development is an example of mixed-use zoning. “Mixed use” in an urban context refers to usually a single building or buildings adjacent to one another in one project area with more than one type of activity taking place within its confines. An example of a mixed-use development might have commercial uses on the ground floor, office above them, and residential units above the office. Other combinations of uses may also occur in this type of setting.

Mobile Home. See “Certified factory-built home.”

Modular home/prefabricated home – A residential structure, consisting of many components, which meets the requirements of the International Building Code and is constructed in a factory, transported to the building site, and then partially constructed at the site. The construction requirements are to be the same as for a site-built home.

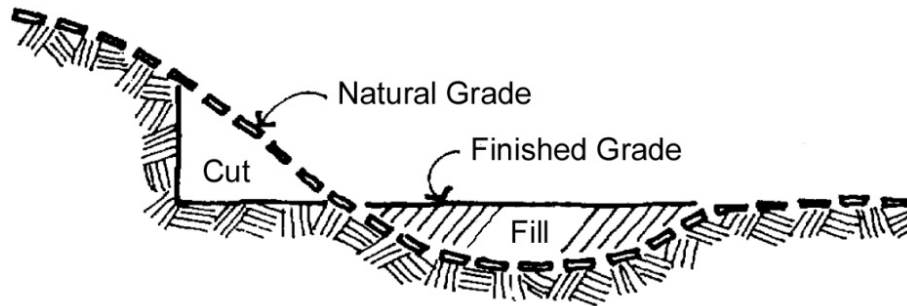
Motor home – A portable, temporary dwelling to be used for travel, recreational, and/or vacation use constructed as an integral part of a self-propelled vehicle.

Mural – Any pictorial or graphic decoration, other than a sign, which is applied directly to a structure and is neither used for, nor intended to achieve the purposes of, advertising by the use of lettering or script to draw attention to or to direct the observer to a particular business or business location, nor to draw attention to specific products, goods, or services by the use of a brand name, trademark, copyright, or any other device restricted in use without permission of the owner.

N.

National Register of Historic Places – A list of properties that have been formally judged to have historic significance and which have been accepted by the keeper of the National Register. The state of Oregon and the city of Coos Bay also maintain separate designations for inclusion. The city’s list is contained within the comprehensive plan.

Natural Grade - The elevation of the ground level in its natural and original state, before manmade alterations such as grading, filling, excavation, and construction. See the Natural Grade figure below.



Natural Grade figure

Neighborhood – An identifiable geographic area of relatively small size; a collection of units and other land uses that provide a relationship between dwellings, school, religious facilities, minor retail and/or other local facilities.

New construction – Structures for which the start of construction commenced on or after the effective date of this title.

Night club – An establishment in which live music, dancing, or entertainment is conducted.

Nonconforming Structure – An existing structure that was created in conformance with the development regulations then in effect but which subsequently, due to a change in the zone or zoning regulations, does not conform to the current regulations imposed by this title or amendments thereto such as setbacks, screening, height or parking area requirements that was created

Nonconforming lot – A lot that does not comply with currently applicable city regulations.

Nonconforming use – A land use that was allowed by right when established or that obtained a required land use approval when established, but that subsequently due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. See also, chapter [18.1.4](#) Nonconforming Situations.

Non-water-dependent – In general, non-water-dependent uses are those that do not require direct access to or location near waterways, and therefore could be located away from said waters.

O.

Occupancy – The physical placement of a structure on land, or the utilization of land on a temporary or permanent basis. This includes existing structures built prior to the enactment of the ordinance codified in this title that do not have authorization by virtue of a valid permit issued.

Office – A building or portion of a building wherein services and activities are conducted in an administrative setting generally focusing on professional, business, government or financial services.

Off-street parking – The minimum off-street, on-site parking of vehicles that shall be provided under the terms of this title.

One-Hundred year floodplain (100-year floodplain) – The land lying at or below the base flood elevation. The city of Coos Bay elevation datum is 9.00 m.s.l. (also USGS), which is equal to elevation 13.00 m.l.l.w. (also known as tidal datum).

Open space – Land perpetually set aside and maintained for the conservation/preservation of natural features or scenic amenities, for the buffering of a use within or adjacent to the development, for solar and wind access, or for bicycle/pedestrian access ways. These lands shall remain undeveloped except for natural or landscaped vegetation and do not include thoroughfares, parking areas, or improvements other than recreational facilities.

Ordinance – A law set forth by governmental authority; a development regulation adopted by the legislative branch of the locality.

Overlay zone – A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond that required by the underlying zones.

Owner – The owner of record of real property as shown on the tax rolls of the county, or person purchasing a piece of property under contract. For the purposes of this title, in terms of violations and binding agreements between the county and the owner, “owner” shall also mean a leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement, violations of agreement, or the provisions of this title. For the purpose of processing an application for a land use approval or permit under this title, where such application or permit must be filed by an owner, the term “owner” also includes a governmental entity contemplating acquisition of a parcel for a use which would require such permit or approval.

P.

Parcel – A single unit of land that is created by a partition of land (ORS 92.010).

Park, public – An area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities.

Parking lot or area and/or garage – An off-street facility used for the storage or parking of four or more motor vehicles to provide an accessory service to a commercial, industrial, public or residential use

Parking lot or area, and/or garage public – A parking area available to the public, with or without payment of a fee.

Parking lot or area, and/or garage private - A parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area.

Parkrow or Planter Strip - A landscape area for street trees and other plantings within the public right-of-way, usually in the form of a continuous planter area between the street and sidewalk.

Parking Space - A rectangular space designed and designated to provide parking for automobiles and bicycles in compliance with Chapter 17.330. A parking space will provide access and maneuvering space sufficient to permit an automobile to be parked without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.

Parking service – Parking services involving public garages and lots.

Parking space – A rectangle not less than eight feet five inches wide and 16 feet long,

Parking space, compact – A rectangle not less than seven feet five inches wide and 15 feet long, together with access and maneuvering space, sufficient to permit a compact automobile to be parked within the rectangle without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.

Parking structure – A standalone structure used for the storage or parking of motor vehicles. The footprint of a parking structure will be included in the calculation of lot coverage.

Partition, land – To divide land into two or three parcels of land within a twelve (12) month period, but does not include:

- (a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or
- (b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance.

Partition, major – A partition which necessitates the creation of a road or street.

Partition, minor – A partition that does not necessitate the creation of a road or street.

Permit – A license, certificate, approval, or other entitlement for use granted by a public agency.

Permit Modification – Major – A modification that includes a significant departure for the originally approved Permit for land development or a land use.

Permit Modification – Minor – A modification that includes minor changes not affecting the use, design or intent of the originally approved Permit for land development or land use.

Personal services, general – Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature, but excludes services classified as “spectator sports and entertainment,” or “participant sports and recreation.” Typical uses include photography studios, driving schools, or reducing salons, laundromats, or dance instruction.

Planned unit development (PUD) – A tract of land planned and developed as an integrated unit under single ownership or control which in this context may be vested in partnerships, corporations, syndicates, or trusts. The PUD shall encompass a comprehensive development plan of a parcel of land, which has been approved by the review authority, and may use innovative and unique development concepts, including but not limited to clustering and mixing of land uses to create useful open space and to preserve site features.

Plant nursery – An enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

Plat – A map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

Plaza - An open public space associated with commercial development.

Plot – A parcel of ground upon which a building and its accessory buildings have been or may be erected.

Porch - Covered porches, exterior balconies, or other similar areas attached to a building and having dimensions of not less than six feet in depth and eight feet in width.

Porch, enclosed - A porch that contains wall(s) that are more than 42 inches in height measured from finished floor level for 50 percent or more of the porch perimeter.

Porch, unenclosed - All walls contained in an unenclosed porch are less than 42 inches in height, but an unenclosed porch may be covered.

Preliminary plat – A neat and approximate drawing of either a proposed subdivision showing the general layout of rights-of-way and easements, streets and alleys, lots, blocks, and tracts in the subdivision or short subdivision, and other elements of a subdivision which shall furnish a basis for the approval or disapproval of the general layout of the preliminary plat.

Preschool facility – An educational center or establishment, including a kindergarten, that provides primarily instruction, supplemented by daytime care, for four or more children between the ages of two and five years, and which operates on a regular basis.

Primary Building or Structure - A structure or combination of structures of principal importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure may be determined by comparing the size, placement, design, appearance, function, and the orientation of the structures on a site, among other relevant factors.

Private Drive - A private drive is a road in private ownership, not dedicated to the public, which serves three or fewer dwelling units.

Private clubs – Organizations that are privately owned and operated by their members and not operated for profit, and which maintain recreational, dining, and/or athletic facilities for the exclusive use of the members and their guests and uses accessory or incidental thereto.

Private parking – Parking facilities for the noncommercial use of the occupant and guests of the occupant, which includes garages and carports meeting the dimensional requirements of off-street parking requirements of this title.

Private road – That easement or parcel created to provide the access from a city road to short platted lots; the maintenance of this is to be the responsibility of the lot owners.

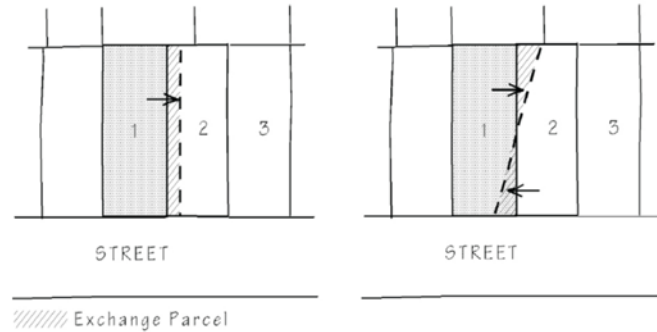
Professional and administrative service – The conduct of business in any of the following related categories: advertising, architecture, landscape architecture, engineering, planning, law, medicine, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investments, and any similar type business.

Professional office – The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.

Prohibited use – Any use that is specifically enumerated or interpreted as not allowable in any specific district.

Projecting sign – A sign other than a wall-mounted sign which projects from and is supported by a wall of a building or structure.

Property Line Adjustment - The relocation of a single common property line between two or more existing adjacent parcels not resulting in an increase in the number of lots pursuant to the requirements of Chapter 17.367. See the Property line adjustment figure below.



Property Line Adjustment figure

Public assembly, place of – Any area, building or structure where large numbers of individuals meet or collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, gymnasiums, stadiums, houses of worship, or comparable facilities.

Public building – Buildings which are owned, operated, and maintained by a public agency such as City Hall, police and fire stations, educational institutions, zoos, museums, and the like.

Public improvement – Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.

Public safety service – Life safety services together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.

Public use – The use of any land, water, or building by a public agency for the general public, or by the public itself.

Public utility – Any person, firm, corporation, governmental department, or board, duly authorized to furnish under government regulations to the public, electricity, gas, communications, transportation, or water.

Q.

R.

Readerboard sign – A sign with letters and/or advertising which can be readily changed manually or electronically.

Recreational area – Lands perpetually set aside and maintained for use by all residents of a development. These areas shall be improved and shall be of a specified size.

Recreational Facility, Low Density and High Density. See “Community recreation.”

Recreational space – An area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.

Recreational vehicle – A vehicle that is:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towed by a light-duty truck;
- (d) Designed for human occupancy; and
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Refuse service – Any place used for disposal of used material. Typical uses include sanitary landfills, dumps, or refuse disposal sites.

Religious assembly – A religious organization involving public assembly typically occurring in but not limited to synagogues, temples, or churches. The following are religious assembly use types:

- (a) Small. Fewer than 16 persons on a regular basis.
- (b) Large. Sixteen or more persons on a regular basis.

Repair service, consumer – Establishments primarily engaged in repair services to individuals and households rather than firms, but excluding “automotive and equipment” use types. Typical uses include appliance repair shops, apparel repair firms, or musical instrument repair firms.

Residential Structure – A structure that contains one or more dwelling units.

Residential treatment facility – A facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence), recovery homes, and nursing homes, rest and convalescent homes, and orphanages.

Residential use – Use of land or structure thereon, or portion thereof, as a dwelling place for one or more families or households, but not including occupancy of a transient nature, such as in hotels, motels, or timesharing condominium uses.

Retail food establishment – Any fixed or mobile place or facility at or in which food or beverages are offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry out restaurants and drive-in restaurants. A cafeteria is a restaurant for purposes of this title. **Retail sales, general** – The sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified as “agricultural sales,” “animal sales and service,” “automotive and equipment,” “business equipment sales and service,” “construction sales and service,” “food and beverage retail sales,” and “fuel sales.” Typical uses include department stores, apparel stores, furniture stores, hardware stores, or florists.

Retail trade – Establishments primarily engaged in providing finished products to individual consumers. Retail trade establishments may include, but are not limited to, apparel, books, groceries, camera shops, convenience stores and automobile service stations.

Retirement home – A place of residence for several families or individuals in apartment-like quarters, which may feature services such as limited nursing facilities, minimum maintenance living accommodations and recreation programs and facilities.

Right-of-way – A street, alley, or other thoroughfare or easement, whether physically accessible or not, that has been permanently established or dedicated for the passage of persons or vehicles. Title to this land remains with the public or private agency until the need no longer exists.

Riparian vegetation – Dense, narrow band of vegetation along lakes, streams, rivers, and sloughs. Typical plant species include willow, black cottonwood, red alder, Oregon ash, and western wax myrtle.

Roofline – The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Rooming house – A building wherein furnished rooms without cooking facilities are rented for compensation to three or more non-transient persons not included in the family unit of the owner or tenant of the premises.

Row houses – A series of single-family dwelling units that are erected in a row on adjoining lots, each being separated from an adjoining unit by two separate but abutting walls along the dividing lot line.

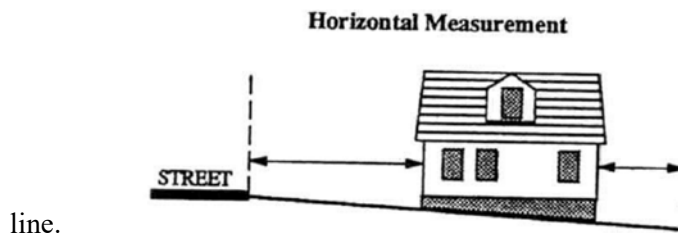
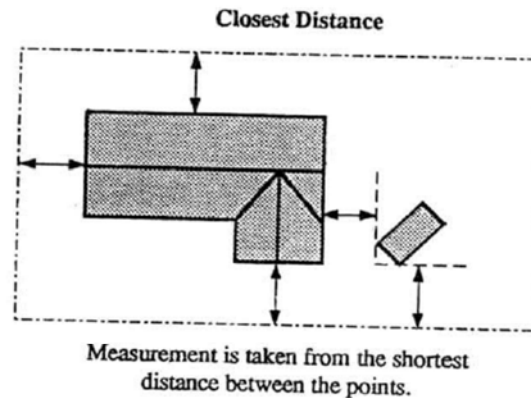
Scrap operation – Places of business primarily engaged in the storage, sale, dismantling, or other processing of used, source-separated, or waste materials which are not intended for reuse in their original form. Scrap operation uses include:

- (a) Light. Businesses only engaged in the recycling of household items, such as glass, tin, cardboard, paper, or beverage cans.
- (b) Heavy. Except as may be permitted as scrap operation, light, these businesses can include automotive wrecking yards, junkyards, paper salvage yards, or solid waste collection or recycling service, including fleet storage, fleet repair, collection, transportation, disposal or resource recovery of solid wastes.

Screening – A device or materials used to conceal adjacent land or development. Screening may include walls, berms, or vegetation that must be of sufficient density to block the view of adjacent land or development from either side of the screen. The screen, if vegetative, shall be planted and maintained to completely block the view of adjacent land or development after 12 months. The screen shall be maintained or constructed at such a density as to block the view to adjacent properties.

Service station – A building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water, other operating commodities for motor vehicles or boats, and food and beverages as an accessory to automobile related uses. The cross-section areas of service station canopy support where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements.

Setback –The minimum allowable horizontal distance required between a structure and a property lot



Shopping center – A group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related in its location, size and type of shops to the trade area which the unit serves.

Sidewalk – That portion of a transition strip improved for pedestrian traffic in accordance with standards fixed by the review authority.

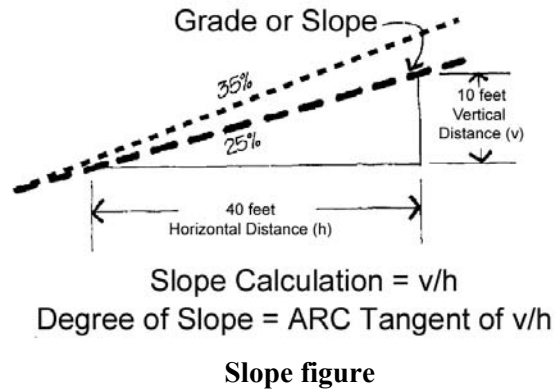
Sign – Any identification, description, illustration, symbol, or device which is placed, erected, constructed, posted, or affixed in any manner directly on the ground or to any post, fence, building, land or structure for out-of-doors advertising, but not including devices, structures or representations installed by any governmental authority. __

Sign area – The size of a sign in square feet of the largest face, measured within any type of perimeter, border, or defined edges or within a background of color if different than the wall upon which it is placed enclosing the outer limits of any sign, excluding essential sign structures, foundations, or supports. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area within a standard geometric figure, i.e., rectangle, parallelogram, or triangle, of the smallest size sufficient to cover the entire area of the sign. The area of three-dimensional or spherical signs shall be measured by using the largest cross-section in a flat projection.

Single-faced sign – A sign with advertising on only one surface.

Site – The lot(s), parcel(s) and tract(s) included in a proposed subdivision or short subdivision and contiguous lots, parcels or tracts in which the owner of the site has a greater than possessory interest. **Site plan** – A plan prepared to scale, showing accurately and with complete dimensions all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land.

Slope - The deviation of a surface from the horizontal, usually expressed in percent. See Slope Figure below.



Soil – The surface layer of the earth, supporting plant life.

Soil removal – Removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, rock or similar materials or combination thereof, except common household gardening.

Solar access – The availability of direct sunlight to solar energy systems.

Solar energy system – Any structural element, device, or combination of devices or elements which rely upon direct sunlight as an energy source, including, but not limited to, any substance or device which collects, stores, or distributes sunlight for use in the following: (a) the heating or cooling of a structure or building; (b) the heating or pumping of water; (c) industrial, commercial, or agricultural processes; or (d) the generation of electricity. Use of this term includes passive, active and hybrid systems. Attached solar energy systems shall be considered as a part of the structure or building to which they are attached. Detached solar energy systems shall be considered accessory uses.

Spectator sports and entertainment – Establishments or places primarily engaged in the provision of cultural, entertainment, athletic, and other events to spectators as well as those involving social or fraternal gatherings. The following are spectator sports and entertainment use types:

Spectator sports and entertainment: indoor – Those uses conducted within an enclosed building. Typical uses include theaters or meeting halls.

Spectator sports and entertainment: outdoor – Those uses conducted outdoors. Typical uses include stadiums or drive-in theaters.

Standard factory-built home – A residential housing unit which is built at a location different from the intended site of occupancy but which meets city building, plumbing, heating, and ventilation codes. These units shall be subject to the same regulations as conventionally built units.

Start of construction (for flood damage prevention only) – Includes major remodeling, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of

excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages, or sheds not occupied as dwelling units or not part of the main structure.

Stepback - Building stepbacks are stepped or progressive recessions in a building's face as the building rises higher. Stepbacks are designed to reduce building mass to allow views around the building from above and/or from a distance, to allow more light down to the adjacent rights-of-way, and to improve the aesthetic experience of the building from adjacent rights-of-way. **An example of a stepback is shown on the stepback figure below:**

Stormwater – That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.

Story – That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement or unused under-floor space shall be considered as a story.

Street – All roads, streets, highways, freeways, easements, and public rights-of-way used for or designed for vehicular access or use, including private roads but not including private driveways.

Street, collector – A street penetrating neighborhoods, collecting traffic from local streets in the neighborhood and channeling it into the arterial system.

Street, dead-end – A local street with only one outlet, without possibility of extension, and a maximum length of 400 feet. A vehicle turnaround may be required.

Street, improved – A street with a paved roadway that has a structural cross-section that meets the minimum street improvement standards of the city of Coos Bay.

Street line – The dividing line between any street, road or other thoroughfare and the adjacent lots.

Street, local – A street which is primarily to provide direct access to abutting property and for local traffic movement.

Street, major arterial – All state highways and major routes leading into and through the city.

Street, minor arterial – A street of considerable continuity which is used primarily for through traffic and travel between large areas.

Street, open – A street which provides access for property development. An open street must be:
(a) One for which the city accepts responsibility of grading and drainage maintenance;
(b) Paved to city standards with curbs, storm drainage, etc.; or
(c) An all-weather roadway and, in most cases, graveled or strip-paved. (“All-weather” means that a standard automobile can negotiate the road without difficulty year-round.)

Street, private – A thoroughfare that is privately built and maintained which affords a primary means of vehicular access.

Structural alteration – Any material or dimensional changes in the structural elements of a building such as bearing walls, columns, beams, and roofs.

Structure – A building or any piece of work joined together in some definite manner, which requires location on the ground or is attached to something located on the ground. Under the National Flood Insurance Program, “structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

Subdivision, land – Either an act of subdividing land into four or more lots or a tract of land subdivided. To divide an area into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such a year.

Substantial damage – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Construction - Physical alteration of the land and/or building to an extent that there is obvious progress toward completion of the project as follows: For new construction, it shall include walls extending up from grade level; for existing buildings, it shall include issuance of a building permit with inspections for work equal to or greater than 25% of the value of the project as indicated on the building permit; and if no building permit is required, proof that site work equal to or greater than 25% of the value of the project has been completed. Land value and permit costs shall not be included in the calculation for value of construction completed.

Substantial improvement – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- (c) The term does not, however, include either:
 - (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (ii) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

In any one-year period, if improvements to the structure total more than 50 percent of the value of the structure, the structure will be required to be brought up to current floodplain management standards. The one-year period will be a rolling period and start at the completion, or date of finalization, of the oldest improvement within the last 365-day period. At the end of each improvement, the structure must be deemed habitable as defined by the Oregon Building Code.

Surface water – Waters that flow over the land surface and frequently interact with groundwater.

Swale – A shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot.

T.

Tavern – A building where beer and/or wine is served to the public, which holds a Class A or B license from the Oregon State Liquor Control Board.

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

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

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

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

Tourist habitation – Establishments primarily engaged in the provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are tourist habitation use types:

- (a) **Bed and Breakfast.** Lodging services involving the provision of room and/or board in an existing dwelling with no more than eight bedrooms.
- (b) **Bed and breakfast house** – A hotel in what was built as a single-family dwelling and which offers up to six bedrooms for transient guests. This definition is for historic reference for vacation rentals authorized prior to +++++, ++, 2020.
- (b) **Campground.** Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.
- (c) **Lodging.** Lodging services involving the provision of room and/or board. Typical uses include hotels, motels and pay for stay arrangements for less than 30 days in city residences. (examples, Airbnb, vrbo)..
- (d) **Waterfront Heritage Bed and Breakfast.** Lodging facilities in the WH zone in a dwelling with no more than eight bedrooms involving the provision of room and board.
- (e) **Waterfront Inn.** Overnight lodging facilities in the WH zone with all units water-oriented. A restaurant and conference facilities may be included.
- (f) **Hostel.** Any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed, or maintained under the sponsorship of a non-profit organization which holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended.
- (g) **Hotel/Motel.** A building or portion thereof designed and used for transient lodging in a non-residential zone for a period of less than 30 days, lodged with or without meals and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.
- (h) **Vacation rental.** A residential structure being rented for compensation for less than thirty (30) days without concurrent occupation by the owner/operator.

Townhouse - A single family dwelling unit in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides.”

Tract – One or more contiguous lots or parcels under the same ownership.

Trailer – A separate vehicle, not driven or propelled by its own power, but drawn by some independent power; to include any portable or movable structure or vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals, or merchandise of any kind, including boats, boat trailers, jet skis, half-tracks, snowmobiles, and the like, not included in other definitions.

Transportation service – Transportation offered to the public involving group assembly rather than door-to-door service; may also include the fleet storage of vehicles or cars. Typical uses include bus terminals, railroad depots, or airports.

Travel trailer – A vehicle with or without motor power primarily designed as temporary living quarters for recreational, camping, or travel use, and in which the plumbing, heating, and electrical systems contained therein may be operated without connection to outside utilities, being of such size or weight as not to require a special highway movement permit. The term shall include truck campers.

Turnaround - A vehicle maneuvering area at the end of a dead-end street or driveway (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around.

U.

Unbuildable Area - All areas outside of building envelopes and within open space.

Units per acre – The number of dwelling units allowed on one acre. For example, a maximum of four units/acre would mean that no more than four dwelling units on one acre are allowed in a particular zone.

Unstable slopes – Those sloping areas of land which have in the past exhibited, are currently exhibiting, or will likely in the future exhibit movement of earth.

Use – The purpose that land or structures now serve or for which it is occupied, maintained, arranged, designed or intended.

Use, cease of - Use shall be considered as ceased when the site and/or building is no longer used or available for occupancy by the specific use. A building or site vacant while being continuously marketed, repaired, or otherwise similarly unavailable for use is not considered to be a cessation of use. A building or site that is occupied by a different use shall be considered as a cessation of the former use.

Use, start of - Use shall be considered as begun when the applicant has physically moved into the site or is in the process of physically moving into the site in preparation of beginning occupation and/or operation. Actual operation and/or business open to the public need not occur to consider a use as begun.

Use, principal – The main use of land or buildings as distinguished from a subordinate or accessory use.

Use, temporary – A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Temporary uses do not involve the construction or alteration of any permanent structure.

Utilities easements – Rights-of-way that may be used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone, and television cable for the construction, operation, maintenance, alteration, and repair of their respective facilities.

Utility and service – Public utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations, sewer pump stations, water reservoirs, and radio, microwave, and telephone transmitters.

Utility substation – A subsidiary or branch facility utilizing aboveground structures, which is necessary to provide or facilitate distribution, transmission, or metering of water, gas, sewage, radio signals and/or electric energy and telecommunication signals. Such facilities have a local impact on surrounding properties and may consist of, but are not limited to, the following: (a) water, gas, telecommunication and electrical distribution or metering sites; (b) water or sewage pumping stations; (c) water towers and reservoirs; (d) public wells and any accessory treatment facilities; (e) transmission towers and accessory equipment to provide radio and data communications service, radio paging, or cellular communications service; (f) telecommunication facilities.

V.

Vacation Rental – A residential structure being rented for compensation for less than thirty (30) days.

Variance – A modification of the terms of this title to a particular piece of property which, because of special circumstances, is deprived of privileges enjoyed by other properties of the same zone and which modification remedies the disparity in privileges.

Vehicle sign – Advertising copy painted or permanently affixed to lawfully parked and operable vehicles or trailers.

Video sales and rental – Commercial establishments engaged in the sale and rental of video equipment, tapes and accessories for home entertainment.

Vision clearance area – Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance with a triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines or intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

Visitor information service – A service providing visitor information about the city, the region and the state.

Visual obstruction – Any fence, hedge, tree, shrub, device, wall, or structure exceeding three and one-half feet in height above the elevation of the top of the curb, and so located on a street or alley intersection as to dangerously limit the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed of branches to a minimum height of at least six feet.

W.

Warehouse – A building used primarily for the storage of goods and materials.

Water-dependent – A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production, or source of water. Under the National Flood Insurance Program, “water-dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Water-oriented use – A use located on properties east of Front Street, including the WH-3 subdistrict, in the waterfront heritage zoning district, which is enhanced by a view of, or access to, the waterfront.

Water-related – Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

Watercraft sales/rentals – Sales, rental and incidental repairs of watercraft, such as, but not limited to, jet skis, canoes, motorboats, and sailboats. Motorized watercraft and sailboats, where motorized watercraft and sailboats are displayed in the water.

Waterfront – The mean high-water line.

Wetlands – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wholesale, storage, and distributing – Establishments or places of business primarily engaged in the wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are wholesale, storage, and distribution use types:

- (a) Mini-Warehouse. Storage or warehousing service within a building(s) primarily for individuals to store personal effects and by businesses to store materials for operation of an industrial or commercial enterprise located elsewhere. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant but in no case may storage space in a mini-warehouse facility function as an independent retail, wholesale, business, or service use. Spaces shall not be used for workshops, hobby shops, manufacturing, or similar uses and human occupancy of the spaces shall be limited to that required to transport, arrange, and maintain stored materials.
- (b) Light. Wholesale, storage, and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, or moving and storage firms.
- (c) Heavy. Open-air storage, distribution, and handling of materials and equipment. Typical uses include monument or stone yards, wood chip storage, or lumber storage.

Y.

Yard – Open space on a lot which is unobstructed by a structure, and measured between the property line and the nearest point at the outermost face of any vertical support, exterior wall line, or foundation of a building. May also be an area defined by required setbacks.

Yard, front – A yard between side lot lines and measured horizontally at right angles to the front lot line to the nearest point of the building.

Yard, rear – A yard between side lot lines and measured horizontally at right angles to the rear yard line to the nearest point of the building.

Yard, side – An open space between the front yard and rear yards measured horizontally and at right angles from the side lot line or street side lot line to the nearest point of a building.

Z.

Zero lot line development – A single-family housing unit which has no yard requirements on one or more of the lot lines, in conformance with the International Building Code.

Zone – Area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established.

Zone or Zoning district – The same as “district” or “zone.”

September 10, 2019
Planning Commission Public Hearing
Cover sheet - Title 17 - Section 17.220 LDR zoning district

Proposed for this section is relocating 90% of the chapter language into charts for ease of locating information.

Table 17.220.020 has been substantially drafted to include a reference to the LDR-6 overlay zone.

Key changes for consideration include:

Potential for 0 lot line development in LDR-6 areas with a Conditional Use Permit

Addition of Vacation rentals or bed and breakfast facilities as a Permitted use. Specific standards for vacation rentals are noted in draft chapter 17.370.

Addition of a Maximum density standard for the LDR-6 overlay zone consistent to provide a measurable density for the LDR-6 district area consistent with the multi-family uses for this area noted in Table 17.220.020.

Addition of setback to the Estuary, consistent with the Comprehensive Plan

Addition of a 20% landscaping requirement.

Creating a minimum and maximum lot size for each of the three distinct areas of the LDR district. The minimum size is suggested should there be a proposal for a townhouse development where individual units with the underlying ground area could be purchased. Should the entire property be sought for apartment development, there would be no lots created but the 16 dwelling unit per acre (dua) standard could apply.

Creation of a rear yard setback at 10% of the lot depth rather than 5'.

Creation of a street side yard setback of 20% of the lot width.

Changes to the exceptions for setbacks.

A letter regarding the proposed setbacks, minimum and maximum lot sizes and density has been received from Mr. Ralph Dunham and is attached. Mr. Dunham makes some points that the Commission should discuss and

-----Original Message-----

From: Ralph Dunham <rdunham@northbendcity.org>

Sent: Thursday, August 29, 2019 10:45 AM

To: Debbie Erler <derler@coosbay.org>

Subject: RE: FW: Seagate-Density Information

Debbie:

As noted setbacks should be looked at (maximums) as 10% or 20% may be unreasonable on large parcels (why should it ever be larger than 20', or even 10 for that matter meets building code requirements for a non-rated structure). I can see buffer area between commercial and residential - but residential to residential, especially in light of the current trend to make everything higher density (ADU's, vertical construction, zero lot line, etc).

Also not sure the reason for maximum lot size. Issue is with multifamily - 16 units per acre but you also have to provide parking - so with a 3 story structure (2 because your max. building size is 10 units) you take up approx.. 5,000 SF for just the structure, and another 6,500 just for the required parking - so a minimum of 11,500 just without any room for walks, setbacks, amenities, etc (realistic is actually around 20,000) - so why would you allow multifamily but limit the lot size to a maximum of 7,500 sf. Barely fits a duplex. Even a 10 unit multifamily would take about 15,000 minimum and be tight on perfect ground & lot shape. Also remember multifamily now has to be sprinklered, typically with a FDC (which has to be out of the fall of the wall - so 35 feet away from structure). Just engineer thoughts vs planner - I get to be the one to try to make everything fit.

Just a couple of comments related to proposed ordinance changes.

Ralph

**Chapter 17.220
 LOW DENSITY RESIDENTIAL DISTRICTS (LDR-6, LDR-8.5)
AND OVERLAY ZONE LDR-6**

Sections:

- 17.220.010 Purpose.**
- 17.220.020 Land Uses ~~Locational criteria.~~**
- 17.220.030 Development Standards and Criteria ~~Uses.~~**
- 17.220.040 ~~Height regulations.~~**
- 17.220.050 ~~Density requirements.~~**
- 17.220.060 ~~Lot coverage and dimensions.~~**

17.220.010 Purpose.

The LDR district ~~s~~ designation has been established to be consistent with the ~~are~~ intended to implement the provisions of the Coos Bay ~~C~~ comprehensive ~~P~~ plan ~~Land Use Plan 2000~~ and identify appropriate land uses and standards for single family neighborhood land uses. ~~In addition, these districts are intended to: recognize and maintain established low density residential areas, while encouraging appropriate infill and redevelopment; establish higher densities close to employment centers and transit corridors and lower densities in areas without urban services; create efficient residential areas which provide community services in a more economical manner, and facilitate utility-efficient design; and provide for additional related uses such as utility uses necessary to serve immediate residential areas. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].~~

17.220.020 Locational criteria:

(1) The city shall zone land designated for low density residential use within the Coos Bay city limits as follows:

- (a) LDR-6 (6,000 square foot lots). ~~New parcels in this area must average within 10 percent of 6,000 square feet as a total development and any phase within the development. Individual parcels may not be smaller than 5,000 square feet or larger than 7,500 square feet.~~
- (b) LDR-8.5 (8,500 square foot lots). ~~New parcels in this area must average within 10 percent of 8,500 square feet as a total development and any phase within the development. Individual parcels may not be smaller than 6,000 square feet or larger than 15,000 square feet.~~

(2) ~~Zoning of residential land upon annexation to the city:~~

~~The city shall incorporate newly annexed lands consistent with the comprehensive plan land use map. [Ord. 473 § 3 (Exh. A), 2016].~~

17.220.030 Land Uses.

~~The following uses are permitted or excluded in the LDR district subject to the applicable provisions of this title. P = Permitted use; C = Conditional use; - X = Prohibited. use. Property uses noted in Table 17.220.020.~~

Table 17.220.030—Uses

Table 17.220.020			
Use	<u>LDR-6</u>	<u>LDR-6 Overlay</u>	LDR-8.5
Residential Uses			

Table 17.220.020			
Use	<u>LDR-6</u>	<u>LDR-6 Overlay</u>	LDR-8.5
Single-family detached dwelling units, including manufactured homes which are subject to special siting standards)	P		
Duplexes	P		
Multi Family uses	X	P	X
Accessory living units (which are subject to special siting standards through a Type II land use process)	P		
Group care facilities (more than 5)	C		
Foster care homes (five or fewer)	P		
Planned Unit Development	C		
Zero lot line development	<u>May be considered with a Conditional Use Permit for a Planned Unit Development; otherwise prohibited.</u>	P	X
Accessory Buildings and Uses			
Private garages and carports	P		
Accessory structure or building on a separate lot or parcel, with compliance with Chapter 17.367 CBDC	P		
Greenhouses, gardens, and orchards for private, noncommercial propagation and culture of plants, fruits, and vegetables	P		
Swimming pools and other recreational facilities for the private use of the occupants. Swimming pools other than children's temporary wading pools shall be located in front yards, and shall be set back at least three feet from all property lines.	P		
Covered patio, freestanding or attached	P		
Solar energy systems and structures solely designed to support solar energy systems	P		
Nonresidential Uses			

Art galleries and museums	C
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<u>Table 17.220.020</u>			
Use	<u>LDR-6</u>	<u>LDR-6 Overlay</u>	<u>LDR-8.5</u>
<u>Vacation rental or Bed and Breakfast</u> Bed and breakfast house		<u>€</u> <u>XP</u>	
Bus Shelters (subject to a Type II site plan review)		P	
Child care facility (fewer than 13)		P	
<u>Religious assembly – small (less than 16)</u>		<u>P</u>	
Religious assembly – <u>large (over 16)</u>		C	
Community recreation		C	
<u>Educational service</u>		<u>€</u>	<u>€</u>
Lodge, club, fraternal or civic assembly	<u>C</u>	<u>C</u>	X
Home occupations		P	
Occupied recreational vehicles		X	
Public utilities		C	
Public schools/educational service		C	
Public buildings and uses not otherwise listed as permitted in CBDC		C	
Telecommunication facilities		C	
All manufacturing and commercial uses or services, except permitted home occupations and day/adult care facilities.		X	

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

17.220.0304 Development Standards and Criteria

Development Standards in the LDR districts are noted in Table 17.220.030

<u>Table 17.220.030</u>	<u>LDR-6</u>	<u>LDR-6 Overlay zone</u>	<u>LDR-8.5</u>
<u>Maximum Dwelling Units per acre (gross area of the site minus required right of way)</u>	<u>9</u>	<u>16</u>	<u>6</u>

<u>Table 17.220.030</u>	<u>LDR-6</u>	<u>LDR-6 Overlay zone</u>	<u>LDR-8.5</u>
<u>Minimum lot size</u>	<u>5,000 s.f.</u>	<u>3,500 s.f.</u>	<u>6,000 s.f.</u>
<u>Maximum lot size</u>	<u>7,500 s.f.</u>	<u>7,500 s.f.</u>	<u>15,000 s.f.</u>
<u>Minimum lot width</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>
<u>Minimum lot depth</u>	<u>80''</u>	<u>80'</u>	<u>90'</u>
<u>Lots for drainage facilities, parks, open space, wetlands and buffers, utilities</u>	<u>No minimum or maximum.</u>		
<u>Building Height</u>	<u>35' from lowest finished grade to highest point on the roof ridge.</u>		
<u>Lot Coverage</u>	<u>65%</u>		
<u>Landscaping</u>	<u>20% of net lot area.</u>		
<u>Front yard setback to enclosed or semi-enclosed living area (including porches)</u>	<u>10' from property line.</u>		
<u>Garage or carport setback</u>	<u>20' from property line. The setback may be reduced to 10 feet from a street or five feet from an alley if the entrance to the garage or carport is perpendicular to the street frontage and all of the required parking can be accommodated on private property.</u>		
<u>Minimum side yard – interior lot</u>	<u>5'</u>	<u>As per the Inter- national Building Code</u>	<u>5'</u>
<u>Minimum rear yard</u>	<u>10% lot depth</u>		<u>10% lot depth</u>
<u>Minimum side yard – street side corner lot</u>	<u>20% of lot width but no less than 7'</u>		
<u>Setback to Coos Bay Estuary</u>	<u>As specified in the Coos Bay Estuary Plan</u>		
<u>Setbacks for Accessory Buildings no greater than 120 s.f. or 8' in height at its highest point above site grade.</u>	<u>Rear or side yards – as per the International Building Code. Front yard – building may be no closer than 20' from the front property line nor cause visual obstruction at driveways or intersections.</u>		
<u>Parking</u>	<u>As per CBMC Chapter 17.330.</u>		

Height regulations:

A maximum building height in all LDR districts shall be 35 feet measured from the lowest finished grade level to the highest point on the roof ridge. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.220.050 Density requirements.

- (1) New lots and structures and additions to structures subject to this chapter shall comply with the applicable standards for minimum and maximum density in Table 17.220.050, Density Requirements. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].
- (2) Lots created for drainage facilities, parks, open space, wetlands and buffers, and utilities shall not be subject to maximum lot size requirements.
- (3) Newly created lots in a proposed land division must average within 10 percent of the prescribed average lot size as a total development and any phase within the development.

Table 17.220.050—Density Requirements

Zoning District	Average Lot Size (sq. ft.)	Minimum Lot Area (sq. ft.)	Maximum Lot Area (sq. ft.)	Minimum Net Density Per Acre¹
LDR-6	6,000	5,000	7,500	6
LDR-8.5	8,500	6,000	15,000	4

1 Densities shall be calculated based on the gross area of the site minus any public rights-of-way. [Ord. 473 § 3 (Exh. A), 2016].

17.220.060 Lot coverage and dimensions.

- (1) Maximum building lot coverage shall not exceed 65 percent.
- (2) Front yard setbacks shall be measured as the distance between the primary street facade of the dwelling and the property line. Garage and/or carport setbacks shall be set back 20 feet from the property line to allow vehicles to park completely on the property. The setback may be reduced to 10 feet from a street or five feet from an alley if the entrance to the garage or carport is perpendicular to the street frontage and all of the required parking can be accommodated on private property. Exceptions:
 - (a) The measurement shall be made at either the front plane of the front porch or of the dwelling if there is no front porch.
 - (b) Front yard setback requirements of this title shall not apply in any residential district where the average depth of front yards of existing dwellings within the same block, within 250 feet from exterior side lot lines of the lot, and fronting on the same street is less than the minimum required front yard. In such cases the front yard requirement on the lot shall not be less than the average existing front yard.
 - (c) An accessory building less than 120 square feet may be located within any required side or rear yard up to the property line if it is placed at least 20 feet from the front property line and is not more than eight feet in height at its highest point above grade, and is not a visual obstruction at driveways or intersections. An accessory building less than 120 square feet may be located closer than 20 feet to the front property line and less than 10 feet to a flanking street if it is not more than eight feet in height at its highest point above grade and is not a visual obstruction at driveways or street intersections.

Exceptions:

- (a) The measurement shall be made at either the front plane of the front porch or of the dwelling if there is no front porch.
- (b) Front yard setback requirements of this title shall not apply in any residential district where the average depth of front yards of existing dwellings within the same block, within 250 feet from exterior side lot lines of the lot, and fronting on the same street is less than the minimum required front yard. In such cases the front yard requirement on the lot shall not be less than the average existing front yard.
- (c) An accessory building less than 120 square feet may be located within any required side or rear yard up to the property line if it is placed at least 20 feet from the front property line and is not more than eight feet in height at its highest point above grade, and is not a visual obstruction at driveways or intersections. An accessory building less than 120 square feet may be located closer than 20 feet to the front property

line and less than 10 feet to a flanking street if it is not more than eight feet in height at its highest point above grade and is not a visual obstruction at driveways or street intersections.

(3) Setbacks shall be consistent with Table 17.220.060, unless otherwise expressly allowed by this title.

Table 17.220.060—Lot Coverage and Dimensions

District	Average Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Street Side Yard (feet)	Minimum Rear Yard (feet)
LDR-6	6,000	40	80	10	5	10	5
LDR-8.5	8,500	40	90	10	5	10	5

[Ord. 473 § 3 (Exh. A), 2016].

DRAFT

Chapter 17.220
LOW DENSITY RESIDENTIAL DISTRICTS (LDR-6, LDR-8.5)
AND OVERLAY ZONE LDR-6

Sections:

- 17.220.010 Purpose.**
17.220.020 Land Uses.
17.220.030 Development Standards and Criteria

17.220.010 Purpose.

The LDR district designation has been established to be consistent with the Coos Bay Comprehensive Plan Land Use Plan 2000 and identify appropriate land uses and standards for single family neighborhood land uses.

17.220.020 Land Uses.

P = Permitted use; C = Conditional use; X = Prohibited. Property uses noted in Table 17.220.020.

Table 17.220.020			
Use	LDR-6	LDR-6 Overlay	LDR-8.5
Residential Uses			
Single-family detached dwelling units, including manufactured homes which are subject to special siting standards)		P	
Multi-family dwelling units	X	P	X
Duplexes		P	
Accessory living units (which are subject to special siting standards through a Type I land use process)		P	
Group care facilities (more than 5)		C	
Foster care homes (five or fewer)		P	
Planned Unit Development		C	
Zero lot line development	May be considered with a Conditional Use Permit for a Planned Unit Development; otherwise prohibited.	P	X
Accessory Buildings and Uses			
Private garages and carports		P	
Accessory use or building on a separate lot or parcel, with compliance with Chapter 17.367 CBDC		P	

Table 17.220.020			
Use	LDR-6	LDR-6 Overlay	LDR-8.5
Greenhouses, gardens, and orchards for private, noncommercial propagation and culture of plants, fruits, and vegetables		P	
Swimming pools and other recreational facilities for the private use of the occupants. Swimming pools other than children's temporary wading pools shall not be located in front yards, and shall be set back at least three feet from all property lines.		P	
Covered patio, freestanding or attached		P	
Solar energy systems and structures solely designed to support solar energy systems		P	
Nonresidential Uses			
Art galleries and museums		C	
Vacation rental or Bed and Breakfast		P	
Bus Shelters (subject to a Type II site plan review)		P	
Child care facility (fewer than 13)		P	
Religious assembly – small (less than 16)		P	
Religious assembly – large (over 16)		C	
Community recreation		C	
Lodge, club, fraternal or civic assembly	C	C	X
Home occupations		P	
Occupied recreational vehicles		X	
Public utilities		C	
Public schools/educational service		C	
Public buildings and uses not otherwise listed as permitted in CBDC		C	
Telecommunication facilities		C	
All manufacturing and commercial uses or services, except permitted home occupations and day/adult care facilities.		X	

17.220.030 Development Standards and Criteria

Development Standards in the LDR districts are noted in Table 17.220.030

Table 17.220.030	LDR-6	LDR-6 Overlay zone	LDR-8.5
Maximum Dwelling Units per acre (gross area of the site minus required right of way)	9	16	6

Table 17.220.030	LDR-6	LDR-6 Overlay zone	LDR-8.5
Minimum lot size	5,000 s.f.	3,500 s.f.	6,000 s.f.
Maximum lot size	7,500 s.f.	7,500 s.f.	15,000 s.f.
Minimum lot width	40'	40'	40'
Minimum lot depth	80''	80'	90'
Lots for drainage facilities, parks, open space, wetlands and buffers, utilities	No minimum or maximum.		
Building Height	35' from lowest finished grade to highest point on the roof ridge.		
Lot Coverage	65%		
Landscaping	20% of net lot area.		
Front yard setback to enclosed or semi-enclosed living (including porches)	10' from property line.		
Garage or carport setback	20' from property line. The setback may be reduced to 10 feet from a street or five feet from an alley if the entrance to the garage or carport is perpendicular to the street frontage and all of the required parking can be accommodated on private property.		
Minimum side yard – interior lot	5'	As per the Inter- national Building Code	5'
Minimum rear yard	10% lot depth		10% lot depth
Minimum side yard – street side corner	20% of lot width but no less than 7'		
Setback to Coos Bay Estuary	As specified in the Coos Bay Estuary Plan		
Setbacks for Accessory Buildings no greater than 120 s.f. or 8' in height at its highest point above site grade.	Rear or side yards – as per the International Building Code. Front yard – building may be no closer than 20' from the front property line nor cause visual obstruction at driveways or intersections.		
Parking	As per CBMC Chapter 17.330.		

September 10, 2019

Planning Commission Public Hearing

Cover sheet - Title 17 - Section 17.312 Accessory dwelling units amendment to comply with HB 2001.

Requirements for off-street parking have been eliminated in this section (17.312.040 (1) (d). This change is not an option; removing this section is required to comply with state law.

Chapter 17.312

ACCESSORY DWELLING

Sections:

- 17.312.010 Purpose.
- 17.312.020 Definition.
- 17.312.030 Use and restrictions.
- 17.312.040 Development and design standards.

17.312.010 Purpose.

ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. [Ord. 503 § 1 (Exh. B), 2018].

17.312.020 Definition.

“Accessory dwelling unit” is an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. [Ord. 503 § 1 (Exh. B), 2018].

17.312.030 Use and restrictions.

An accessory dwelling unit, where allowed, is subject to review and approval through a Type II procedure, pursuant to CBDC 17.130.090, and shall conform to the following restrictions:

- (1) One accessory dwelling is allowed per legal lot of record containing a detached single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor);
- (2) The accessory dwelling unit may not be used as a vacation rental or temporary housing;
- (3) Construction of an accessory dwelling unit must meet the minimum standards of the current state residential specialty code;
- (4) A separate address shall be assigned to the accessory dwelling and the address shall be clearly identified, as required by state building code; and
- (5) A deed restriction must be recorded with the property advising future owners and lenders of the use restrictions. The deed restriction document will be created by the city and recorded at the county clerk’s office. [Ord. 503 § 1 (Exh. B), 2018].

17.312.040 Development and design standards.

(1) Development Standards.

- (a) A detached accessory dwelling unit shall not exceed 1,000 square feet of floor area, or 75 percent of the primary dwelling’s total floor area, whichever is smaller.
- (b) An attached or interior accessory dwelling unit shall not exceed 1,000 square feet of floor area, or 75 percent of the primary dwelling’s total floor area, whichever is smaller. However, an accessory dwelling unit that results from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling unit would be more than 1,000 square feet.
- (c) Accessory dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the designated zoning district, except that conversion of an existing legal nonconforming

structure to an accessory dwelling is allowed; provided, that the conversion does not increase the nonconformity.

~~_(d) One off street parking space is required for an accessory dwelling unit. A new curb cut is not permitted on the main frontage to accommodate the required parking.~~

~~If the existing curb cut is substandard in size, an expansion of the curb cut to city standards, as outlined in CBMC Title 18, Engineering Design Standards, would be permitted.~~

(2) Design Standards.

(a) An accessory dwelling unit, located in a historic district, must comply with the historic district regulations;

(b) An accessory dwelling unit located on the same lot as a structure listed on the National Register of Historic Places or listed as a cultural resource will be held to a high development standard, in that the exterior must be compatible with the primary structure.

(c) The exterior finish and trim materials of a detached accessory dwelling unit shall be similar to the primary dwelling unit in terms of type, size, placement, and finish.

(d) The roof pitch of a detached accessory dwelling unit shall be similar to the roof pitch of the primary dwelling. [Ord. 503 § 1 (Exh. B), 2018].

September 10, 2019
Planning Commission Public Hearing
Cover sheet - Title 17 - Section 17.370 Vacation Rentals

This section would be an addition to Title 17 and establish vacation rental standards and provide amendments to other sections of the Development Code in reference to "Tourist Habitation". The term "Tourist habitation" has been expanded in the draft definitions section and Commission discussion on that definition is recommended as a part of the vacation rental discussion.

VACATION RENTALS

Sections:

- 17.370.010 Purpose and Intent.
- 17.370.020 Applicability.
- 17.370.030 Performance Standards and Requirements for Vacation Rentals
- 17.370.040 Violations

17.370.010 Purpose and Intent. The purpose of these regulations is to ensure that vacation rentals conform to and are compatible with the existing character of the area in which they are located and do not create an adverse impact on adjacent properties.

17.370.020 Applicability. Vacation rentals may be permitted in the LDR-6 and LDR-8 zoning districts and in existing residential structures in the C, MX and I-C and WH zoning districts in compliance with underlying zoning district development and use standards and subsection 17.370.030.

17.370.030 Performance Standards and Requirements for Vacation Rentals.

1) **Authorization.** A Vacation Rental is a City authorized residential structure being rented for compensation for thirty (30) days or less. Recreational vehicles, travel trailers, tents, other temporary shelters, garages used to comply with City parking requirements, accessory structures (including Accessory dwelling units) are not permitted for use as vacation rentals

2) **Licensing and Taxes.** Owners and Operators of vacation rentals are required to obtain a business license pursuant to the requirements of CBMC Chapter 5.05 and the payment of Transient Lodging taxes pursuant to the requirements of CBMC Section 3.55.

3) **Additional Requirements.** Each vacation rental owner/operator must submit with their business license application the following:

(a) A building safety inspection safety report prepared by a licensed home inspector for Building Official review and approval;

(b) For Director approval a written notice that will be conspicuously posted inside each vacation rental unit setting forth the name, address and telephone number of the contact person required in 17.370.030(6) if the property owner/operator does not live in the residential structure utilized as a vacation rental. The notice shall also set forth the address of the vacation rental, the maximum number of occupants permitted to stay overnight in the unit, the maximum number of vehicles allowed to be parked on-site, the day(s) established for garbage collection, a City approved tsunami evacuation map and a non-emergency number of the Coos Bay Police Department.

4) **Annual verification of contact information.** The owner/operator of the vacation rental shall annually, at the time of renewal of the business license, verify the name, address and telephone number of the contact person required in 17.370.030(6) if the property owner or his/her operator does not live in the residential structure utilized as a vacation rental.

5) **Coos Bay Municipal Code Compliance.** Compliance is required with all CBMC regulations, including, but not limited to Title 8, Health and Safety; Title 9, Peace, Morals and Welfare; and Title 15, Buildings and Construction. All environmental health regulations shall be met.

6) **Contact Requirements.** If the property owner and/or his/her operator does not live in the residential structure utilized as a vacation rental, the owner and/or operator shall, at all times while the property is being used as a vacation rental, maintain a contact person/entity within a fifteen-minute drive of the property. The contact person or entity must be available via telephone twenty-four (24) hours a day, seven days a week, to respond to complaints regarding the use of the vacation rental. The contact person or entity shall respond, either in person or by return telephone call, with a proposed resolution to the complaint within three hours between seven a.m. and nine p.m., and within thirty (30) minutes between nine p.m. and seven a.m.

7) **Advertising.** On-site advertising of the vacation rental is prohibited.

8) **Limit of Occupants.** The number of overnight occupants shall be limited to two persons per bedroom and two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons. A bedroom shall meet the minimum size requirements as defined in CBMC Title 15 (Building Code).

9) **Location limit.** Establishment of a vacation rental within three hundred (300) feet of an existing vacation rental shall not be permitted.

10) **Parking Requirement.** One (1) hard surfaced off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard but may be located on the property's paved driveway. If the vacation rental property owner/operator lives on site, the required residential parking shall not be displaced by the vacation rental.

17.370.040 Violations.

Violation of the requirements specified in Section 17.370.030 shall constitute grounds for revocation of the Type II permit required for a vacation rental pursuant to Section 17.130.150.

Table 17.330.010(A) – Off-Street Parking Requirements

Use	Minimum Number of Parking Spaces
Commercial:	
Hotel, motel or bed and breakfast houses <u>Tourist Habitation</u>	1 space per guestroom, plus 1 per every 25 rooms

Table 17.235.020 – I-C Uses

Use	I-C
Residential	
Tourist habitation /bed and breakfast and home occupations	P

Table 17.230.020 – **C and MX** Uses

Use	C	MX
Residential		
Tourist habitation /bed and breakfast/ <u>and</u> home occupations	P	P