

City of Coos Bay
Community Development Department

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Memorandum

TO: Planning Commission
FROM: Community Development Department
SUBJECT: Section 3 - Development Code Re-Write
DATE: October 7, 2014

Planning Commission,

The draft of Section 3 of the Coos Bay Development Code is finally finished!! The principal changes to this draft are as follows:

1. Staff reviewing the simpler and less impactful land use applications leaving fewer land use reviews going directly to the Planning Commission freeing up their time for long-range planning issues.
2. Making the review criteria more understandable for applicants, staff and the Planning Commission.
3. Simplifying the review process chapters for architectural review areas.
4. Implementing proscriptive landscaping standards that are not tied to parking needs.
5. Making all review types to be either a Type I, II, III, or IV review with all submittal requirements being the same for the individual review types.

The next two Planning Commission meetings will be to discuss the redlines and any other questions or concerns the commission may have on the draft code (November) and to publish and hold the public hearing (December). The PC recommendation will then go to the council for their discussion and public hearing. Final adoption will need to be done by May.

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SECTION 3 - LAND DIVISION AND DEVELOPMENT

Chapters:

- 17.310 General Provisions
- 17.312 Partitions
- 17.315 Subdivisions
- 17.317 Planned Unit Developments
- 17.320 Site Plan Review
- 17.322 Re-Plats and Property Line Adjustments
- 17.325 Conditional Uses
- 17.327 Nonconforming Uses
- 17.330 Variances
- 17.332 Temporary Use Permits
- 17.335 Home Occupation
- 17.337 Signs
- 17.340 Off-Street Parking and Loading Requirements
- 17.342 Annexation
- 17.345 Vacation
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- 17.350 Legal Lot Determination
- 17.352 Alterations of Final Plats and Partitions
- 17.355 Telecommunication Facilities
- 17.357 Change in Zoning Designation
- 17.360 Mitigation of Adverse Impacts
- 17.362 Supplementary Development Standards
- 17.365 Manufactured Home Special Siting Standards
- 17.367 Accessory Use or Building on a Separate Lot or Parcel
- 17.370 Estuarine and Coastal Shoreline Uses and Activities
- 17.372 Cultural Resources

Chapter 17.310 - GENERAL PROVISIONS

Sections:

- 17.310.010 Short title
- 17.310.020 Purposes
- 17.310.030 Plat, Partition, or Other Review Required
- 17.310.040 Agreements to Transfer Land After Preliminary Plat Approval
- 17.310.050 Divisions of Developed Land

17.310.010 Short Title

This title shall be known as the land division ordinance and may be cited as such.

17.310.020 Purposes

The land division regulations are intended to fulfill the following purposes:

- A. To promote the effective use of land;
- B. To make adequate provision for the residential, commercial, and industrial needs of the City;
- C. To provide for the division of land in accordance with officially adopted plans, policies, and standards, including the zoning ordinance and related development regulations of the City; and
- D. To provide for the efficient processing of land division applications in an efficient and timely manner.

17.310.030 Plat, Partition, or Other Review Required

All divisions of land shall be subject to this title and other applicable City ordinances and regulations.

17.310.040 Agreements to Transfer Land After Preliminary Plat Approval

Agreements to transfer land prior to final plat or partition is authorized; provided, that the performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat or partition approval is expressly conditioned on the recording of the final plat or partition containing the lot, tract, or parcel.

17.310.050 Divisions of Developed Land

Divisions of developed land may be reviewed and approved the same as undeveloped land; provided, existing and approved development on the site shall be considered by the review authority and may be relevant to adjustments, modifications and variations of standards that otherwise apply if consistent with this title or other applicable City regulation. For the purpose of this section, “developed land” means a lot, tract, or parcel upon which substantial construction has taken place (e.g., framing inspection approval has been granted). Such construction shall be a permanent building or structure.

Chapter 17.312 - PARTITIONS

Sections:

- 17.312.005 Purpose
- 17.312.010 Pre-Application Review
- 17.312.020 Review Processes for Partitions
- 17.312.030 Preliminary Partitions Application Contents
- 17.312.040 Approval Criteria for a Preliminary Partition
- 17.312.050 Expiration and Extension of Preliminary Partition Approval

17.312.005 Purpose

The purpose of this Chapter is to implement the policies of the various applicable state statutes and the City of Coos Bay Comprehensive Plan. The regulations contained herein are intended to:

- A. Promote the effective utilization of land and infrastructure;
- B. Make adequate provision for the housing needs of the City;
- C. Prescribe procedures for the subdivision of land in accordance with officially adopted plans, policies and standards, including the provisions of the Development Code; and
- D. Provide for the efficient processing of partition applications without undue delay. A partition application shall be processed when no more than three (3) parcels are created from the original unit of land.

17.312.010 Pre-Application Review

- A. A partition is subject to pre-application review as provided in Chapter 17.030.020 CBDC.
- B. An applicant for pre-application review of a partition shall submit the requisite fee, a completed pre-application review form provided for that purpose by the City, and the information listed in Chapter 17.030.020(C) CBDC.

17.312.020 Review Processes for Partitions

- A. Technically complete review of a partition application is subject to Chapter 17.030.050 CBDC.
- B. A technically complete application for a preliminary partition shall be subject to a Type II process. See Chapter 17.030.090 CBDC.
- C. Appeal and post-decision review of decisions regarding partitions are permitted as provided in Chapter 17.030.130 CBDC and Chapter 17.030.150 CBDC respectively.

17.312.030 Preliminary Partition Application Contents

An applicant for a preliminary partition shall submit the requisite fee, a completed application review form provided for that purpose by the City, and three (3) paper copies and one (1) electronic copy of the following information:

- A. Partition name (if any);

- B. Contact information including the name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the partition;
- C. A preliminary partition at a scale of no more than one inch equals 100 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plan reduced to fit on an 8.5-inch by 11-inch page. The partition shall show the dimensions and areas of all proposed lots, tracts and dedications. The partition shall show the distance from proposed lot lines to the nearest existing structures on the site unless those structures will be removed;
- D. Proposed dedications of title, easements or other interests 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 property proposed to be divided;
- H. If a partition contains large lots which at some future time could be re-subdivided, the application shall include a master plan of all land under common ownership in order to provide for extension and opening of streets at intervals which will permit a subsequent division of each divisible parcel into lots of smaller size;
- I. A copy of the pre-application conference summary, and a description of information submitted in response to the issues, comments and concerns in the summary;
- J. A written description of how the proposed preliminary partition does or can comply with each applicable approval criterion for the preliminary partition, and basic facts and other substantial evidence that supports the description;
- K. A typed list with the names and addresses of all property owners within a radius of 150 feet of the parent parcel according to the most recent property tax assessment roll. Owner names and addresses shall be printed on mailing labels.
 - 1. An area map showing parcels within ¼ mile of the subject parcel shall be included;
 - 2. If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, then notice shall be mailed to owners of property within a 300-foot radius, as provided above, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application;
- L. Applications necessarily associated with the preliminary partition, such as applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to road standards are required to approve the partition application as proposed;
- M. If applicable; preliminary grading, erosion control and drainage plans, which may be a single plan, consistent with applicable provisions.

- N. Evidence that potable water will be provided to each lot from a public water system, and that each lot will be connected to public sewer.

17.312.040 Approval Criteria for a Preliminary Partition

- A. The review authority shall approve a preliminary partition if he or she finds:
1. The applicant has sustained the burden of proving that the application complies with the applicable sections of the Coos Bay Development Code to the extent relevant;
 2. That the application can comply with those regulations by complying with certain conditions of approval, and those conditions are adopted; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final partition is approved; and
 3. The application makes appropriate provision for potable water supplies and for disposal of sanitary wastes.

17.312.050 Expiration and Extension of Preliminary Partition Approval

A decision approving a preliminary partition expires three (3) years from the effective date of approval and can be extended as provided in Section 17.030.140 CBDC.

Chapter 17.315 - SUBDIVISIONS

Sections:

- 17.315.005 Purpose
- 17.315.010 Pre-Application Review
- 17.315.020 Review Processes for Subdivisions
- 17.315.030 Preliminary Plat Application Contents
- 17.315.040 Approval Criteria for a Preliminary Plat
- 17.315.050 Expiration and Extension of Preliminary Plat Approval
- 17.315.060 Construction Prior to Final Plat Approval – Bonds
- 17.315.070 Improvement Plans

17.315.005 Purpose

The purpose of this Chapter is to implement the policies of the various applicable state statutes and the City of Coos Bay Comprehensive Plan. The regulations contained herein are intended to:

- A. Promote the effective utilization of land and infrastructure;
- B. Make adequate provision for the housing needs of the City;
- C. Prescribe procedures for the subdivision of land in accordance with officially adopted plans, policies and standards, including the provisions of the Development Code; and
- D. Provide for the efficient processing of subdivision applications without undue delay. A subdivision application shall be processed when subdividing into greater than three lots.

17.315.010 Pre-Application Review

- A. A subdivision partition is subject to pre-application review.
- B. An applicant for pre-application review of a subdivision shall submit the requisite fee, a completed pre-application review form provided for that purpose by the City, and three (3) paper copies and one (1) electronic copy of the following information:
 - 1. Subdivision name;
 - 2. Name, mailing address, and telephone number of the owner, engineer, surveyor, planner, attorney and developer/applicant and the person with whom official contact should be made regarding the application;
 - 3. The date that the application was prepared;
 - 4. The approximate acreage of the site and of each proposed lot and tract;
 - 5. Comprehensive plan and zoning designations for the site;
 - 6. Existing and proposed land uses and structures on the site, and the proposed disposition of existing uses and structures;
 - 7. A description of land title to or easements over which the applicant proposes to dedicate to the City and the purpose for such, if applicable;
 - 8. A proposed preliminary subdivision plat at a scale of no more than one inch equals 100 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-

way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plat reduced to fit on an eight-and-one-half-inch by 11-inch page. The plat shall show the dimensions and areas of all proposed lots, tracts and dedications. The plat shall show the distance from proposed property lines to the nearest existing structures on the site unless those structures will be removed;

9. Any other items or details the applicant believes would assist the staff in its review, such as proposed storm water plans, proposed utilities and their availability, geotechnical, wetland or other critical areas on or abutting the site, and a traffic impact study.

17.315.020 Review Processes for Subdivisions

- A. Technically complete review of a plat application is subject to a Type I process per Section 17.030.080 CBDC.
- B. After a preliminary subdivision application is deemed to be technically complete the review of the application for a preliminary plat approval is subject to a Type III process. See Section 17.030.100 CBDC.

17.315.030 Preliminary Plat Application Contents

An applicant for a preliminary partition shall submit the requisite fee, a completed application review form provided for that purpose by the City, and three (3) paper copies and one (1) electronic copy of the following information:

- A. 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.
- B. Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance.
- C. A legal description of the property proposed to be divided.
- D. If a subdivision contains large lots or tracts which at some future time are likely to be re-subdivided, the application shall include a master plan of all land under common ownership in order to provide for extension and opening of streets at intervals which will permit a subsequent division of each divisible parcel into lots of smaller size.
- E. A copy of the pre-application conference summary, if the application was subject to pre-application review, and all information required to address issues, comments and concerns in the summary;
- F. A written description of how the proposed preliminary plat does or can comply with each applicable approval criterion for the preliminary plat, and basic facts and other substantial evidence that supports the description.
- G. The names and addresses of owners of land within a radius of 300 feet of the site. Owner names and addresses shall be printed on mailing labels.
 1. An area map showing parcels within ¼ mile of the subject parcel shall be included;
 2. If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, then notice shall be mailed to owners of property

within a 300-foot radius, as provided above, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application.

- H. Applications necessarily associated with the preliminary plat, such as applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to the adopted Coos Bay road standards that are required to approve the preliminary plat application as proposed.
- I. Evidence that potable water will be provided to each lot from a public water system, and that each lot will be connected to public sewer.
- J. A plan showing proposed phasing if the applicant proposes to develop the subdivision in phases.

17.315.040 Approval Criteria for a Preliminary Plat

- A. The review authority shall approve a preliminary plat if he or she finds:
 - 1. The applicant has sustained the burden of proving that the application complies with the applicable provisions of the Coos Bay Development Code to the extent relevant.
 - 2. That the application can comply with those regulations by complying with certain conditions of approval, and those conditions are adopted; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final plat is approved; and
 - 3. The subdivision makes appropriate provision for potable water supplies and for disposal of sanitary wastes.
- B. If phases are proposed, then the subdivision also complies with the following:
 - 1. The plat identifies the boundaries of each phase and sequence of phases;
 - 2. Each phase includes any open space and other required public and/or private infrastructure;
 - 3. The sequence and timing of phases maintains compliance with applicable standards throughout the development of the subdivision; and
 - 4. The applicant completes or assures completion of public improvements consistent with Chapter 17.315.070 CBDC.
- C. Flag lots are discouraged. When allowed, flag lots shall comply with the following standards:
 - 1. The flag pole shall be improved with an all-weather surface with an unobstructed vertical clearance of at least 13 feet six inches. The improved surface shall be at least twenty (20) feet wide and shall be marked and signed as a fire lane.
 - 2. The pole portion of the flag lot shall not be counted toward the minimum lot size.
 - 3. If the length of the flagpole is more than one hundred fifty (150) feet, an approved turn-around in conformance with the current adopted edition of the International Fire Code shall be provided at the end of the driveway, and structures on the lot shall incorporate a fire-hazard warning, including a hard-wired, back-up smoke detector, and a sprinkler system.
 - 4. Where flag lots are not provided but access easements across abutting properties to public or private rights-of-way are provided, the adopted applicable engineering standards shall apply.

17.315.050 Expiration and Extension of Preliminary Plat Approval

- A. Approval of a preliminary plat expires three (3) years from the effective date of the decision approving it unless, within that time, an applicant files with the City an application for an extension.
- B. An application for extension of a preliminary plat approval for a subdivision or for remaining phases of a subdivision 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.
- C. The review authority may approve a single one-year extension of a preliminary plat approval if he or she finds that the relevant facts and the law have not changed substantially since the original approval, or that the preliminary plat can comply with the law in effect on the date the application for the extension was filed by complying with certain additional and/or modified conditions of approval, and those additional conditions and/or modifications are adopted.

17.315.060 Construction Prior to Final Plat Approval – Bonds

- A. In lieu of the completion of any required public improvements prior to approval of a final plat, the City may accept a bond, in an amount of at least 125 percent (125%) of the estimated cost of construction of the public improvements in question, as certified by a professional engineer and accepted by the Director of Public Works, and with surety and conditions satisfactory to the engineer, or other secure method as the engineer may require, providing for and securing to the City the actual construction and installation of such improvements within a period specified by the engineer, and specified in the bond or other agreement; and to be enforced by the engineer by appropriate legal and equitable remedies.
- B. Construction shall not start prior to both the construction plans having been signed by the engineer and the final plat survey computations having been approved by the engineer; except that rough grading operations may proceed before the plans are approved by the engineer under the following conditions:
 - 1. The grading plan is submitted separately, along with an application for the grading permit.
 - 2. The grading plan is in conformance with the approved preliminary plat.
 - 3. The grading plan, if applicable, will not be in substantial conflict with the street profiles and drainage structure plans.
 - 4. The grading permit, if applicable, is issued.

17.315.070 Improvement Plans

Where improvements are required, plans for such improvements shall be submitted to the Public Works Director. Improvements shall be designed by or under the direct supervision of a licensed engineer where required by statute. The engineer shall certify same by seal and signature. All improvement plans shall comply with the provisions of City ordinances pertaining to streets, roads and utilities, and any other applicable City ordinances, and in addition to the above certification shall contain the following:

- A. Subdivision name;

- B. Name, mailing address, and telephone number of engineer preparing the plan;
- C. Date (month and year).

Chapter 17.317 - PLANNED UNIT DEVELOPMENT

Sections:

- 17.317.010 General
- 17.317.020 Preliminary Plat Application Contents
- 17.317.030 Approval Criteria for a Preliminary Plat
- 17.317.040 Property Development Requirements
- 17.317.050 Expiration and Extension of Preliminary Plat Approval
- 17.317.060 Construction Prior to Final Plat Approval – Bonds
- 17.317.070 Improvement Plans

17.317.010 General

The planned unit development process is established to encourage the development of single or multiple tracts of land as one project. Deviation from specific site standards is allowable as long as the general purposes for the standards are achieved as the general intentions of this title are observed. This overall planned approach is appropriate if it maintains compatibility with surrounding areas and creates an attractive, healthful, efficient, and stable environment. It is the intent of the planned unit development to:

- A. Achieve a more efficient utilization of land through shared facilities and services, thereby economizing on development costs.
- B. Afford innovative design opportunities rather than the conventional lot-and-block land use so that a developer gains freedom in the placement and uses of buildings and open space, and in the design of facilities and traffic circulation systems.
- C. Maximize development potential of building sites constrained by special features such as topography, shape, or size while minimizing the potential for hazardous conditions.
- D. Provide substantial active and passive open space and trail systems for use of nearby residents.

17.317.020 Preliminary Plat Application Contents

An applicant for a preliminary partition shall submit the requisite fee, a completed application review form provided for that purpose by the City, and three (3) paper copies and one (1) electronic copy of the following information:

- A. 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.
- B. Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance.
- C. A legal description of the property proposed to be divided.
- D. If a subdivision contains large lots or tracts which at some future time are likely to be re-subdivided, the application shall include a master plan of all land under common ownership in

order to provide for extension and opening of streets at intervals which will permit a subsequent division of each divisible parcel into lots of smaller size.

- E. A copy of the pre-application conference summary, if the application was subject to pre-application review, and all information required to address issues, comments and concerns in the summary;
- F. A written description of how the proposed preliminary plat does or can comply with each applicable approval criterion for the preliminary plat, and basic facts and other substantial evidence that supports the description.
- G. The names and addresses of owners of land within a radius of 300 feet of the site. Owner names and addresses shall be printed on mailing labels.
 - 1. An area map showing parcels within ¼ mile of the subject parcel shall be included;
 - 2. If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, then notice shall be mailed to owners of property within a 300-foot radius, as provided above, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application.
- H. Applications necessarily associated with the preliminary plat, such as applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to the adopted Coos Bay road standards that are required to approve the preliminary plat application as proposed.
- I. Evidence that potable water will be provided to each lot from a public water system, and that each lot will be connected to public sewer.
- J. A plan showing proposed phasing if the applicant proposes to develop the subdivision in phases.

17.317.030 Approval Criteria for a Preliminary Plat

- D. The review authority shall approve a preliminary plat if he or she finds:
 - 1. The applicant has sustained the burden of proving that the application complies with the applicable provisions of the Coos Bay Development Code to the extent relevant.
 - 2. That the application can comply with those regulations by complying with certain conditions of approval, and those conditions are adopted; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final plat is approved; and
 - 3. The subdivision makes appropriate provision for potable water supplies and for disposal of sanitary wastes.
- E. If phases are proposed, then the subdivision also complies with the following:
 - 1. The plat identifies the boundaries of each phase and sequence of phases;
 - 2. Each phase includes any open space and other required public and/or private infrastructure;
 - 3. The sequence and timing of phases maintains compliance with applicable standards throughout the development of the subdivision and each phase; and

4. The applicant completes or assures completion of public improvements consistent with Chapter 17.317.060 CBDC.
- F. Flag lots are discouraged. When allowed, flag lots shall comply with the following standards:
1. The flag pole shall be improved with an all-weather surface with an unobstructed vertical clearance of at least 13 feet six inches. The improved surface shall be at least twenty (20) feet wide and shall be marked and signed as a fire lane.
 2. The pole portion of the flag lot shall not be counted toward the minimum lot size.
 3. If the length of the flagpole is more than one hundred fifty (150) feet, an approved turn-around in conformance with the current adopted edition of the International Fire Code shall be provided at the end of the driveway, and structures on the lot shall incorporate a fire-hazard warning, including a hard-wired, back-up smoke detector, and a sprinkler system.
 4. Where flag lots are not provided but access easements across abutting properties to public or private rights-of-way are provided, the adopted applicable engineering standards shall apply.

17.317.040 Property Development Requirements

- (1) Minimum Area. A planned unit development shall require a minimum gross area of two acres.
- (2) Permitted Uses. Any uses permitted or conditional in any residential zone of the City may be permitted as a part of a residential planned unit development as a part of the conditional use process, regardless of the underlying zoning district. Within commercial or industrial districts, the conditional and permitted uses of the underlying district shall be permitted.
- (3) Density. Within 10% the overall density permitted by the underlying zoning district shall govern the density of the planned unit development.
- (4) Access and Roads.
 - (a) There shall be vehicular and pedestrian access to the development from a dedicated and improved street.
 - (b) Private streets within the development shall be paved according to the following minimum standards:
 - (i) Eighteen feet where no on-site parking is allowed.
 - (ii) Twenty-eight feet where on-street parking is allowed only on one side of the right-of-way.
 - (iii) Thirty-six feet where parking is permitted on both sides of the right-of-way.
 - (iv) All private streets within a planned unit development shall be designed and constructed to City standards.
 - (v) An additional three feet on each side of pavement shall be designated as right-of-way area in which no construction shall take place.
 - (vi) All streets within the planned unit development shall be named as approved by the commission. The owner or operator of the development shall furnish, install, and maintain street signs of a type approved by the commission.
- (5) Services.

- (a) Fire Protection. On-site fire protection facilities shall be provided in accordance with current regulations and requirements of the City pertaining to such development.
- (b) Lighting. All roads within the planned unit development shall be lighted at night to provide a minimum of 0.35 foot-candles of illumination.
- (6) Recreational Areas and/or Open Space (Residential Only).
 - (a) Minimum Area. Not less than 40 percent of the total gross area shall be so designated. Any area designated as recreational and/or open space shall contain a minimum area of 3,000 square feet with a minimum dimension of 30 feet.
 - (b) Plan. The plan shall contain the following:
 - (i) The boundaries of the proposed area.
 - (ii) A written explanation of the purpose of the area and a description of any improvements to be made.
 - (iii) A description of the manner in which the area will be perpetuated, maintained, and administered.
 - (c) Guarantee. The preservation and continued maintenance of property commonly owned and/or held for common use shall be guaranteed by a restrictive covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents shall be filed with the community development department before occupancy of any dwelling.
- (7) Off-Street Parking and Loading. The provisions of Chapter [17.340](#) CBMC shall apply.
- (8) Signs. The provisions of Chapter [17.337](#) CBMC shall apply.

17.317.050 Expiration and Extension of Preliminary Plat Approval

- D. Approval of a preliminary plat expires three (3) years from the effective date of the decision approving it unless, within that time, an applicant files with the City an application for an extension.
- E. An application for extension of a preliminary plat approval for a subdivision or for remaining phases of a subdivision 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.
- F. The review authority may approve a single one-year extension of a preliminary plat approval if he or she finds that the relevant facts and the law have not changed substantially since the original approval, or that the preliminary plat can comply with the law in effect on the date the application for the extension was filed by complying with certain additional and/or modified conditions of approval, and those additional conditions and/or modifications are adopted.

17.317.060 Construction Prior to Final Plat Approval – Bonds

- C. In lieu of the completion of any required public improvements prior to approval of a final plat, the City may accept a bond, in an amount of at least 125 percent (125%) of the estimated cost of

construction of the public improvements in question, as certified by a professional engineer and accepted by the Director of Public Works, and with surety and conditions satisfactory to the engineer, or other secure method as the engineer may require, providing for and securing to the City the actual construction and installation of such improvements within a period specified by the engineer, and specified in the bond or other agreement; and to be enforced by the engineer by appropriate legal and equitable remedies.

- D. Construction shall not start prior to both the construction plans having been signed by the engineer and the final plat survey computations having been approved by the engineer; except that rough grading operations may proceed before the plans are approved by the engineer under the following conditions:
1. The grading plan is submitted separately, along with an application for the grading permit.
 2. The grading plan is in conformance with the approved preliminary plat.
 3. The grading plan, if applicable, will not be in substantial conflict with the street profiles and drainage structure plans.
 4. The grading permit, if applicable, is issued.

17.317.070 Improvement Plans

Where improvements are required, plans for such improvements shall be submitted to the Public Works Director. Improvements shall be designed by or under the direct supervision of a licensed engineer where required by statute. The engineer shall certify same by seal and signature. All improvement plans shall comply with the provisions of City ordinances pertaining to streets, roads and utilities, and any other applicable City ordinances, and in addition to the above certification shall contain the following:

- D. Subdivision name;
- E. Name, mailing address, and telephone number of engineer preparing the plan;
- F. Date (month and year).

Chapter 17.320 - SITE PLAN REVIEW

Sections:

- 17.320.010 Purpose
- 17.320.020 Applicability
- 17.320.030 Exemptions
- 17.320.040 Site Plan Review Types and Procedures
- 17.320.050 Submittal Requirements
- 17.320.060 Criteria for Site Plan Approval
- 17.320.070 Appeal
- 17.320.080 Final Site Plan Approval
- 17.320.090 Modifications to Approved Site Plan
- 17.320.100 Compliance Required and Expiration
- 17.320.110 Completion Prior to Occupancy

17.320.010 Purpose

The purpose of site plan approval is to ensure compatibility between new developments, existing uses and future developments in a manner consistent with the goals and objectives of the comprehensive plan in order to create healthful and safe conditions. Site plan approval is required according to the provisions of this chapter in order to promote developments that are harmonious with their surroundings and maintain a high quality of life for area residents, to ensure that new developments are planned and designed to protect privacy, to determine appropriate lighting and noise mitigation measures, and to ensure adequate and safe access. Site plan approval is required for all developments as specified in this title.

17.320.020 Applicability

The provisions of this chapter shall apply to all changes of use, new construction and expansion or alteration of any use unless expressly exempted by this title. No use shall be established, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved plan which is in conformance with the requirements set out in this title.

Applications for Site Plan Review are subject to Section 17.030 CBDC (Pre-application Review)

17.320.030 Exemptions

The following are exempt from the site plan review provisions of this chapter:

- A. Single-family detached and duplex residential dwellings not occurring in an MDR zoning district;
- B. Modifications to the interior of an existing structure that does not change the use or the degree of a use;
- C. Subdivisions or partitions;
- D. The installation or replacement of underground utilities;
- E. Other development determined by the community development director to be exempt because it does not result in an appreciable increase in land use activity or intensity or in an adverse impact.

17.320.040 Site Plan Review Types and Procedures**A. Site plan reviews shall be classified and processed as follows:**

1. Building Permit Reviews. These types of reviews shall be processed as a Type II land use action. These site plan reviews are typically relatively minor in nature, consistent with the zoning of surrounding land uses and do not have a substantial impact on the natural and built environment. The following are classified as Type II site plan reviews:
 - a. Changes in use of an existing structure or site;
 - b. New construction or expansions of existing construction which do not exceed:
 - i. Four thousand square feet of additional floor area,
 - ii. Twenty new parking spaces,
 - iii. Four new multifamily residential units,
2. Development Reviews. These types of site plans shall be processed as a Type III land use action. These types of reviews are typically more substantial in nature and may have potential incompatibility with surrounding zoning or land uses or may have a more substantial impact on the natural and built environment. The following are classified as Type III site plan reviews:
 - a. Any development which is not listed as a Type II site plan in subsection (A)(1) of this section;

B. If a site plan review is part of an overall application (i.e., CUP) that is subject to a higher review process, the site plan review shall be considered in conjunction with the overall application.**17.320.050 Submittal Requirements****A. For a Type II site plan review application, the applicant shall submit the information required for a Type II application as set forth in Section 17.030 CBDC, as well as the following:**

1. A site plan meeting the standards of Chapter 17.320 CBDC;
2. Written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries and construction schedule including project phasing, if known;
3. Current list of names and addresses of all property owners within a (150) one-hundred and fifty-foot radius as shown upon the Coos County assessor's records. The list shall be no older than ninety days and shall be dated and certified as being a complete list of adjacent owners by the assessor's office, surveyor, or Title Company. This list shall also be provided on self-adhesive mailing labels;
4. A landscaping plan meeting the standards of Section 17.367 CBDC or such information included on the site plan;
5. A lighting plan meeting the standards of Section 17.367 CBDC or such information included on the site plan;

B. For Type III site plan review applications, the applicant shall submit the information required for a Type III application as set forth in Section 17.030 CBDC, as well as the following:

1. Written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries and construction schedule including project phasing, if known;

2. Current list of names and addresses of all property owners within a (300) three-hundred-foot radius as shown upon the Coos County assessor's records. The list shall be no older than ninety days and shall be dated and certified as being a complete list of adjacent owners by the assessor's office, surveyor, or Title Company. This list shall also be provided on self-adhesive mailing labels;
 - a. An area map showing parcels within $\frac{1}{4}$ mile of the subject parcel shall be included;
3. Existing conditions plan drawn to a minimum scale of one inch equals two hundred feet on a sheet no larger than twenty-four inches by thirty-six inches and including one reduced eleven by seventeen inch copy. The existing conditions plan shall at a minimum indicate the following:
 - a. Vicinity map showing location of subject site within the City of Coos Bay and the surrounding existing street system,
 - b. Property boundaries, dimensions and size of the subject site,
 - c. Graphic scale of the drawing and the direction of true north,
 - d. Zoning and uses of subject site and of properties within one hundred feet of the subject site,
 - e. Current structural or landscaped setbacks,
 - f. Location of on-site driveways and access points and within one hundred feet of the subject site,
 - g. Location of existing on-site structures and the approximate location of existing structures within one hundred feet of the site,
 - h. Location of existing aboveground electrical, telephone or utility poles and traffic control poles,
 - i. Location of existing fire hydrants,
 - j. Location of existing structures within one hundred feet of the site,
 - k. Location, centerline and dimensions of existing public rights-of-way and easements on-site and within one hundred feet of the site,
 - l. Location, centerline and dimensions of existing private streets on-site and within one hundred feet of the site,
 - m. Approximate on-site slopes and grades within one hundred feet of the site,
4. Site plan drawn to a minimum scale of one inch equals two hundred feet on a sheet no larger than twenty-four inches by thirty-six inches and including one reduced eleven by seventeen copy. The site plan shall at a minimum indicate the following:
 - a. Property boundaries, dimensions and size of the subject site,
 - b. Location, dimensions and height of proposed buildings,
 - c. Location of building accesses,
 - d. Proposed building and landscape setbacks,
 - e. Proposed project-phasing boundaries, if applicable,

- f. Legend indicating total site area, the total square footage of proposed building or structures including percentage of total site area, the total square footage amount of impervious area square footage including percentage of total site area, the total square footage amount of on-site landscaping including percentage of total site area, the total amount of dedicated parking area including percentage of total site area, the proposed number of parking spaces including the number of standard parking spaces, the number of compact parking spaces and the number of handicapped-accessible parking spaces. The required number of parking spaces should also be indicated,
 - g. Location of proposed access points including vehicular driveways and designated pedestrian access points including the proposed depth of the vehicular driveway throats,
 - h. Location and dimensions of proposed on-site parking areas including required parking landscaping islands and indicating whether proposed parking is standard, compact or handicapped-accessible. Demonstrate compliance with applicable state and federal guidelines including, but not limited to, adequate sizing, the provision of handicapped access ramps and appropriate labeling and signing. On-site cross-aisles and circulation areas shall be indicated including their dimensions,
 - i. Location and dimensions of proposed on-site pedestrian connections between the public street and buildings, between on-site buildings, between on-site buildings and on-site or off-site parking areas,
 - j. Location and size of off-site parking areas, if applicable, including details on the number and type of off-site parking spaces and existing or proposed cross-aisles and circulation areas including dimensions,
 - k. Location, centerline and dimensions of proposed on-site public or private streets and public and private easements,
 - l. Location, centerline and dimensions of proposed dedications, and identification of proposed frontage improvements including roadway improvements, curb and gutter installation, landscaped planter strip installation and public sidewalk installation,
 - m. The location and dimensions of loading and service areas, recreational or open space features, aboveground utilities, existing structures to be retained on the site and their distance from the property line, proposed structures (including signs, fences, etc.) and their distance from property lines and the size and location of solid waste and recyclable storage areas,
 - n. Specialized site treatments including but not limited to pedestrian plazas, heavy duty paving, concrete score patterns, bicycle parking and outdoor seating areas;
- 5. Preliminary utilities plan indicating the proposed location, size, connection points to existing public systems, and terminus points for sanitary sewer, water and stormwater drainage and control. Public and private easements for sanitary sewer, water and stormwater shall also be indicated;
 - 6. Landscape plan indicating the location of proposed vegetation, the common and botanical name of the proposed vegetation, the initial planting size (height or gallon) and the mature planting size, and proposed methods of irrigation, if any. Landscaping proposed in and around buildings, on the perimeter of the site and within proposed parking areas shall be indicated. In

addition, street trees or other forms of landscaping within the public rights-of-way shall be indicated;

7. Architectural elevations, showing north, south, west and east elevations and specifying a measurable scale, structural dimensions and structural heights;
8. Lighting plan indicating the location, height and type of proposed exterior lighting fixtures (pole-mounted or wall-mounted);
9. Legal description for the parcel(s) in question;
10. Most recent conveyance document (deed) showing current ownership;
11. Traffic study, if applicable;
12. Sign plan(s) (if applicable);
13. Copy of pre-application conference report and any other items requested in the pre-application conference report, if completed.

17.320.060 Criteria for Site Plan Approval

- A. In approving site plans, it shall be the responsibility of the community development director or his designee to review each plan for compliance with all provisions of this chapter and any other applicable regulations that may affect the final plan as submitted or revised.
- B. In reviewing a site plan for approval, the director shall find that all of the following have been met.
- C. The proposed plan shall meet all applicable provisions of this title and other appropriate provisions of the Coos Bay Development Code, the following are enumerated to indicate the various requirements under which a plan must be found consistent. Failure to meet any one of these, and other requirements not necessarily specified here, shall be grounds for denial of site plan approval:
 1. The proposed use is permitted within the district in which it is located.
 2. The proposal meets the lot, yard, building, height and other dimensional requirements of the district within which it is located.
 3. The proposal meets the screening, buffering and landscape strip requirements, as set forth in Section 17.367 CBDC.
 4. Minimum parking and loading space requirements are met, as required by Chapter 17.340 CBDC.
 5. All applicable conditions and criteria contained in other titles of the Coos Bay Development Code are met.
 6. Improvement requirements are provided in accordance with the applicable sections of the Coos Bay development code.
 7. All conditions of any applicable previous approvals (i.e., CUP) have been met.
 8. Development subject to site plan review has provided underground public and private utility lines including but not limited to those for electricity and communication.
 9. Public water, sewer and stormwater lines have been installed in conformance with the standards of the City code. Public water, sewer and stormwater lines within or along the

frontage of a development have been extended to the extreme property lines of that development unless it can be demonstrated to the City engineer that such extensions are impractical or infeasible or inappropriate.

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

17.320.070 Appeals

Appeals of decisions on site plans shall be made and processed pursuant to Section 17.030 CBDC.

17.320.080 Final Site Plan Approval

Where a site plan is issued subject to conditions that require the submittal of additional materials or changes to existing plans, the director may require that the applicant submit for final site plan approval to determine if the revised plans comply with the conditions of site plan approval. Final site plans shall be considered as Type I applications.

17.320.090 Modifications to Approved Site Plan

No approved site plan shall be modified or amended except after reapplication for site plan review and approval. Minor modifications may be completed through a Type I process if they do not result in an increase in the density or intensity of uses or other change that would result in significant changes to the site plan which would modify the impacts on adjacent properties or public facilities. All other modifications shall be processed through a Type II approval process.

17.320.100 Compliance Required and Expiration

- A. All development of the property for which a site plan was approved shall conform to the approved site plan and any conditions imposed thereon unless amended or replaced by a subsequent city approval.
- B. Site plan approvals shall be valid for two years from the date of issuance, during which time substantial completion of the project improvements shall have occurred. The community development director may approve up to two one-year extensions if:
 1. There have not been any substantial changes in the laws governing the development of the site, with which lack of compliance would be contrary to the changed laws; and
 2. The applicant has pursued development in good faith. Good faith shall be evidenced by progress on final permitting, surveying, engineering, and construction of improvements.

17.320.110 Completion Prior to Occupancy

All required public and site improvements and other conditions of site plan approval shall be met prior to occupancy of any site unless required sooner as a condition of approval; provided, that completion and occupancy may be accomplished in phases if approved by the community development director as part of the site plan review process. Incomplete items may be secured by the issuance of a performance bond or other suitable security as a condition of approval of a site plan to secure applicant's obligation to complete the provisions and conditions of the approved site plan.

Chapter 17.322 – REPLATS AND PROPERTY LINE ADJUSTMENTS

Sections:

17.332.010 Re-platting and Vacation of Plats

17.322.020 Property Line Adjustments

17.322.010 Re-platting and Vacation of Plats

The act of re-platting shall allow the reconfiguration of lots or parcels and public easements within a recorded plat.

- (1) Re-plats act to vacate the platted lots, parcels or easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.
- (2) A re-plat shall not serve to vacate any public street or road. The re-plat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.
- (3) When a utility easement is proposed to be realigned, reduced in width or omitted by a re-plat, all affected utility companies or public agencies shall be notified consistent with notice procedures for notice to owners of property contiguous to the proposed plat.

Any utility company that desires to maintain an easement subject to vacation must notify the governing body in writing within 14 days of the mailing or other service of the notice.

- (4) If the re-plat is re-platting all of an undeveloped subdivision, a hearing before the planning commission is required to determine whether the undeveloped subdivision should be revised and the subdivision re-platted or vacated and all lands within the subdivision that have been dedicated for public use vacated. Not later than 30 days before the date of the hearing, each owner of record of land described in the plat of the subdivision under review must be notified in writing of the date, place, time and purpose of such hearing.

A subdivision is considered to be “developed” if any of the following apply:

- (a) Roadways providing access into and travel within the subdivision have been or are being constructed to meet specifications approved by the City;
- (b) Facilities to provide water or sewer to the lots created by the subdivision have been or are being constructed;
- (c) Buildings have been or are being constructed or permits have been issued for the construction of buildings upon the land;
- (d) One or more lots described in the plat of the subdivision have been sold or otherwise transferred prior to the date of this review.
- (5) Any plat or portion thereof may be re-platted upon receiving an application signed by all the owners as appearing on the deed. All applications for a re-plat shall be processed in accordance with the procedures and standards for a partition, Chapter [17.312](#) CBMC, or a subdivision, Chapter [17.317](#) CBMC. The re-plat must comply with all applicable ordinances and regulations of the City.

17.322.020 Property Line Adjustments

A “property line adjustment” means the relocation or elimination of a common property line between abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with this title.

(1) Application. Prior to filing an application, a prospective applicant shall hold a pre-application conference with the community development department. The purpose of the conference is to provide advice regarding compliance with the applicable standards of this title. If multiple property line adjustments are proposed, a re-plat or partial re-plat of the subdivision may be required.

(a) The application form must be signed by the owner(s) of record of the real property addressed in the application and the appropriate fee paid. An application form may also be signed by the duly authorized representative of the owner of record.

(b) A site plan, drawn to scale, is required with the application showing the following:

- (i) The existing and proposed property boundaries and dimensions;
- (ii) The footprint of existing structures on the affected properties along with the dimensions, uses, and number of stories for each structure;
- (iii) Location and dimensions of driveways and public and private streets within or abutting the subject properties; and
- (iv) Location and purpose of easements, if applicable.

(c) A copy of the deed for the properties involved and any covenants, conditions, and restrictions applicable to the subject property.

At the discretion of the community development director, property line adjustments may be a ministerial review, an administrative review or be referred to the planning commission. A property line adjustment must not violate any city or state regulations.

(2) Survey Required. An adjusted property line created by the relocation of a common boundary must be surveyed in accordance with ORS [92.060](#). This requirement does not apply for the following:

(a) Property transferred by a public agency or public body or excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property. The property line adjustment shall be approved or disapproved by the City. If the adjustment is approved, it shall be recorded in the deed records of the county where the property is located; or

(b) When the adjusted lots or parcels are each greater than 10 acres.

(3) Multiple Line Adjustments. When a series of property line adjustments are proposed, each of the property line adjustments must be approved separately and implemented (deed recorded) before proceeding to seek approval for any additional property line adjustment needed to achieve the desired configuration.

(4) Deed. Upon approval of a property line adjustment, a property line adjustment deed must be recorded. A copy of the deed must be provided to the community development department. At a minimum, the property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents, the survey reference number and

signatures of all parties with proper acknowledgement. If the deed is not filed and a copy provided to the department within six months of approval, the decision of the department shall be null and void.

Chapter 17.325 - CONDITIONAL USES

Sections:

17.325.010	Pre-Application Review
17.325.020	Review Processes
17.325.030	Application Contents
17.325.040	Criteria for Approval, Minor Modifications and Revocation
17.325.050	Transfer Prohibited

17.325.010 Pre-Application Review

- A. Applications for conditional use permit or modification of a conditional use permit are subject to pre-application review consistent with Section 17.030 CBDC. Pre-application review is not required for an exempt or minor modification to or extension of a conditional use permit.
- B. An applicant for pre-application review of a conditional use permit shall submit the requisite fee and three (3) paper plus one (1) electronic copies of the following information unless otherwise provided by the director of community development:
 1. A completed form provided by the community development department for that purpose;
 2. The name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;
 3. A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering and structures 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 one copy 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 proposed structure(s);
 4. Proposed dedications to the City or other agency, if applicable;
 5. A written description of the proposed use or development. The description shall identify applications that are proposed to be filed concurrently with the conditional use application (e.g., land divisions, variances, adjustments or exceptions) or are needed for approval of the plan; and
 6. Other relevant information that would assist the City to review the proposed application and to advise the applicant.

17.325.020 Review Processes

- A. Review of a technically complete application for conditional use permit is subject to a Type III process. See Section 17.030 CBDC.
- B. Review of a technically complete application for a minor modification, alteration or expansion of a previously approved conditional use permit is subject to:

1. The review process set out in the decision approving the existing conditional use, if any; or
 2. A Type II process. See Section 17.030 CBDC.
- C. Revocation of an approved conditional use permit is subject to a Type III process. Revocation shall be initiated by the director of community development by scheduling a hearing and issuing the required notice. Revocation shall not be the exclusive remedy for violation.

17.325.030 Application Contents

An applicant for a conditional use permit shall submit the requisite fee and the information required, except as otherwise provided therein.

17.325.040 Criteria for Approval, Minor Modifications and Revocation

- A. The planning commission shall approve or approve with conditions an application for conditional use permit if he or she finds the applicant has sustained the burden of proving that:
1. The characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features;
 2. All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity to serve the proposed use;
 3. The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with the Coos Bay Development Code;
 4. The establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City.
- B. The planning commission may impose, in addition to regulations and standards expressly specified in this title, other conditions of approval necessary to ensure the use complies with applicable approval standards. These conditions may include, but are not limited to, the following:
1. Increased setbacks, lot size or yard dimensions;
 2. Additional design features necessary to minimize impacts such as noise, vibration, air pollution, glare, odor and dust;
 3. Restrictions on the location, number and design of vehicular access points to the property;
 4. Additional off-street parking or loading spaces;
 5. Limits on the number, size, location, height and lighting of signs;
 6. Limits on building height, coverage or location;
 7. Restrictions on the hours, days, place and manner of operations;
 8. Additional requirements for drainage and surfacing of maneuvering, parking and loading areas;
 9. Limits on the location and intensity of outdoor lighting;
 10. Requiring certain berming, screening, landscaping and/or fencing;

11. Requirements under which any future enlargement or alteration of the use shall be reviewed by the City and new conditions imposed;
- C. The review authority may approve a minor modification, alteration or expansion of an approved conditional use pursuant to a Type II process if:
 1. The modification, alteration or expansion will result in less than a 20 percent cumulative enlargement or relocation of the structure, floor area, parking area or exterior improvement area, up to a total maximum of 5,000 square feet;
 2. The existing use is in compliance with all conditions of approval of the original permit;
 3. Such modification, alteration or expansion is not expressly prohibited by the zone or the conditional use permit issued for the existing use.
- D. The planning commission may revoke or amend a conditional use permit pursuant to a Type III process if he or she finds:
 1. The conditional use is not being conducted consistent with the decision or conditions of approval authorizing the conditional use permit or other applicable standards of the Coos Bay Development Code; and
 2. The applicant has failed to remedy the alleged violation within a reasonable time required by the community development department or within 60 calendar days after the city mails notice of such alleged violations to the operator of the conditional use or owner of the property, whichever is first.

3.250.050 Transfer Prohibited

An approved conditional use permit is specific to the subject property and cannot be transferred to another property.

Chapter 17.327 - NONCONFORMING USES

Sections:

- 17.327.010 Nonconforming Uses and Development Generally
- 17.327.020 Discontinuance, Destruction, Expansion and Changes
- 17.327.030 Nonconforming Development

17.327.010 Nonconforming Uses and Development Generally

- A. Establishment of Nonconforming Status. Legally established nonconforming uses and development may be continued and maintained without City review and approval. A nonconforming use or development may be altered or expanded subject to the provisions of this chapter and other applicable sections of the CBDC.
- B. The proponent of a nonconforming use or development shall bear the burden of establishing that the use or development was legally established and to what extent at the time the use or development became nonconforming.
- C. Ownership. Changes in ownership of a nonconforming use or development are exempt from City review or approval.
- D. Nothing contained in this title shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been legally issued, and construction commenced prior to the adoption of the regulation that would make such use or structure nonconforming.
- E. This chapter does not apply to existing single-family dwellings in the commercial and industrial districts; provided any addition, improvement or reconstruction thereto shall comply with the standards of the residential districts.

17.327.020 Discontinuance, Destruction, Expansion and Changes

- A. Discontinuance. A nonconforming use not actively used for a period of twelve months shall be deemed discontinued. A discontinued nonconforming use cannot be revived, and any further uses of the property must conform to the provisions of this title as provided for above.
 - 1. Periods of reduced operation caused by normal fluctuations in business demand are not discontinuances; provided that periods of reduced operation in excess of two years shall have the effect of discontinuance.
 - 2. Rights to continue a nonconforming use or development expire if a structure containing a nonconforming use or a nonconforming development is destroyed by any cause to an extent exceeding 50 percent of the cost of replacement of the structure, using new materials. After such destruction, development or use of the property shall comply with the regulations applicable of the zoning district.
- B. Expansion. Expansion of a nonconforming use or development shall be subject to the same standards and procedure as for a change in the nonconforming use or development as provided in subsection (C) of this section.
- C. Changes.
 - 1. A nonconforming use or development may be changed to a conforming use or development in whole or in part. Once a nonconforming use or development becomes conforming, in

whole or in part, the nonconforming rights are lost and the nonconformity may not be re-established.

2. A nonconforming use may be changed to another nonconforming use through a type II procedure, provided the applicant demonstrates that the proposed use will have no greater adverse impacts on surrounding properties than the existing use; i.e., the proposed use will not generate more traffic, noise, dust or fumes, will not operate longer hours, etc.

17.327.030 Nonconforming Development

Development which is nonconforming with respect to height, yard requirements, lot coverage, screening and buffering or density may be utilized by a use which is permitted in the district in which it occurs. The development may be repaired, modified, or altered, internally or externally; provided, such repairs and modifications do not increase the nonconformance of the development and comply with the International Building Code standards, or are required by building, health, fire or other applicable standards to make a structure safe for occupancy.

Chapter 17.330 - VARIANCES

Sections:

17.330.010	Pre-Application Review
17.330.020	Review Process
17.330.030	Application Contents
17.330.040	Approval Criteria
17.330.050	Expiration and Extension

17.330.010 Pre-application Review

- A. An application for one or more variances subject to Type I review is not subject to pre-application review, unless filed concurrent with an application that is subject to pre-application review.
- B. An application for one or more variances subject to Type II review is subject to pre-application review under Section 17.030 CBDC .
- C. An applicant for pre-application review for a variance shall submit the requisite fee and three (3) paper and one (1) electronic copy of the following information:
 - 1. A completed form provided by the community development department for that purpose;
 - 2. The name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;
 - 3. A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale and information relevant to the variance, such as existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering and structures 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 one copy 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;
 - 4. A written summary of the proposed variance(s) and of facts and evidence based on which the variance(s) can be approved.

17.330.020 Review Process

- A. Review of a technically complete application for variance of up to 10 percent of the numerical standards for the following: setbacks, buffers, building heights, landscaping, lot coverage and lot dimensions, lot area or density, is subject to a Type I process. See Section 17.030 CBDC.
- B. Review of a technically complete application for all other variances greater than 10 percent are subject to a Type II process. See Section 17.030 CBDC.
- C. An application for a variance(s) necessarily associated with another application(s) under the Coos Bay Development Code shall be combined with the associated application(s) for processing. The variance application shall be subject to the highest number review procedure applicable to the combined applications.

- D. If an application for a variance(s) is approved and an application(s) subject to an equal or higher number review procedure type is subsequently filed, the decision approving the variance may be altered for good cause by the decision on the merits of the subsequent application(s).
- E. An application for a variance(s) proposed as a post-decision action shall be subject to the post-decision review procedures of Section 17.030 CBDC.

17.330.030 Application Contents

An applicant for a variance(s) shall submit the requisite fee and the information required by Section 17.030 CBDC, except as otherwise provided therein.

17.330.040 Approval Criteria

The review authority shall approve or approve with conditions an application for a variance if he or she finds the applicant has sustained the burden of proving that:

- A. Unusual circumstances or conditions, such as size, shape, topography and location of and existing legal development on the site, apply to the property and/or the intended use such that the strict application of this title would deprive the owner of the subject property of rights and privileges enjoyed by owners of other properties in the vicinity in the same zone; and
- B. The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the property is situated.

17.330.050 Expiration and Extension

A decision approving a variance expires and can be extended as provided in Section 17.030 CBDC.

Chapter 17.332 - TEMPORARY USE PERMIT

Sections:

- 17.332.010 Pre-Application Review
- 17.332.020 Review Process
- 17.332.030 Application Contents
- 17.332.040 Approval Criteria
- 17.332.050 Expiration and Extension
- 17.332.060 Limitation on New Application

17.332.010 Pre-application Review

An application for a temporary use permit is not subject to pre-application review, unless included with an application that is subject to pre-application review.

17.332.020 Review Process

- A. Review of a technically complete application for a temporary use permit for a use that will exist not more than 60 days is subject to a Type I process. See Section 17.030 CBDC.
- B. Review of a technically complete application for a temporary use permit for a use that will exist for more than 60 calendar days is subject to a Type II process. See Section 17.030 CBDC.

17.332.030 Application Contents

An applicant for a temporary use permit shall submit the requisite fee and three (3) paper and one (1) electronic copy of the information required by Section 17.030 CBDC, except as otherwise provided therein.

17.332.040 Approval Criteria

- A. The review authority shall approve or approve with conditions an application for a temporary use permit in any zone if he or she finds the applicant has sustained the burden of proving that:
 - 1. The use is of a temporary nature, limited to a structure which can be readily dismantled and removed from the site within 48 hours of cessation of the use or activity, or converted to a permitted use in the zoning district;
 - 2. The use will cease and/or the structure will be removed or converted to a permitted use within one year; and
 - 3. Establishment and operation of the temporary use will not be materially detrimental to the public health, safety, convenience, and general welfare.
- B. The review authority may impose conditions of approval deemed necessary to ensure the proposed temporary use complies with the foregoing approval criteria.

17.332.050 Expiration and Extension

- A. A temporary use permit shall automatically expire on the date specified in the approval.
- B. A temporary use permit approved through a Type I process may be extended for up to an additional 60 calendar days through a Type I process.

- C. A temporary use permit approved through a Type II process may be extended for up to an additional three calendar months through a Type I process, provided the duration of the temporary use permit may not exceed one calendar year.

17.332.060 Limitation on New Application

- A. Where a temporary use permit was approved for a particular property through a Type I process, no new applications for a temporary use permit may be approved for the same property for six calendar months after the prior permit or extension expired.
- B. Where a temporary use permit was approved for a particular property through a Type II process, no new applications for a temporary use permit may be approved for the same property for one calendar year after the prior permit or extension expired.

Chapter 17.335 - HOME OCCUPATION

Sections:

<u>17.335.010</u>	General
<u>17.335.020</u>	Employees
<u>17.335.030</u>	Area
<u>17.335.040</u>	Structure
<u>17.335.050</u>	Equipment and storage
<u>17.335.060</u>	Deliveries
<u>17.335.070</u>	Traffic and parking
<u>17.335.080</u>	Signs
<u>17.335.090</u>	Licensing
<u>17.335.100</u>	Revocation

17.335.010 General

- (1) It is the intent of these provisions to assure that home occupations do not infringe upon the rights of other residents or alter the residential character of the area.
- (2) All home occupations are subject to the approval of a special permit by submitting an application to the Community Development Department.
- (a) Staff-Approved. Home occupations shall be reviewed by staff; provided, that all the requirements listed in this chapter are satisfied by the applicant. Any decision of the staff may be appealed to the Planning Commission in accordance with this Code.

17.335.020 Employees

One non-resident associate or employee may be allowed to work on the premises.

17.260.030 Area

The use shall not occupy more than 30 percent of the existing building coverage of the property.

17.335.040 Structure

- (1) The character and use of the residence and premises shall not be changed, for example by the use of colors, materials, design, construction, lighting, landscaping, or lack of landscaping.
- (2) There shall be no special remodeling or major structural alterations of the interior or exterior of the structure which change its residential use and appearance.

17.335.050 Equipment and Storage

- (1) No material or mechanical equipment shall be used that will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, smoke, odor, interference with radio or television reception, or other factors.
- (2) There shall be no outside storage of equipment, products, or materials used in or serviced by the home occupation, other than plant materials.

17.335.060 Deliveries

No materials or commodities shall be delivered to or from the property which are of bulk or quantity to require delivery by a commercial vehicle or trailer, except such vehicles as a UPS or postal service truck.

17.335.070 Traffic and Parking

Vehicles associated with the home occupation shall not cause a disturbance or inconvenience to nearby residents.

17.335.080 Signs

Only one non-illuminated sign shall be permitted which shall not exceed four square feet and shall bear only the name and/or occupation of the resident.

17.335.090 Licensing

An application for a business license shall be filed and approved.

17.335.100 Revocation

A home occupation permit with staff approval may be revoked if it is determined by the Planning Commission that one of these criteria has been violated. The violation shall be reviewed at a Planning Commission Public Hearing after due notice is given to the permittee and any complaining parties.

Chapter 17.337 SIGNS

Sections:

<u>17.337.010</u>	Purpose
<u>17.337.020</u>	General Provisions
<u>17.337.030</u>	Signs Allowed without Permit
<u>17.337.040</u>	Prohibited Signs
<u>17.337.050</u>	Special Signs
<u>17.337.060</u>	Standards – Residential Zoning Districts
<u>17.337.070</u>	Standards – Commercial and Industrial Zoning Districts
<u>17.337.080</u>	Standards – Professional Districts
<u>17.337.090</u>	Standards – Quasi-Public Districts

17.337.010 Purpose

The provisions of this chapter are intended to:

- (1) Improve the effectiveness of signs in identifying and advertising businesses.
- (2) Prevent signs from detracting from the enjoyment and pleasure of the City's natural beauty.
- (3) Provide uniform sign standards and fair and equal treatment of sign users.
- (4) Protect public safety by ensuring that official traffic regulating devices are easily visible.
- (5) Ensure the safe construction, erection, and maintenance of outdoor signs.

17.337.020 General Provisions

(1) General Location of Signs. No sign allowed by this title shall be placed so that it is supported within a public right-of-way, unless this title specifies otherwise. Some signs may project over rights-of-way, subject to the standards for that type of sign or for the underlying zoning district.

(2) Permits.

(a) Sign permits are required before the installation of all signs except those exempted in CBMC [17.337.030](#). Permits may be issued to the sign contractor or to the owner of the business or property.

(b) Applications for sign permits shall contain at least the following information:

- (i) Name and address of the applicant.
- (ii) Location of the property on which the sign is to be erected, and the amount of lot and building frontages.
- (iii) Dimensions of the sign and its height above grade.
- (iv) A sketch showing the location of all existing and proposed signs on the premises.
- (v) A sketch or description of the advertising copy on the proposed sign.
- (vi) If applicable, a drawing showing clearly the structural elements.

(3) Installation and Maintenance. The installation of all signs shall be in compliance with the appropriate chapter of the State Structural Specialty Code in effect. No signs shall be erected, relocated, or maintained to prevent free ingress to or egress from any door, window, or fire escape required by code. All signs shall be maintained in a safe, complete, and neat condition.

(4) For the purpose of this chapter, the zoning designations are as follows:

(a) Residential: (LDR-6), (LDR-8.5) and (MDR-16)

(b) Medical Park (MP).

(c) Commercial: Commercial (C-1) and Mixed-Use (MX).

(d) Industrial: Industrial/Commercial (I-C), Waterfront Industrial (W-I) and Waterfront Heritage (WH).

(e) Urban Public (UP).

(5) Applicability of Chapter. Murals shall not be considered signs.

17.337.030 Signs Allowed without Permit

(1) Public Signs. Signs of a public, non-commercial nature which shall include traffic control signs, safety signs, danger signs, no trespassing signs, signs indicating scenic or historic points of interest, and all signs erected by a public employee in the performance of public duty.

(2) Memorial Signs or Tablets. Non-illuminated memorial signs or tablets indicating the name of a building and/or the date of erection. Exempted signs shall not exceed five feet.

(3) Private Traffic Direction Signs. Signs guiding vehicular and pedestrian traffic on private property. Exempt signs shall be less than three square feet, shall not be placed within a public right-of-way, except by right-of-way use permit, and shall contain no other advertising copy.

(4) Name Plates. Non-illuminated, single-faced, wall-mounted name plates indicating only the name, address, and occupation of the occupant. Exempt signs shall not exceed one name plate per dwelling unit or business, no larger than two square feet, nor a combined area of six square feet for multiple businesses or units.

(5) Construction Signs. Signs identifying the architect, engineer, contractor, or other firm involved with building construction, and naming the building or its purpose, and the expected completion date. Only one sign per street frontage shall be allowed not to exceed 12 square feet in residential zones, 24 square feet in professional zones, or 32 square feet in all other zones. If there is only one

street frontage, more than one sign may be allowed provided the total sign area does not exceed the maximum specified above. These signs shall be removed 14 days after the building is ready for occupancy.

(6) Real Estate Signs. Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed. Signs are limited to one double-faced sign per property not to exceed six square feet in residential zones, 24 square feet in professional zones, or 32 square feet in all other zones. A real estate sign advertising a development of multiple properties, such as a subdivision or industrial park, shall not exceed one square foot per lot, with a maximum size of 32 square feet in total area. For multiple properties, one sign of the maximum size may be allowed on each street frontage; provided, that the signs are 400 feet apart measured along the frontage.

(7) Vehicle Signs. Signs painted on or permanently affixed to lawfully parked and operable motor vehicles or trailers.

(8) Window Signs. Signs affixed to or painted on the inside or outside of windows and visible from the exterior of a structure.

(9) Political campaign signs.

(10) Special Event Signs. Signs or outdoor displays of a temporary nature advertising or promoting a specific event, seasonal or holiday decoration or display. These signs may contain or consist of banners, posters, pennants, ribbons, streamers, flags or other similar moving devices.

(11) Attraction Devices. Devices, designs, or symbols which may consist of banners, windsocks, posters, pennants, ribbons, streamers, or other similar non-automated, non-electronic, or non-illuminated moving devices. These devices may not encroach upon a public right-of-way if they are a hazard to pedestrian or vehicular traffic. See also CBMC [17.337.040](#)(4) for prohibitions regarding attraction devices.

(12) National, State, or City Flags. These signs shall be maintained in a manner which befits the respect due to the entities they represent.

(13) Wall-Mounted Signs. These signs shall be exempted in commercial and industrial zones.

(14) Sign Maintenance or Changing Copy. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made; changing

advertising copy on a billboard, on a reader board, or on a permitted sign if that sign belongs to the same owner or advertises the same business.

17.337.040 Prohibited Signs

(1) Obscene or Indecent Signs. Any visual representation or verbal description of sexual conduct, sexual excitement, sado-masochistic abuse, or excretory functions or products, as further defined in ORS [167.060](#) et seq.

(2) Signs Interfering with Traffic. Signs or other devices in any location which, because of position, shape, color, or animation, may interfere with, obstruct or be confused with any authorized traffic sign or highway identification sign; or which use words, “stop,” “look,” “danger,” or other words, phrases, symbols, characters, or animation which would interfere with, mislead, distract, or confuse vehicle operators; and signs located at the intersection of streets or driveways which substantially obstruct clear vision of vehicle operators.

(3) Defunct Businesses. Signs which advertise an activity, business, product or services no longer on the premises, including all related off-premises signs.

(4) Attraction Devices. Strings, groupings, or clusters of pennants and pinwheels shall not be permitted in the central commercial, professional, quasi-public or residential zones.

17.337.050 Special Signs

These signs require a permit and shall conform to the maintenance and safety requirements of CBMC [17.337.020](#) and to requirements of the underlying zone.

(1) Street Banners. Banners erected over authorized public rights-of-way which advertise events or entertainment of community interest under the sponsorship of a nonprofit organization. These banners may only be erected in places and in a fashion authorized by the Community Development Department for a maximum of 14 days. A longer period of time may be allowed if no other organization reserves the installation.

(2) Portable Signs. Signs containing advertising copy which are not permanently affixed to a building, structure, or the ground and are designed to be moved, such as sandwich boards and signs on wheels, except political campaign and real estate signs. One portable sign per business with a maximum of two faces and 10 square feet or less per face is allowed and shall not be charged to the

property's allowable sign area. Any excess size over 10 square feet shall be charged as shall additional portable signs. Portable signs may be placed in the public right-of-way fronting the business; provided, that a safety or vision clearance problem does not result.

(3) Off-Premises Signs. Signs other than a billboard which advertise a business, commodity, and/or activity which are not sold, manufactured, or conducted on the premises where the sign is located. These signs shall be charged to the property on which they are located. Therefore, the permit must be accompanied by a written documentation from the owner of the property on which the sign is to be located acknowledging this charge. To allow an unobstructed view of the bay, off-premises signs in the following locations must be wall-mounted:

- (a) On the bayside of Bayshore Drive north of Elrod Avenue.
- (b) On the bayside of South Empire Boulevard south of Newmark Avenue.
- (c) On the bayside of 6th Avenue south of "F" Street.

(4) Billboards. Off-premises signs which are generally for hire. Billboards shall only be allowed in the commercial and industrial zones, except that no billboard shall be allowed on the bayside of Bayshore Drive north of Elrod Avenue, nor on the bayside of South Empire Boulevard south of Newmark Avenue, nor on the bayside of 6th Avenue south of "F" Street. The size of billboards shall not exceed a total of 300 square feet; back-to-back installation on one supporting structure is permitted. There shall be not more than 13 billboards permitted within the City which shall be distributed as follows:

- (a) Four on Bayshore and/or Broadway between the northern City limits and Market Avenue.
- (b) Two on the west side of Broadway between Elrod Avenue and the southern City limits.
- (c) Two on the east side of Broadway between Golden Avenue and the southern City limits.
- (d) Two on Ocean Boulevard between Pony Creek and Newmark Avenue.
- (e) Two on the east side of Empire Boulevard between Newmark Avenue and the southern City limits.
- (f) One on the east side of 6th Avenue between "H" Street and "F" Street.

An additional three billboards may be distributed among the streets listed in this subsection with the approval of the Planning Commission or the City Council.

17.337.060 Standards – Residential Zoning Districts

- (1) General. This section shall apply to all residential zones listed in CBMC [17.230.020](#)(4).

(2) Size.

(a) Each dwelling unit, including home occupations, shall be allowed one sign with a maximum of two faces not to exceed four square feet in area per face.

(b) Subdivisions, factory-built home parks, planned unit developments, other housing complexes, and all other uses without structures thereon shall be allowed one additional sign with a maximum of two faces not exceeding 24 square feet in area per face to identify the premises.

(c) Group residential and multiple-family dwellings shall be allowed the greater of either:

(i) One wall-mounted or double-faced freestanding sign not to exceed 15 square feet, or

(ii) One wall-mounted sign not to exceed 10 percent of the property's lot frontage.

(d) Commercial and civic uses shall be allowed both signs under subsection (2)(c) of this section, except that the smaller sign shall be oriented to a parking area or to the other street frontage on a corner lot.

(3) Location.

(a) In addition to the requirements of CBMC [17.230.020](#)(1), freestanding signs shall be set back at least 10 feet from the property line and shall not be placed within the vision clearance area or in a manner which obstructs vision or vehicular traffic.

(b) Building-mounted signs shall be placed flat against the wall and shall not project from the building nor above the roofline. No sign shall be roof-mounted.

(4) Height. Free-standing signs shall not exceed five feet in height from grade to the top of the sign. There are no height limitations for wall-mounted signs, except that no part of the sign shall extend above the roofline.

(5) Content. Signs for residential uses shall only bear the name of the occupant and address, and the occupation if the sign advertises a home occupation. The additional sign allowed under subsections (2)(b) and (c) of this section shall only identify the complex. The content of signs for commercial and civic uses is not restricted.

(6) Lighting. No interior illumination or flashing, moving, or animated lights shall be allowed.

17.337.070 Standards – Commercial and Industrial Zoning Districts

(1) General. This section shall apply to all commercial and industrial zones established by the land development ordinance, except the zoning districts regulated by CBMC [17.337.080](#).

(2) Size.

(a) The total allowable sign area, exclusive of wall-mounted signs, for each frontage shall be based upon either the lot or building frontage of the business along a publicly dedicated right-of-way or upon a building frontage along a parking lot. The total allowable sign area shall be computed at one square foot for each linear foot of lot frontage, or at one and one-half square feet for each linear foot of building frontage, whichever is greater. Each sign shall be limited to two faces and no individual sign shall exceed 300 square feet per face. However, all businesses shall be allowed a minimum of 37.5 square feet of sign area per face, regardless of the amount of frontage.

(b) Multi-Story Buildings. Ground floor businesses of multi-story buildings shall be entitled to 100 percent of the maximum allowable sign area computed for the building based upon the lot or building frontage. Different businesses above the ground floor shall share 50 percent of that sign area amount.

(c) Shopping Centers. Each business in a shopping center shall be allowed sign area based upon the business's building frontage on a public right-of-way or parking lot. In addition, the shopping center shall be allowed one double-faced sign on each right-of-way, each not exceeding 100 square feet per face, which shall identify the center itself and may also identify businesses in the center.

(3) Location and Placement. A sign shall be placed to have exposure from the frontage on which it is computed, in compliance with CBMC [17.337.020](#)(1) and as follows:

(a) Projecting Signs. These signs shall not project more than eight feet beyond the property line and shall not be closer than two feet to any curblin. These projecting signs shall have a minimum clearance of eight feet above a pedestrian walkway and 15 feet above a public street or alley, driveway, or parking lot.

(b) Marquee Signs. Marquee signs, including signs on awnings or canopies, shall have a minimum clearance of eight feet from the grade of the pedestrian way to the bottom of the sign, and shall not project closer than two feet to any curblin.

(c) Signs Computed by Parking Lot Frontage. Signs computed on building frontage along a parking lot shall be painted on the building or flush-mounted on the wall surface of the building, and shall not extend above the top of the wall.

(4) Height. Signs shall not exceed 30 feet in height measured from grade to the highest element of the sign. This requirement shall not apply to signs affixed to the walls or to the roof.

17.337.080 Standards – Medical Park District

- (1) General. This section shall apply to the medical park and residential/professional zones established by the land development ordinance.
- (2) Size.
 - (a) Each building of a commercial or civic use shall be allowed either one double-faced sign no greater than 24 square feet or two single-faced signs no greater than 24 square feet each.
 - (b) Residential uses shall conform to the requirements of CBMC [17.337.060](#)(2)(a), (b), and (c).
- (3) Location and Placement. Signs may be located anywhere on the property, except in compliance with CBMC [17.337.020](#)(1) and as follows:
 - (a) Residential Signs. Free-standing signs shall be set back at least 10 feet from the property line and shall not be placed within the vision clearance area or in a manner which obstructs vision or vehicular traffic. There shall be no roof-mounted signs.
 - (b) Commercial and Civic Uses. Signs shall not project over public property.
- (4) Height. Free-standing signs shall not exceed five feet in height from grade to the top of the sign. There are no height limitations for wall-mounted signs, except that they shall not extend above the roofline.
- (5) Lighting. No flashing, moving, or animated lights shall be allowed.

17.337.090 Standards – Urban Public District

- (1) General. There shall be no special requirements applied in the urban public zone established by the land development ordinance, except that:
 - (a) All Zones. No flashing, moving, or animated signs shall be allowed, score boards excluded.

Chapter 17.340 - OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

17.340.010	Off-Street Parking Requirements
17.340.020	Joint Use of Facilities
17.340.030	Parking Design Standards
17.340.040	Loading
17.340.050	Vehicles in Residential Zones
17.340.060	Multi-Family Parking Lots and Circulation
17.340.070	Parking Requirements of Manufactured Home Parks
17.340.080	Downtown Parking District

17.340.010 Off-Street Parking Requirements

1. General Parking Requirements

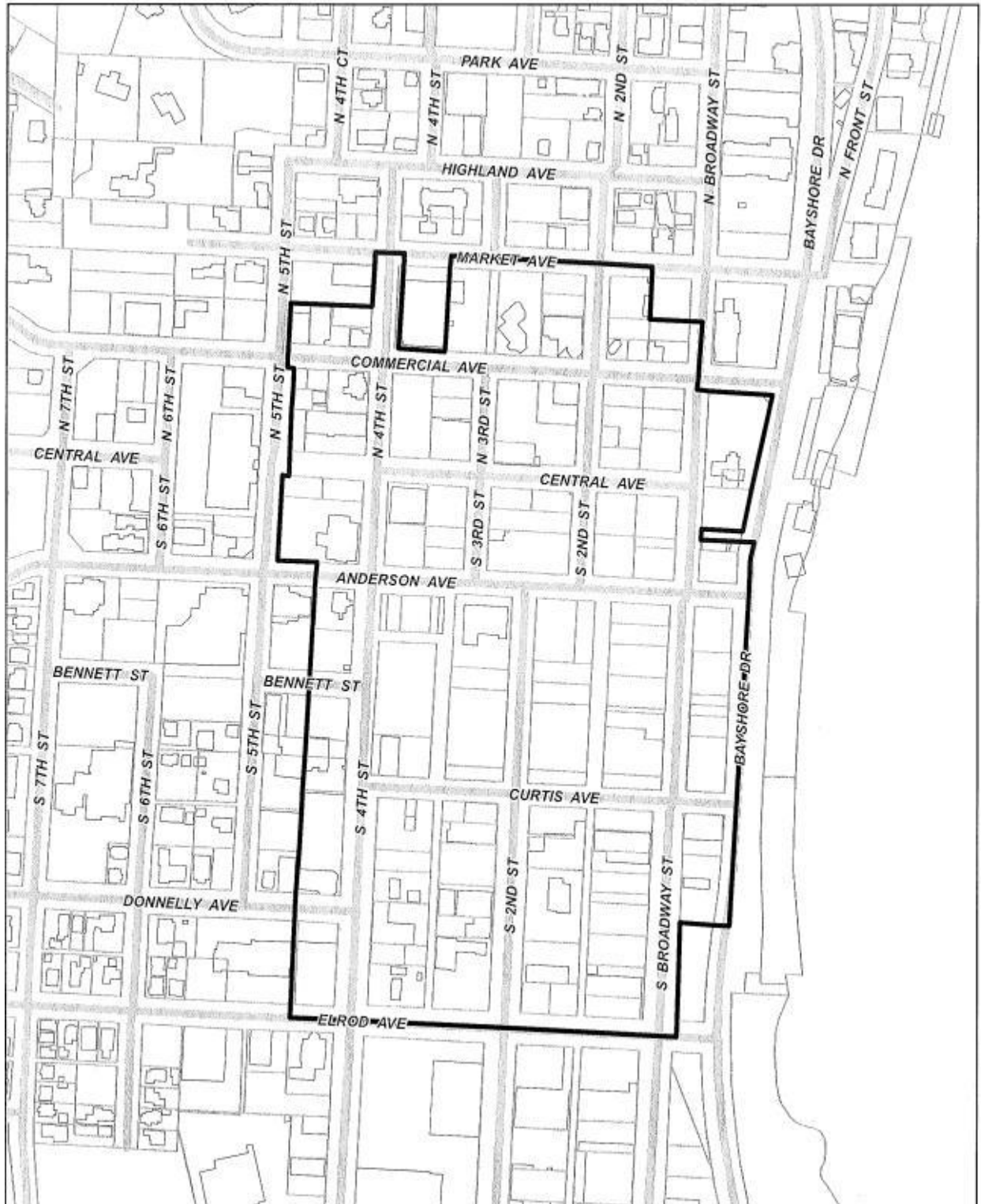
Off-street parking shall be provided in compliance with Table 17.340.010 (1) CBDC:

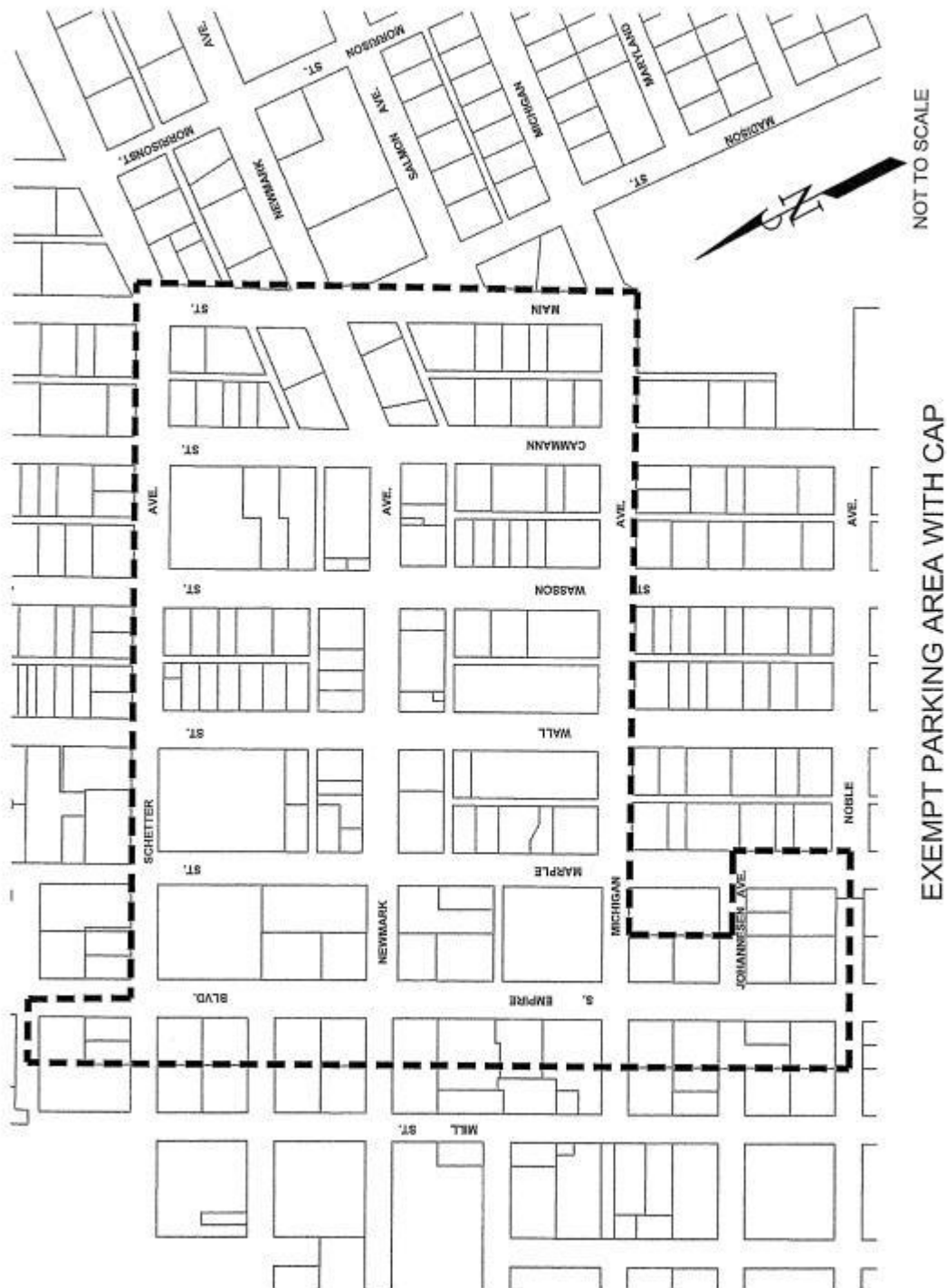
Table 17.340.010 (1) Off-Street Parking Requirements	
USE	MINIMUM NUMBER OF PARKING SPACES
Residential:	
Single or Multi-Family	2 spaces per dwelling unit
Commercial:	
Retail Stores and Service or Repair Shops	1 space per 400 square feet of floor area
Bank, Medical or Office Buildings	1 space per 400 square feet of floor area
Hotel, Motel or Bed and Breakfast Houses	1 space per guestroom
Restaurants or Drinking Establishments	1 space per 200 square feet of floor area
Church or Religious Institutions	1 space for each 6 seats or 12 feet of bench in the principal place of worship
Schools:	
Elementary and Middle School	1 space for each 12 students
High School	1 space for each 4 students
Library	1 space per 400 square feet of floor area
Day Care	1 space per employee
Industrial or Manufacturing	1 space per 500 square feet of floor area
Commercial Storage or Warehousing	1 space per 1,000 square feet of floor area
Government Buildings	1 space per 300 square feet of floor area and 1 space per full-time employee

(2) Exempt Parking.

(a) There shall be no off-street parking requirements for any property included within the area identified in Figure 17.340.010 (2). This area includes property within the parking lot assessment district, city-owned property, public right-of-way, and private property that has provided land for public parking.

(b) Any use included in the area identified in Figure 17.340.010 (3) must provide off-street parking for the number of spaces required in Table 17.340.010 (1), in excess of 25 spaces.





17.340.020 Joint Use of Facilities

Joint parking and/or loading facilities serving two or more uses, structures, or parcels of land may be approved to satisfy the requirements of both facilities provided the owners or operators of the uses, structures, or parcels show that their operations and parking needs do not overlap in point of time. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

17.340.030 Parking Design Standards

- A. Size of Parking Space. Each off-street parking space shall have an area of not less than 30 square feet, exclusive of drives and aisles, and a width of not less than nine feet. Each space shall be provided with adequate ingress and egress.
- B. Location. Off-street parking facilities shall be located on-site to the extent feasible. Off-site parking shall be no further than 150 feet from the site, measured from the nearest point of the parking facility to the nearest point of the nearest building that the facility is required to serve. Off-site parking shall be primarily employee parking.
- C. Materials, Design, and Lighting.
 - 1. Off-street parking facilities shall be surfaced with a durable and dustless surface, shall be graded and drained so as to dispose of surface water to the satisfaction of the public works department and shall be maintained in good condition, free of weeds, dust, trash, and debris.
 - 2. Except for a single-family or duplex dwelling, groups of more than two parking spaces per lot shall be:
 - a. Provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner; and
 - b. Served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one-way driveways be less than 20 feet and 12 feet, respectively, and be so arranged so as not to use any part of adjoining public sidewalks, street, or alley rights-of way, except for ingress and egress.
 - 3. Lighting used to illuminate off-street parking facilities shall be arranged so as to reflect light away from any adjoining residential area(s).
- D. Boats and Recreational Vehicles. On-street parking of boats, trailers, camper, and recreational vehicles is prohibited in any residential district and the GC district.

17.340.040 Loading

Every use for which a building is erected or structurally altered which will require the receipt or distribution of materials or merchandise by truck or similar vehicle shall provide off-street loading space on the basis of minimum requirements as follows:

- A. Commercial, industrial, and public uses shall provide truck loading or unloading berths in accordance with Table 17.340.040(A):

Table 17.340.040(A)

Square feet of floor area	Number of berths required
Less than 5,000	0
5,000 – 30,000	1
30,000 – 100,000	2
100,000 and over	3

- B. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar uses shall provide off-street truck loading or unloading berths in accordance with Table 17.340.040(B):

Table 17.340.040(B)

Square feet of floor area	Number of berths required
Less than 30,000	0
30,000 – 100,000	1
100,000 and over	2

- C. A loading berth shall contain space 12 feet wide, 35 feet long, and have a height clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.
- D. Existing loading space shall not be eliminated, if elimination would result in less space than is required to adequately handle the needs of the particular use.
- E. Off-street parking areas used to fulfill the requirement of this title shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
- F. Loading docks shall be located on the side or rear of the building.

17.340.050 Vehicles in Residential Zones

- A. Purpose. Parking lots and outdoor storage of vehicles or recreational vehicles shall not be a primary use for any property located within a single-family residential zone.
- B. Where Applicable. These regulations apply to all residential users in LDR-6 and LDR-8.5 zoning districts unless otherwise expressly indicated.
- C. Restrictions. Any vehicle that is the subject of this section that is parked off-street shall be parked on code approved areas or within garages. Failure to comply with this section shall constitute a nuisance.
1. Passenger vehicles, light trucks and trucks under two ton gross weight may park in any approved parking area, including the street, or garage so long as they do not pose an impediment to pedestrian or other vehicular traffic. Vehicles which pose an impediment to pedestrian or vehicular traffic shall be deemed a nuisance.
 2. Motor homes, recreational vehicles and utility trailers shall not be parked on street for a period of two weeks or more during any calendar year.

3. Motor homes, recreational vehicles and utility trailers may be parked in on-site parking areas as follows:
 - a. LDR- 6 zone, in allowed on-site parking area;
 - b. LDR- 8.5 zone, in allowed on-site areas, including driveways; so long as they are not parked between the front lot line and the primary facade of the dwelling.
- D. Off-street parking. Each single-family residence, constructed after the date of adoption of the ordinance codified in this title, shall provide for at least two off-street parking spaces. Off-street parking must provide a minimum of eighteen feet of lineal parking between the street and the dwelling setback.

17.340.060 Multi-Family Parking Lots and Circulation

Except for townhouse structures containing garages, parking lots and garages for developments in MDR zoning districts shall be located in the rear portions of the property, with building construction occurring toward the front, closest to employment centers, shopping centers and transit corridors to minimize walking distance. Parking lots and garages located between buildings and streets are not permitted, except for townhouse structures that contain garages, in which case no more than forty percent of the front of each townhouse dwelling unit shall be devoted to garage door space.

- A. At least two parking spaces shall be provided on site for each multiple-family dwelling unit. When the development is located within a quarter mile of existing or planned transit (public transportation) service, 1.25 spaces per unit shall be required.
- B. A minimum of ten feet of landscaped buffer area shall separate parking lots from adjoining properties and streets. Driveways to townhouse garages, which provide off-street parking, shall not be considered parking lots.
- C. MDR development projects shall provide access to collector or arterial streets; however, individual dwelling units within an MDR development project shall not have direct access to an arterial or a collector street.
 1. Within an MDR development project, parking lots or driveways to individual dwelling units shall connect directly to a local residential street that has direct access to an arterial or collector street.
 2. MDR development projects shall not have direct primary access to existing local residential streets within an MDR zoning district unless the review authority finds, by substantial evidence, that environmental, topographic or other issues relating directly to public safety or welfare require general access to a local, public residential street.
- D. Pedestrian access shall be provided to transit corridors without having to pass through a parking lot whenever possible.
- E. Parking lots associated with conditional or nonconforming uses in these districts are subject to site plan review and approval.
- F. In no event shall on-site parking facilities exceed fifty contiguous spaces per parking cluster. Where more than fifty spaces are required, there shall be a landscaped buffer, not less than twenty feet wide, between parking clusters. Where the applicant desires more than one parking cluster on a lot or contiguous lots, the Community Development Director, through the site review process,

shall require that each cluster be designed to accommodate bicycle parking facilities, and that pedestrian walk lanes are provided and clearly marked.

- G. Through a Type-II adjustment request, an applicant may request adjustments to this subsection if the topography or other environmental constraints associated with the property prevents reasonable compliance with this standard. Where the applicant desires more than one parking cluster on a lot or contiguous lots, the Community Development Director, through the site review process, shall require that each cluster be designed to accommodate bicycle parking facilities, and that pedestrian walk lanes are provided and clearly marked.
- H. Through a Type-II adjustment request, an applicant may request adjustments to this subsection if the topography or other environmental constraints associated with the property prevents reasonable compliance with this standard.
- I. All new Townhouse developments shall include four (4) additional off-street parking spaces for every three (3) units. These spaces are to be evenly dispersed throughout the development with no more than four (4) spaces being located in any one specific area. The final location of these parking spaces shall be required to receive final approval from the City's Community Development Director.

17.340.070 Parking Requirements of Manufactured Home Parks

- A. Off-street parking shall be provided for at least two automobiles per dwelling unit, located on the lot or property, which they are intended to serve. Off-street parking shall be provided within a garage or carport
- B. Visitor Parking. At least one automobile parking space shall be provided for every two manufactured home lots or sites for use by visitors and delivery vehicles. These spaces shall be signed or designated as such. These spaces shall be within 100 feet of the lots to be served. Visitor parking may be provided on streets designed to accommodate parking and two standard lanes of traffic.
- C. All on-site parking shall be designed and constructed in compliance with the parking facility standards of this chapter
- D. Trucks with a maximum gross vehicle weight more than one and one-half tons, recreational vehicles, boats on boat trailers, and similar equipment shall be parked in one of the two allocated off-street parking spaces if stored on an individual lot or space; provided no more than one passenger vehicle may be parked on a given lot or space. Car-top boats and canoes are exempt from this requirement.

Chapter 17.342 ANNEXATION

Sections:

- 17.342.010 General
- 17.342.020 Initiation
- 17.342.030 Hearing
- 17.342.040 Decision
- 17.342.050 Conditions
- 17.342.060 Zoning of Annexed Area
- 17.342.070 Final Action

17.3842.010 General

Annexation procedures are meant to facilitate the orderly expansion of the City and the efficient extension of public facilities and services. They are also intended to provide adequate public review and establish a system for measuring the physical, environmental, and related social impacts of a proposed annexation.

17.34.020 Initiation

In accordance with state law, initiation of an annexation may be made by the petition of a property owner in the area proposed for annexation or by a majority vote of the City Council.

17.342.030 Hearing

Upon initiation of an annexation, the council shall set a date for a public hearing to be held before the Planning Commission in accordance with all provisions of this Chapter to determine whether the proposed annexation would comply with the comprehensive plan.

17.342.040 Decision

The Planning Commission shall make a recommendation to the City Council regarding the proposed annexation if findings of fact can be substantiated that it is in accordance with the comprehensive plan unless the plan and implementing ordinances do not control the annexation or substantial changes in conditions have occurred which render the comprehensive plan inapplicable to the annexation.

The council shall review this recommendation and affirm or change the decision or remand the matter back for further consideration.

17.342.050 Conditions

The Planning Commission and council may impose special conditions deemed to be necessary to preserve any social, environmental, and physical impacts or to facilitate the provision of public facilities and services.

17.342.060 Zoning of Annexed Area

Zoning regulations applicable to an area prior to its annexation shall continue to apply in accordance with state law unless at the time of annexation or at a subsequent time the City Council places the annexed area in a zoning classification established by this title. The City Council may, in the ordinance annexing the area to the City, place all or any part of the area in a zoning designation established by this title if notice required by the annexation proceedings includes a declaration of the council's intention to so zone the property and if the council has received a report and recommendation from the Planning Commission for the appropriate zoning of the area.

17.342.070 Final Action

Upon a favorable determination under CBMC [17.342.040](#), the council may proceed with consideration of the proposed annexation in accordance with state law.

Chapter 17.345 VACATION

Sections:

- 17.345.010 General
- 17.345.020 Initiation
- 17.345.030 Staff Review of Private Application
- 17.345.040 Hearing
- 17.345.050 Decision
- 17.345.060 Conditions
- 17.345.070 Effective Date

17.345.010 General

The City may find it appropriate and necessary to vacate a street, alley, plat, or other public place when the public interest will not be prejudiced by the proposed vacation. Example of instances where the public interest would be prejudiced include, but are not limited to, situations where the vacation would adversely affect public access or hinder efficient development. Vacation may be found to be appropriate and necessary for municipal purposes or to promote public welfare.

17.345.020 Initiation

(1) A vacation may be initiated by a property owner who has submitted to the Community Development Department:

- (a) A notarized petition of consent signed by owners of the “affected property” as defined by state statute; this includes the written, notarized consent of each of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. For the purposes of this section, “real property affected thereby” shall be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted;
- (b) A legal description and map of the ground proposed to be vacated;
- (c) The purpose and justification for the vacation; and
- (d) If applicable, a plat showing the proposed manner of re-platting or re-dedication.

(2) A vacation may be initiated by the City Council by a majority vote without a petition or consent of property owners and prior to giving public notice.

17.345.030 Staff Review of Private Application

The Community Development Department shall verify that the signed petition is valid and meets the requirements of CBMC [17.345.020](#). The application shall then be presented to the City Council with an initial recommendation from the Community Development Department.

17.345.040 Hearing

If a vacation is initiated by petition and the council concludes the vacation has merit, or if a vacation is initiated upon motion by the council, the council shall set a date for public hearing before the Planning Commission in accordance with the provisions of this Chapter.

17.345.050 Decision

The Planning Commission shall make a recommendation to the City Council to approve, conditionally approve, or deny a request for a vacation. The Council shall review the record and affirm, amend, or reverse the Commission recommendation, or remand the matter back for further consideration.

Actions of the commission and the council shall be taken only after adopting findings or statements of fact which substantiate all of the following conclusions:

- (1) Vacation Initiated by Private Property Owner.
 - (a) Consent of the affected property owners has been obtained.
 - (b) Notice has been duly given.
 - (c) The proposal does not conflict with the comprehensive plan, including the adopted Coos Bay transportation system plan, or other ordinances.
 - (d) The public interest will not be prejudiced by the vacation.
- (2) Vacation Initiated by Council Motion.
 - (a) Owners of the majority of the area affected have not objected to the vacation in writing prior to the hearing.
 - (b) The vacation of a street will not substantially affect the marketability of abutting property in terms of access, utility services, or protective services, unless the owners of the affected property consent or provisions have been made to pay damages.
 - (c) Notice has been duly given.
 - (d) The proposal does not conflict with the comprehensive plan, including the adopted Coos Bay transportation system plan, or other ordinances.
 - (e) The public interest will not be prejudiced by the vacation.

17.345.060 Conditions

The Planning Commission and council may, at the applicant's expense, impose conditions deemed to be necessary for the vacation, including but not limited to:

- (1) Retention of easements for physical access, public utilities, or other public service facilities and limitations on the use of the area adjacent to those facilities.
- (2) Construction or removal of public utilities or other public service facilities and limitations on the use of the area adjacent to those facilities.
- (3) Re-platting or re-dedication of land to be vacated.

(4) Improvement of streets or alleys prior to re-dedication.

17.345.070 Effective Date

Upon approval of a proposed vacation and/or fulfillment of conditions, the City Council shall enact an ordinance which declares the land to be vacated and specifies the conditions under which the vacation is made. The proposed vacation will become effective 30 days after enactment of the ordinance, unless an appeal is filed.

Chapter 17.347 FLOOD DAMAGE PREVENTION

Sections:

- 17.347.010 General
- 17.347.020 Authorization
- 17.347.030 Findings of Fact
- 17.347.040 Statement of Purpose
- 17.347.050 Methods of Reducing Flood Losses
- 17.347.060 Definitions
- 17.347.070 General provisions – Lands to which this Chapter Applies
- 17.347.080 Basis for Establishing the Areas of Special Flood Hazard
- 17.347.090 Abrogation and Greater Restrictions
- 17.347.100 Interpretation and Severability
- 17.347.110 Warning and Disclaimer of Liability
- 17.347.120 Alteration of Watercourses
- 17.347.130 Special Flood Hazard Areas
- 17.347.140 Development Permit Required – Obtaining and Maintaining Information
- 17.347.150 Review of Development Permits
- 17.347.160 Provisions for Flood Hazard Reduction
- 17.347.170 Below-Grade Crawlspace
- 17.347.180 Critical Facility
- 17.347.190 Land Division, Manufactured Home Parks and Planned Unit Development
- 17.347.200 Standards for Storage of Materials and Equipment

17.347.010 General

(1) Areas within the City of Coos Bay have been subject to periodic flooding and the City is a participating community in the National Flood Insurance Program. Therefore, the City must adopt land use control measures to reduce flood hazard and assure that City residents will continue to benefit from the national program.

(2) As part of this program, the City shall:

- (a) Review all development permits to determine that all necessary federal, state, or local governmental agency permits have been obtained which require prior approval;
- (b) Review all development permits to determine that the permit requirements and conditions of this chapter have been satisfied;
- (c) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new structures, substantially improved structures, or substantially improved floodproofed structures, and whether or not the structure contains a basement; and
- (d) Maintain floodproofing certification required by CBMC [17.347.160\(2\)\(b\)](#).

17.347.020 Authorization

The state of Oregon has, in ORS 203.035, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Coos Bay does ordain as follows in this chapter.

17.347.030 Findings of Fact

(1) The flood hazard areas of the City of Coos Bay are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

17.347.040 Statement of Purpose

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard;
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- (9) To maintain eligibility for disaster relief.

17.347.050 Methods of Reducing Flood Losses

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage;
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas; and
- (6) Coordinating and supplementing the provisions of the state building code with local land use and development ordinances.

17.347.060 Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Appeal” means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Designation on maps always includes the letters A or V.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Below-grade crawl space” means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four feet at any point.

“Critical facility” means 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, installations which produce, use or store hazardous materials or hazardous waste.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

“Elevated building” means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Existing manufactured home park or subdivision” means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Grade (adjacent ground level)” means 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. For the NFIP, the lowest adjacent grade is the lowest point of the ground level next to the building.

“Lowest floor” means 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 non-elevation design requirements of this chapter found at CBMC [17.347.160\(2\)\(a\)\(ii\)](#).

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

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

“Recreational vehicle” means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Start of construction” includes substantial improvement, 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 foundations 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. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“State building code” means the combined specialty codes.

“Structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

“Substantial damage” means 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 improvement” means 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:

- (1) Before the improvement or repair is started; or
- (2) 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.

The term does not, however, include either:

- (1) 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
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“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.

17.347.070 General Provisions – Lands to which this Chapter Applies

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Coos Bay.

17.347.080 Basis for Establishing the Areas of Special Flood Hazard

(1) The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for Coos County, Oregon and Incorporated Areas,” dated September 25, 2009, and accompanying Flood Insurance Rate Map (FIRM), are hereby adopted by reference and declared to be part of this chapter. The Flood Insurance Study and the FIRM are on file at 500 Central Avenue, Coos Bay, Oregon 97420. The best available information for flood hazard area identification as outlined in subsection (2) of this section shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under subsection (2) of this section.

(2) When base flood elevation data described in subsection (1) of this section has not been provided, the local administrator, the public works director, shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source to administer CBMC [17.347.130](#) and [17.347.160](#)(2).

(3) The City shall make an interpretation where needed, as to the exact location of FIRM boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulation of the National Flood Insurance Program (44 CFR 59-76).

17.347.090 Abrogation and Greater Restrictions

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, state building code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

17.347.100 Interpretation and Severability

(1) In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes and rules including the state building code.

(2) Severability. If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

17.347.110 Warning and Disclaimer of Liability

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur

on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Coos Bay, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

17.347.120 Alteration of Watercourses

Adjacent jurisdictions, the Department of Land Conservation and Development, and other appropriate state and federal agencies shall be notified prior to any alteration or relocation of a watercourse subject to flood hazard, and the City shall submit evidence of such notification to the Federal Insurance Administration. Maintenance shall be required within the altered or relocated portion of the watercourse so that its flood-carrying capacity is not diminished.

17.347.130 Special Flood Hazard Areas

(1) In special flood hazard areas, where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within Zones A and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(2) Located within areas of special flood hazard are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential.

Therefore, encroachments into the floodway, including fill, new construction, substantial improvement, and other development, shall be prohibited, unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(3) If the requirement of subsection (1) or (2) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable provisions of CBMC [17.347.160](#), Provisions for flood hazard reduction.

(4) Projects for stream habitat restoration may be permitted in the floodway provided:

(a) The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and

(b) A qualified professional (a registered professional engineer; or staff of NRCS, the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and

- (c) No structures would be impacted by a potential rise in flood elevation; and
- (d) An agreement to monitor the project, correct problems, and ensure that flood-carrying capacity remains unchanged is included as part of the local approval.

(5) New installation of manufactured dwellings is prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:

- (a) If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation and the continued use is not a threat to life, health, property, or the general public; or
- (b) A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation, and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria:
 - (i) As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;
 - (ii) The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 centimeters) above the BFE as identified on the Flood Insurance Rate Map;
 - (iii) The replacement manufactured home is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;
 - (iv) The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;
 - (v) The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and
 - (vi) Any other requirements deemed necessary by the authority having jurisdiction.

17.347.140 Development Permit Required – Obtaining and Maintaining Information

(1) A development permit shall be obtained before construction, including substantial improvements, or development begins within any area of special flood hazard established in CBMC [17.347.080](#). The permit shall be for all structures, including manufactured homes, and for all development including fill and other activities, as set forth in CBMC 17.370 and [17.347.060](#).

(2) Application for Development Permit. Application for a development permit shall be made on forms furnished by the Community Development Department and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the

area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (a) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- (b) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in CBMC [17.347.160\(2\)\(b\)](#); and
- (d) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(3) Information to Be Obtained and Maintained.

- (a) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in CBMC [17.347.080\(2\)](#), obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (b) For all new or substantially improved floodproofed structures where elevation data is provided through the Flood Insurance Study, FIRM, or as required in CBMC [17.347.080\(2\)](#):
 - (i) Obtain and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and
 - (ii) Maintain the floodproofing certifications required in subsection (2) of this section.
- (c) Maintain for public inspection all records pertaining to the provisions of this chapter.

17.347.150 Review of Development Permits

The Community Development Director is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. The duties shall include, but not be limited to:

- (1) Review all development permits to determine that the permit requirements and conditions of this chapter have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of CBMC [17.347.130\(2\)](#) are met.

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, CBMC [17.347.080\(2\)](#), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historic data, high water marks, photographs of past flooding, etc., where available. Failure to elevate the lowest floor at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

17.347.160 Provisions for Flood Hazard Reduction

Substantial improvements to existing structures located at or below the base flood elevation and all new construction shall conform to the following standards. The building official and/or Community Development Department shall be responsible to review plans and inspect construction to determine that it is reasonably safe from flooding and complies with provisions of the International Code Council (ICC).

(1) General Standards. In all areas of special flood hazard, the following standards are required:

(a) Anchoring.

(i) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure; and

(ii) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage.

Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(b) Construction Materials and Methods.

(i) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(ii) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and

(iii) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Utilities.

(i) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(ii) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(iii) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding, consistent with the Oregon Department of Environmental Quality.

(d) Subdivision Proposals.

(i) All subdivision proposals shall be consistent with the need to minimize flood damage;

(ii) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;

(iii) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(iv) Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

(2) Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided as set forth in CBMC [17.347.080](#)(1) or (2), the following provisions are required:

(a) Residential Construction.

(i) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation.

(ii) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(B) The bottom of all openings shall be no higher than one foot above grade.

(C) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

(b) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure (including a detached garage) shall either have the lowest floor, including basement, elevated at or above the base flood elevation, or together with attendant utility and sanitary facilities, shall:

(i) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(iii) Be certified by a registered engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based upon their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the City as set forth in CBMC [17.347.010](#)(2)(d);

(iv) Nonresidential structures which are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (2)(a)(ii) of this section; and

(v) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below the base flood level).

(c) Manufactured Homes.

(i) Manufactured homes shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated a minimum of 18 inches (46 centimeters) above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement when the home is to be located or substantially improved on sites:

(A) Outside of a manufactured home park or subdivision;

(B) In a new manufactured home park or subdivision;

(C) In an expansion to an existing manufactured home park or subdivision; or

(D) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood.

(ii) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of subsection (2)(c)(i) of this section shall be elevated so that either:

(A) The finished floor of the manufactured home is elevated a minimum of 18 inches (46 centimeters) above the base flood elevation; or

(B) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(d) Recreational Vehicles. Recreational vehicles placed on sites are required to either:

(i) Occupy the site for less than 180 consecutive days; or

(ii) Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick-disconnect-type utilities and security devices, and have no permanently attached additions; or

(iii) Meet the requirements of subsection (2)(c) of this section, and the elevation and anchoring requirements for manufactured homes.

17.347.170 Below-Grade Crawlspaces

Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:

(1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in subsection (2) of this section. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

(2) The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.

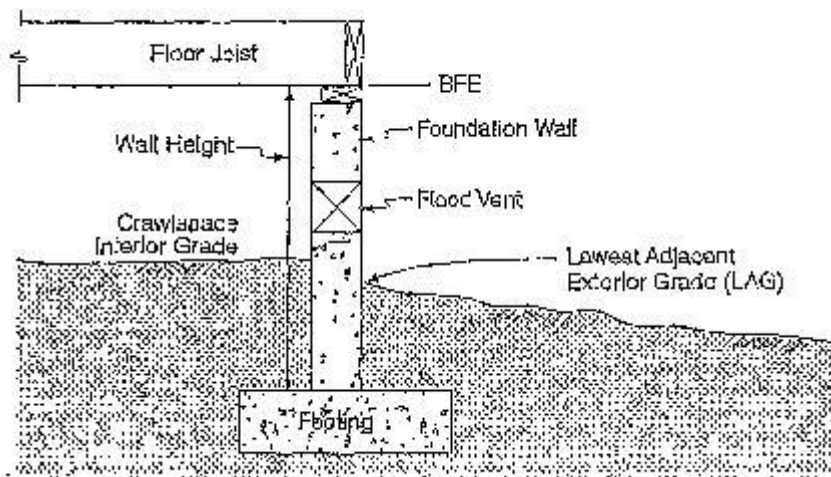
(3) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

(4) Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood

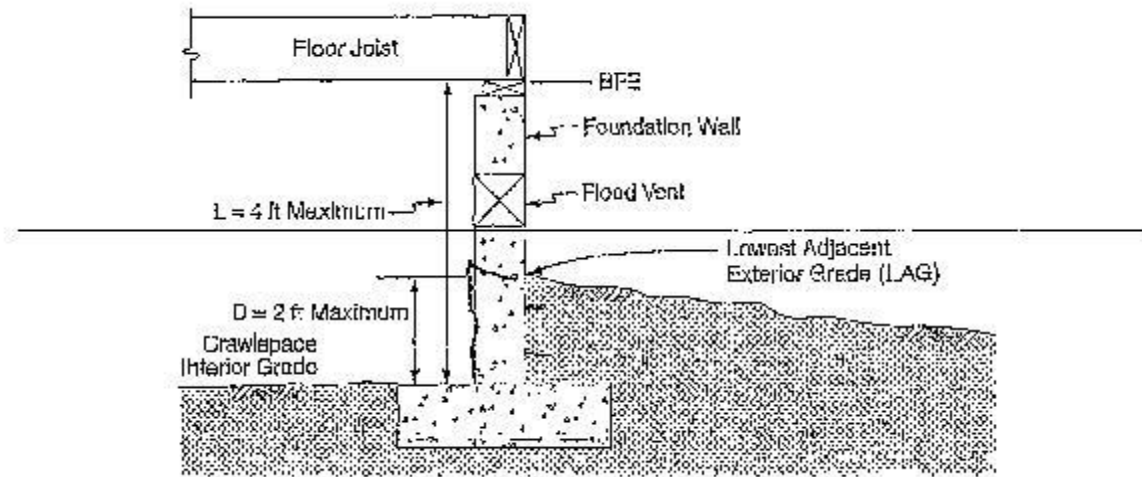
conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

- (5) The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.
- (6) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- (7) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
- (8) The velocity of floodwaters at the site must not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types shall be used.
- (9) There is an increased insurance cost associated with below-grade crawlspaces.

Below are diagrams from FEMA Technical Bulletin 11-01.



* Preferred crawlspace construction



* Requirements regarding below-grade crawlspace construction

* For residential structures, state building code requires the lowest floor to be elevated a minimum of one foot (18 inches for manufactured homes) above BFE.

17.347.180 Critical Facility

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

17.347.190 Land Division, Manufactured Home Parks and Planned Unit Development

All development proposals for land division, manufactured home parks, and planned unit developments shall be consistent with the need to minimize flood damage; shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; shall have adequate drainage provided to reduce exposure to flood damage; and where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for those development proposals which contain at least 50 lots or spaces, or five acres (whichever is less).

17.347.200 Standards for Storage of Materials and Equipment

(1) The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

(2) Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

Chapter 17.350 - LEGAL LOT DETERMINATIONS

Sections

17.350.010 Legal Lot Determinations

17.350.010 Legal Lot Determinations

A. Purpose and Summary

1. The purpose of this section is to provide a process and criteria for determining whether parcels are lots of record consistent with applicable state and local law, and to include a listing of potential remedial measures available to owners of property which do not meet the criteria.
2. In summary, parcels are lots of record if they were in compliance with applicable laws regarding zoning and platting at the time of their creation. Zoning laws pertain primarily to the minimum lot size and dimensions of the property. Platting laws pertain primarily to the review process used in the creation of the lots. Specific provisions are listed herein.

B. Applicability. The standards of this section apply to all requests for individual lot determinations applications or as a part of an application packet being submitted by the applicant.

C. Determination Process. Lot of record status may be formally determined through the following ways:

1. Lot Determinations as Part of a Building Permit or Other Development Request. Building or other development applications for new principal structures on parcels which are not part of a platted land division shall be reviewed by the City for compliance with the criteria standards of this section, according to the timelines and procedure of the building permit or other applicable review involved. Lot determination fees pursuant to the Coos Bay Fee Schedule shall be assessed, unless the parcel was recognized through a previous lot determination or other review in which such recognition was made. Lot determination fees will be assessed for placement or replacement of primary structures. A separate written approval will not be issued unless requested by the applicant.
2. Lot Determinations Requests Submitted Without Other Development Review. Requests for determinations of lot of record status not involving any other City development reviews shall submit an application for lot determination. A Type I process per Section 17.030.080 CBDC shall be used. The City will issue a letter of determination in response to all such requests.

D. Application and Submittal Requirements.

1. The following shall be submitted with all applications for lot determination, or applications for other development review in which a lot determination is involved. Applicants are encouraged to submit material as necessary to demonstrate compliance with this section.
2. Prior city/county partition, subdivision, lot determination or other written approvals, if any, in which the parcel was formally created or determined to be a lot of record;
3. Sales or transfer deed history;
4. Prior segregation request, if any;
5. Prior recorded survey, if any;

6. At the discretion of the applicant, any other information demonstrating compliance with criteria of this section.

E. Approval Criteria.

- a. For a parcel to be deemed a legal lot of record one of the following must apply:
 - A. A lot must have been created through the legal zoning requirements at the time of its creation,
 - B. The lot was created prior to zoning requirements being placed on the property approved sub-division or short sub-division, or

NOTE: Tax partitions do not by themselves create legal lots for development. They only provide for the orderly collection of taxes.

- b. Public Interest Exception, Discretionary. The responsible official may, but is not obligated to determine that parcels meeting the following criteria are lots of record:
 - A. Zoning. The parcel lacks sufficient area or dimension to meet current zoning requirements but meets minimum zoning dimensional requirements, including lot size, dimensions and frontage width, in effect at the time the parcel was created; and
 - B. Platting.
 - I. The responsible official determines that conditions of approval which would have been imposed if the parcel been established through platting under current standards are already present on the land; or
 - II. The property owner completes conditions of approval which the responsible official determines would otherwise be imposed if the parcel had been established through platting under current standards. Preliminary and final submittal plans shall be required where applicable.
 - C. The responsible official shall apply the following factors in making a lot of record termination under the discretionary public interest exception:
 - c. The parcel size is generally consistent with surrounding lots of record within one thousand (1,000) feet;
 - d. Recognition of the parcel does not adversely impact public health or safety;
 - e. Recognition of the parcel does not adversely affect or interfere with the implementation of the comprehensive plan; and
 - f. Recognition of lot of record status based on the public interest exception shall be valid for five (5) years from the date of lot determination or review in which the determination was made. If a building or other development permit is not sought within that time, the determination will expire. Applications for development or lot recognition submitted after five (5) years shall require compliance with applicable standards at that time.
- F. *De Minimis* Lot Size Standard. For the purposes of reviewing the status of pre-existing lots for compliance with platting and zoning standards, parcels within one percent (1%) of minimum lot size requirements shall be considered in compliance with those standards. Parcels within ten percent (10%) of lot size standards shall be similarly considered in compliance unless the Community Development Department determines that public health or safety impacts are present. Appeals of this decision shall be reviewed by the Planning Commission.

Chapter 17.352 - ALTERATIONS OF FINAL PLATS AND PARTITIONS

Sections:

17.352.010 Revisions to Approved Plats, Recorded and Non-Recorded

17.352.010 Revisions to Approved Plats Recorded and Non-Recorded

The developer shall file the final partition or subdivision plat and attached documents for recording with the Coos County auditor and the City of Coos Bay within sixty (60) days. No final partition or plat so filed shall be changed in any respect by anyone except through the appropriate post-decision approval process and as approved by the City's Community Development Director.

Chapter 17.355 - TELECOMMUNICATION FACILITIES

Sections:

- 17.355.010 Additional Standards
- 17.355.020 Expiration and Extension
- 17.355.030 Transfer Prohibited

17.355.010 Additional Standards

In addition to complying with other applicable standards, a telecommunications facility shall comply with the following siting and design standards:

- A. A new telecommunications facility shall be reviewed and processed as a conditional use in all zones within the City.
- B. A telecommunications facility may exceed the height limit of the underlying zone, if any.
- C. The base of the tower for a telecommunications facility shall be set back from property lines a distance equal to or greater than one-half the height of the tower. All other structures and improvements associated with a telecommunications facility shall comply with applicable dimensional standards of the base zone or as otherwise provided by the approval authority.
- D. The setback of a telecommunications facility shall include landscaping to at least an L3 level as provided in Section 17.362 CBDC.
- E. Generators and other equipment associated with a telecommunications facility shall not cause noise in excess of limitations within the City.
- F. Lights associated with a telecommunications facility shall be the minimum necessary to provide for security and safety. Advertising or signage of any kind is prohibited on a telecommunications facility tower except for a sign identifying safety and emergency information.

17.355.020 Expiration and Extension

If a conditional use permit expires it can be extended as provided in Section 17.030 CBDC.

17.355.030 Transfer Prohibited

An approved conditional use permit is specific to the subject property and cannot be transferred to another property.

Chapter 17.357 – CHANGE IN ZONING DESIGNATION

Sections:

- 17.357.010 General.
- 17.357.020 Initiation.
- 17.357.030 Hearing.
- 17.357.040 Decision.
- 17.357.050 Conditions.

17.357.010 General

A change in zone designation may be made to correct a mistake in the original zoning, or for other reasons which satisfy the criteria set forth in this section. The overriding consideration in granting a change in zone designation is whether all uses permitted by the new designation are appropriate and compatible with uses in the surrounding zones and with the comprehensive plan, not only the use which would be permitted in the specific proposal under review.

17.357.020 Initiation

A zone changes shall be reviewed as a Type III application as defined by this chapter. A request to change a zone designation may be initiated by:

- (1) The City Council or Planning Commission on their own motion.
- (2) A request by the Community Development Department.
- (3) A request of a property owner or the owner's authorized representative.

17.357.030 Hearing

A public hearing in front of the Planning Commission is required before granting a change in zone designation and shall be conducted in accordance with the CMBC.

17.357.040 Decision

(1) If a comprehensive plan map amendment is proposed or required in conjunction with a change in zone designation, the amendment shall be processed concurrently as set forth in the CBMC and shall be reviewed using a Type IV review process with a City Council public hearing.

(2) The appropriate hearings body may approve or approve with conditions a change in zone designation, only after adopting findings of fact which substantiate:

- (a) The existing zone designation was the product of a mistake in the original zoning; or
- (b) All of the following criteria:
 - (i) The change in zone will conform with the policies and objectives of the comprehensive plan;
 - (ii) The overall change in the zone district will result in development which is compatible with development in the vicinity;
 - (iii) The change will not prevent the use of other land in the vicinity;
 - (v) The change will be consistent with the functions, capacities and levels of service of facilities identified in other adopted Coos Bay plans.

17.357.050 Conditions

Conditions on the new zone designation may be imposed to protect the health, safety, and general welfare of the neighborhood and general public.

Chapter 17.360 - MITIGATION OF ADVERSE IMPACTS

Sections:

17.360.010	Purpose
17.360.020	Determination of Direct Impacts
17.360.030	Mitigation of Direct Impacts
17.360.040	Voluntary Payment Agreements as Alternatives to Dedication and Improvements

17.360.010 Purpose

- A. It is the purpose of this chapter to provide alternatives for prospective developers of land within this City to mitigate the direct impacts that have been specifically identified by the City as a consequence of proposed development, and to make provisions for impacts including, but not limited to, impacts upon the public health, safety and general welfare, for open spaces, drainage ways, streets, other public ways, parks, playgrounds, and sites for schools and school grounds.
- B. For purposes of this chapter the term “development” shall include, but not be limited to, subdivision approval, short subdivision approval, site plan approval and the issuance of any building permit related to the foregoing.

17.360.020 Determination of Direct Impacts

- A. Before any development is given the required approval or is permitted to proceed, the review authority shall determine all impacts, if any, that are a direct consequence of the proposed development and which require mitigation, considering but not limited to the following factors:
 - 1. Pre-development versus post development demands upon city streets, drainage facilities, parks, playgrounds, recreation facilities, schools, police services, and other development facilities or services;
 - 2. Likelihood that a direct impact of a proposed development would require mitigation due to the cumulative effect of such impact when aggregated with the similar impacts of future development in the general vicinity of the proposed development;
 - 3. Size, number, condition and proximity of existing facilities to be affected by the proposed development;
 - 4. Nature and quantity of capital improvements reasonably necessary to mitigate specific direct impacts identified as a consequence of the proposed development;
 - 5. Likelihood that the users of the proposed development will benefit from any mitigating capital improvements;
 - 6. Any significant adverse environmental impacts of the proposed development;
 - 7. Consistency with the City’s comprehensive plan;
 - 8. Likelihood of city growth by annexation into areas immediately adjacent to the proposed development;
 - 9. Appropriateness of financing necessary capital improvements by means of local improvement districts;

10. Whether the designated capital improvement furthers the public health, safety or general welfare;
 11. Any other facts deemed by the review authority to be relevant.
- B. The cost of any investigations, analysis or reports necessary for a determination of direct impact shall be borne by the applicant.

17.360.030 Mitigation of Direct Impacts

- A. The review authority shall review an applicant's proposal for mitigating any identified direct impacts and determine whether such proposal is an acceptable mitigation measure considering the cost and land requirements of the required improvement and the extent to which the necessity for the improvement is attributable to the direct impacts of the proposed development. Such developments will not be approved by the review authority until provisions have been made to mitigate identified direct impacts that are consequences of such development.
- B. The methods of mitigating identified direct impacts required as a condition to any development approval may include, but are not limited to, dedication of land to any public body and/or off-site improvements.

17.360.040 Voluntary Payment Agreements as Alternatives to Dedication and Improvements

- A. In lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision or plat, the city may approve a voluntary payment agreement with the developer; provided, however, no such agreement shall be required as any condition of approval, and any such agreement shall be subject to the following provisions:
1. The review authority must find that the money offered will mitigate or is a satisfactory alternative to mitigate the identified direct impact.
 2. The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified direct impact.
 3. The payment shall be expended in all cases within five years of collection, unless otherwise agreed to by the developer and approved by his legal advisor due to the unique circumstances involved.
 4. Any payment not so expended shall be refunded to the property owners of record at the time of the refund with interest at the rate applied to judgments at the time of the refund. However, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest; provided, property owners entitled to a refund and/or interest under the provisions of this chapter may voluntarily and in writing waive their right to a refund for a specified period of time in the interests of providing the designated capital improvement or any other capital improvement identified by the property owner.
- B. Further, at the time a developer enters into a voluntary agreement pursuant to this chapter, the developer may voluntarily and in writing waive on behalf of the developer and subsequent purchasers the right to interest and/or a refund in order to facilitate completion of an improvement. Under no condition shall such a waiver be required as a condition of approval. Such waiver shall be recorded with the Coos County assessor's office and shall be binding on subsequent owners.

Chapter 17.362 - SUPPLEMENTARY DEVELOPMENT STANDARDS

Sections:

- 17.362.010 Generally
- 17.362.020 Height of Fences and Hedges
- 17.362.030 Solid Waste
- 17.362.040 Lighting
- 17.362.050 Noise
- 17.362.060 Landscaping

17.362.010 Generally

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

17.362.020 Height of Fences and Hedges

- A. Front and Street Side Yards. Fences and hedges shall be no higher than six feet (measured from ground level) within five feet of a front property line or street side property line.
- B. Interior Side and Rear Yards. Fences and hedges shall be no higher than six feet (measured from ground level) along interior side and rear property lines.

17.362.030 Solid Waste

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

17.362.040 Lighting

- A. Street lighting shall be a required component of all residential, commercial and industrial developments within the City of Coos Bay. Lighting plans shall be a required component of complete preliminary subdivision, partition and site plan applications. All lighting plans shall be approved by the City's Community Development Director .
 - 1. Lighting, including permitted illuminated signs, shall be designed and arranged so as not to do the following:
 - a. Reflect or cast glare into any residential zone;
 - b. Rotate, glitter, or flash; or
 - c. Conflict with the readability of traffic signs and control signals.
- B. Lighting on any site shall not cause more than one foot-candle measured at any property line.

17.362.050 Noise

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

17.362.060 Landscaping

- A. The following standards apply to landscaping and screening on private property required pursuant to Table 17.362.060 CBDC. Landscaping and screening within public rights-of-way shall be approved by the City's Community Development Department.

Table 17.362.060 Landscaping

	Zoning of the Abutting Site							
	LDR				MDR			
	Seperated by a street	Not Seperated by a street	Seperated by a street	Not Seperated by a street	Seperated by a street	Not Seperated by a street	Seperated by a street	Not Seperated by a street
Zoning of the Site								
LDR	None	None	L2 (5 Feet)	L3 (5 Feet)	L3 (10 Feet)	L4 (10 Feet)	L4 (10 Feet)	L5 (20 Feet)
MDR	L1 (5 Feet)	L1 (5 Feet)	L1 (5 Feet)	L1 (5 Feet)	L2 (5 Feet)	L3 (5 Feet)	L3 (10 Feet)	L4 (10 Feet)
MX/Commercial	L1 (5 Feet)	L2 (5 Feet)	L1 (5 Feet)	L2 (5 Feet)	None	None	None	None

- B. Regardless of the zoning of the abutting property, if an industrial or commercial use is proposed abutting or across a street from an existing single-family or multifamily dwelling, the industrial or commercial use shall landscape and buffer the property line abutting that dwelling as though the abutting property was zoned LDR.

1. L1 – General Landscaping.

- a. The L1 standard is for open areas. It is intended to be used where distance is the principal means of separating uses or development, and landscaping enhances the area between them. The L1 standard consists principally of ground cover plants; trees and high and low shrubs also are required.
- b. There are two ways to provide trees and shrubs to comply with an L1 standard. Shrubs and trees may be grouped. Ground cover plants, grass lawn or approved flowers must fully cover the landscaped area not in shrubs and trees.
 - i. Where the area to be landscaped is less than 10 feet deep, one tree shall be provided per 30 linear feet of landscaped area.
 - ii. Where the area is 10 feet deep or greater, one tree shall be provided per 800 square feet and either two high shrubs or three low shrubs shall be provided per 400 square feet of landscaped area.

2. L2 – Low Screen.

- a. The L2 standard uses a combination of distance and low-level screening to separate uses or development. The standard is applied where a low level of screening sufficiently reduces the impact of a use or development, or where visibility between areas is more important than a greater visual screen.
- b. The L2 standard requires enough low shrubs to form a continuous screen three feet high and 95 percent opaque year-round. In addition, one tree is required per 30 lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A three-foot-

- high masonry wall or fence may be substituted for shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.
3. L3 – High Screen.
 - a. The L3 standard provides physical and visual separation between uses or development principally using screening. It is used where such separation is warranted by a proposed development, notwithstanding loss of direct views.
 - b. The L3 standard requires enough high shrubs to form a screen six feet high and 95 percent opaque year-round. In addition, one tree is required per 30 lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six-foot-high wall or fence with or without a berm may be substituted for shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.
 4. L4 – High Wall.
 - a. The L4 standard is used where extensive screening of visual and noise impacts is needed to protect abutting sensitive uses and/or there is little space for separation between uses.
 - b. The L4 standard requires a six-foot-high wall. When adjacent to another property, the wall shall abut the property line. When adjacent to a street or road right-of-way, the wall shall be on the interior side of the landscaped area. One tree is required per 30 lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area. In addition, four high shrubs are required per 30 lineal feet of wall. Ground cover plants must fully cover the remainder of the landscaped area.
 5. L5 – High Berm.
 - a. The L5 standard can be used instead of the L4 standard where extensive screening is warranted and more space is available for separation between uses.
 - b. The L5 standard requires a berm four to six feet high. If the berm is less than six feet high, low shrubs that comply with the L2 standard must be planted on top of the berm so that the overall screen height is six feet. In addition, one tree is required per 30 lineal feet of berm or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area.
 - C. Existing vegetation may fulfill landscaping and screening requirements of this chapter if that existing landscaping provides at least an equivalent level of screening as the standard required for the development in question.
 - D. As a condition of approval of a conditional use or planned unit development, the City may require an applicant to provide landscaping and screening that differs from the standards in this section where necessary to comply with the other applicable approval standards for the use or development.
 - E. Landscaped areas required for stormwater management purposes may be used to satisfy the landscaping area requirements of this chapter, even though those areas may be inundated by surface water.

- F. Required landscaping and screening shall be located on the perimeter of a lot or parcel. Required landscaping and screening shall not be located on a public right-of-way or private street easement, unless authorized by the City's public works department.
- G. Outdoor activity areas shall be screened from property used or zoned for residential purposes or a public road right-of-way to at least an L3 standard if within 100 feet of the property or right-of-way and to at least an L1 standard if equal to or more than 100 feet from the property or right-of-way. Outdoor activity areas include storage of solid waste and recyclables from the site and, where permitted, storage of goods, materials or equipment.
- H. Rooftop and ground-level exterior equipment shall be screened from adjoining property used or zoned for residential purposes or from an adjoining public road right-of-way to at least an L3 standard if visible at grade from the property or right-of-way.
- I. Parking and loading areas shall be landscaped as follows:
 - 1. A minimum five-foot-wide strip landscaped to at least an L2 standard or a minimum 10-foot-wide strip landscaped to at least an L1 standard shall be provided where vehicle parking or loading adjoins a public road right-of-way.
 - 2. Where a vehicle parking or loading area adjoins a property with zoning or land uses other than the proposed land use, the area shall be landscaped and screened as provided in Table 3.245.060 adjoining the other property.
 - 3. Parking areas that contain at least seven spaces shall contain landscape islands equally distributed at a ratio of one island for every seven parking spaces. A landscape island shall contain at least 25 square feet, shall be at least four feet wide, and shall prevent vehicles from damaging trees, such as by using a wheel stop or curb.
 - 4. At least one tree shall be planted in each landscape island. Trees in landscape islands shall reach a mature height of 30 feet or more, cast moderate to dense shade in the summer, live at least 60 years, require little maintenance (such as by being insect-, disease- and drought-resistant and not producing fruit), and be suited for use in the proposed location (such as by being tolerant of pollution and direct and reflected heat).
- J. The applicant shall install landscaping and screening required by this chapter consistent with the approved site plan or an approved modification thereto before the City issues an occupancy permit or final inspection for the development in question; provided, the City may defer installation of plant materials for up to six months after the City issues an occupancy permit or final inspection for the development in question if doing so increases the likely survival of plants.
- K. All required ground cover plants and shrubs must be of sufficient size and number to meet the required standards within three years of planting. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for living ground cover plants, lawn or approved flowers.
- L. Shrubs shall be supplied in a minimum of two-gallon containers or equivalent burlap balls, with a minimum spread of 3 inches to meet the L2 buffer requirement, and minimum of three-gallon containers or equivalent burlap balls with a minimum spread of 30 inches to meet the L3 buffer requirements. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.

- M. Ground cover plants shall be placed not more than 30 inches on center and 30 inches between rows. Rows of plants shall be staggered for a more effective covering. Ground-cover shall be supplied in a minimum four-inch size container or a two-and-one-quarter-inch container or equivalent if planted 3 inches on center. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive. A lawn or flowerbed of flowers approved by the review authority may be substituted for ground cover plants.
- N. Trees may be deciduous or evergreen unless otherwise provided. The required tree height shall be measured from the ground level at final planting to the top of the tree.
1. Required trees for parking and loading areas shall be a minimum caliper of two inches and a minimum height of 10 feet at the time of planting.
 2. Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of one and one-half inches and a minimum height of eight feet at the time of planting.
 3. Required evergreen trees (other than street trees) shall be fully branched and a minimum of six feet high at the time of planting.
 4. The review authority may reduce the minimum size of trees (other than street trees) if the applicant submits a written statement by a landscape architect registered in Washington or expert in the growing of the tree(s) in question certifying that the reduction in size at planting will not decrease the likelihood the trees will survive.
- O. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance. Landscaping materials shall be selected in accordance with a list of plant materials adopted by reference as the Coos County plant list.
- P. The applicant shall show and comply with the following:
1. Plant materials will be installed to current nursery industry standards.
 2. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.
 3. Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain link or other sturdy fence placed at the drip-line of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the drip-line of trees to be retained.
- Q. Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the review authority. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections.

- R. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required landscaped areas must comply with one of the following:
1. A permanent built-in irrigation system with an automatic controller will serve the landscape area in question, and the system will be installed and operational before the county grants an occupancy permit or final inspection for the development in question; or
 2. A temporary irrigation system will serve the landscape area in question; provided, to receive approval of this system, the applicant must submit a statement from a landscape architect registered in Washington or expert in the growing of the vegetation in question certifying that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall; or
 3. A permanent or temporary irrigation system will not serve the landscape area in question; provided:
 - a. The review authority finds the landscape area otherwise fulfills the requirements of this chapter, and
 - b. The applicant submits the following:
 - i. A statement from a landscape architect registered in Washington or expert in the growing of the vegetation in question certifying that the materials to be planted will survive without watering other than natural rainfall, and
 - ii. A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the city, and
 - iii. A statement from the applicant agreeing to install an irrigation system if the city finds one is needed to ensure survival of required vegetation, based on the results of the monitoring plan.

Chapter 17.365 - MANUFACTURED HOME SPECIAL SITING STANDARDS

Sections:

- 17.365.010 Type and Size
- 17.365.020 Siting Requirements
- 17.365.030 Roof
- 17.365.040 Siding
- 17.365.050 Insulation
- 17.365.060 Unauthorized Location

17.365.010 Type and Size

The manufactured home must be multi-sectional and enclose a space of not less than 1,000 square feet.

17.365.020 Siting Requirements

The home shall be enclosed at the perimeter with a concrete or concrete masonry wall which extends from the bottom of the excavated area to the underside of the manufactured home. Said wall must be trimmed at the meeting with the home to approximate the appearance of a concrete foundation for a conventional single-family dwelling.

17.365.030 Roof

The manufactured home must have a sloping roof with a minimum pitch of three feet in height for each 12 feet in width.

17.365.040 Siding

- (1) The manufactured home must have conventional wood or textured siding material and have a shake or shingle roof.
- (2) Deviation to this standard is allowed if the owner can document the manufactured home's siding or roofing material is comparable to the predominant materials used for single-family dwellings located 250 feet from the external property boundaries.

17.365.050 Insulation

- (1) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to that required for a single-family dwelling constructed pursuant to specialty code as defined in ORS [455.010](#).
- (2) Documentation that the home meets "Super Good Cents" energy efficiency standards is acceptable in lieu of the manufacturer's certification.

17.365.060 Unauthorized Location

Manufactured homes are not permitted on property located 100 feet from the external boundaries from property identified in the State Inventory of Historic Property, the National Register of

Historic Property, or property designated in the comprehensive plan as a historic district or cultural resource.

Chapter 17.367 - ACCESSORY USE OR BUILDING ON A SEPARATE LOT OR PARCEL

Sections:

17.367.010 General Regulations

17.367.010 General Regulations

An accessory use or building may be located on a neighboring lot or parcel provided:

- (1) The neighboring lot or parcel is within 20 feet of the principal property; and
- (2) The neighboring lot or parcel is within the same zoning district as the principal property; and
- (3) A deed restriction approved by the Community Development Department is filed with the county clerk which states:

The following described property on which an accessory building is to be built (insert description of neighboring property on which accessory building is to be built) cannot be sold or otherwise transferred separate from the following described property: (insert description of property on which the principal use is located) on which the principal use is located. This restriction shall remain in effect until the City of Coos Bay Community Development Department finds the accessory building is accessory to a principal use on the same property or the accessory building no longer exists.

Chapter 17.370 - ESTUARINE AND COASTAL SHORELAND USES AND ACTIVITIES

Sections:

17.370.010 General Provisions

17.370.010 General Provisions

Any uses and activities lying within the estuary or coastal shoreland area as defined by the Coos Bay estuary management plan shall be subject to review. This review shall determine if the proposed use and/or activity complies with the applicable provisions of the estuary management plan and this title. Review shall be accomplished by the community development department in accordance with Chapter [17.370](#) CBMC.

Chapter 17.372 - CULTURAL RESOURCES

Sections:

17.372.010 Purpose

17.372.020 General Provisions

17.372.030 Development, Alteration, or Demolition of Cultural Resources

17.372.040 Hearing

17.372.050 Decision

17.372.060 Waiting Period

17.372.070 Conditions

17.372.080 Maintenance and Repair

17.372.010 Purpose

The recognition, protection, enhancement, recovery, and adaptive use of cultural resources embodying Coos Bay's historical heritage can improve civic identity and add cultural and educational enrichment. The purpose of the following regulations is to:

- (1) Identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses.
- (2) Promote the continued use of historic buildings without detrimentally affecting their significance.
- (3) Enhance the visual character of the City by encouraging the renovation of historic structures.
- (4) Foster public appreciation and a sense of community identity based on the beauty and heritage of the City.
- (5) Protect and enhance the City's attraction to residents, tourists, and visitors.

17.372.020 General Provisions

Any property identified as a cultural resource shall not be developed, altered, remodeled, relocated, or demolished if this activity will detrimentally affect the significance of the resource. Determination of a site's significance and consideration of the proposed changes against the site's cultural value shall be made in accordance with the provisions of Chapter 17.372 CBMC.

17.372.020 Development, Alteration, or Demolition of Cultural Resources

- (1) General. Any property identified as a cultural resource shall not be developed, altered, remodeled, relocated, or demolished if this activity will detrimentally affect the significance of the resource. This section sets forth the procedure to determine the site's significance and to weigh a conflict between conservation and alteration or removal before approval of any such activity.
- (2) Application. Prior to the issuance of any general or specific development permit, the property owner or authorized agent shall submit to the Community Development Department, as applicable:

- (a) Property legal description.
 - (b) Plans or drawings showing the property and existing building dimensions and the character or details of the exterior, structural alterations (including additions), and, if a demolition is planned, the proposed use of the site.
 - (c) Statement explaining why the resource should or should not be preserved or protected. Supporting evidence from a qualified resource specialist is encouraged.
 - (d) If a demolition is proposed, a statement from the State Historic Preservation Office about the resource's value, and a structural survey by the building official.
 - (e) If an archaeological site will be disturbed, proof that the Coos, Siuslaw, and Lower Umpqua Tribal Council and the State Historic Preservation Office have been notified and given the opportunity to respond.
- (3) Exception. A cultural resource permit shall not be required of a certified cultural resource if:
- (a) The owner or agent has received a special assessment for historic properties from the State Historic Preservation Office; and
 - (b) The approval of special assessment includes a review of the proposed development, alteration, or remodel.

To be eligible for this exception, the owner or agent shall submit plans for the work and documentation that these plans have received state approval. If a development or building permit is issued for the work, the City shall assure that the work is completed in conformance with the state-approved plan.

17.372.030 Hearing

A Planning Commission public hearing is required before development, alteration, or demolition of a cultural resource and shall be conducted in accordance with all provisions of the CBMC.

17.372.040 Decision

The application shall be reviewed by the Planning Commission and they shall approve, conditionally approve, or deny it only after adopting findings of fact which substantiate pertinent conclusions. Unless already determined in the comprehensive plan or by a previous application, the commission shall determine the value of the resource and make findings for the criteria listed in subsection (1) of this section. If the commission finds that the resource is valuable and warrants some protection, this conclusion shall be weighed against the criteria of subsection (2) or (3) of this section.

(1) Cultural Resource Value. The commission must make findings to support at least one of the following conclusions:

- (a) It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history; or
- (b) It is identified with persons or events significant in local, state, or national history; or
- (c) The resource is representative of the notable work of a builder, designer, or architect; or

- (d) The resource embodies distinctive characteristics of a style, type, period, or method of construction or is valuable as an example of the use of indigenous materials or craftsmanship.
- (2) Development, Alteration, or Relocation of a Structure. The commission must make findings to support the conclusion that the proposal is compatible with the character and value of the resource. The commission shall consider as applicable:

- (a) Building coverage and height.
 - (b) Yards.
 - (c) Predominant architectural features and fixtures, appurtenances, or detailing.
 - (d) Building materials.
 - (e) Visual characteristics, such as paint color and surface texture, grading, surface paving, and landscaping.
- (3) Demolition of a Structure or Disturbance of an Archaeological Resource. The commission must make findings to support all of the following conclusions:
 - (a) It is not feasible to maintain or preserve the resource.
 - (b) Feasible alternatives to the proposed activity have been explored.
 - (c) The proposed use of the site or resource is compatible with the zoning and current use of the land and its immediate surroundings.

17.372.050 Waiting Period

If a demolition or disturbance to an archaeological site is proposed, the commission may impose a waiting period up to 120 days to enable the applicant to seek other alternatives. If the demolition of a structure is proposed, the alternatives shall include but not be limited to:

- (1) Public or private acquisition and restoration.
- (2) Sale of the premises to a party capable of maintaining, restoring, or relocating the resource.
- (3) Salvage of Significant Features. If a disturbance to an archaeological site is proposed, or a previously unknown or unrecorded archaeological site is encountered during the development, the alternatives shall include but not be limited to:
 - (a) Clustering development to avoid disturbing the resource.
 - (b) Designing the development so that the sensitive resource area is used for nonimpacting activities, such as storage, parking, or open space.
 - (c) If permitted pursuant to the requirements of state law, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reintering the human remains in accordance with the wishes of Tribal Council.
 - (d) Using civil means to ensure adequate protection of the resources such as acquisition of easements, public dedications, or transfer of title.

At the next regularly scheduled commission meeting after the end of the waiting period, the commission shall reconsider evidence that alternatives were duly pursued and evaluate this information against the decision criteria (CBMC [17.372.040](#)).

17.372.060 Conditions

The Planning Commission may impose other conditions deemed to be necessary to ensure the value of the resource will be protected. These conditions shall be stated in terms that are specific and measurable so the applicant is fully aware of the intent and justification of the condition and how and when implementation is to be accomplished.

- (1) These conditions may include those specified in Chapter [17.325](#) CBMC.
- (2) File a pictorial or graphic record of the structure with the Community Development Department before the substantial alteration or demolition.

17.372.070 Maintenance and Repair

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material, or external appearance. This chapter also shall not prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature if the building official certifies to the commission that such action is required for public safety by the State Structural Specialty Code.