

**CITY OF COOS BAY CITY COUNCIL**  
**Agenda Staff Report**

MEETING DATE May 6, 2014	AGENDA ITEM NUMBER
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TO: Mayor Shoji and City Councilors

FROM: Eric Day, Community Development Department  
Through: Rodger Craddock, City Manager

ISSUE: Ocean Grove Subdivision Application

**BACKGROUND:**

The applicant submitted a land use application requesting approval for a Planned Unit Development (PUD), Conditional Use Permit (CUP), Site Plan and Architectural Review (SPAR), and Partition II (subdivision) for the purpose of building a mixed-use Planned Unit Residential Development within the City of Coos Bay. A Hearings Officer held two public hearings on the application and took public testimony.

The Hearings Officer approved the Planned Unit Development (PUD), Conditional Use Permit (CUP), Site Plan and Architectural Review (SPAR), and recommended that the City Council approve the partition II (subdivision) application for the purpose of building a phased, mixed-use planned unit residential subject to conditions of approval.

This decision was based on application of the following City of Coos Bay Municipal Code Chapters: 17.270.050 (Planned Unit Development), Chapter 17.335.050 (Subdivision), Chapter 17.345.050 (Site Plan and Architectural Review), and Chapter 17.355.040 (Conditional Use Permit).

**Proposal**

The applicant is proposing two phases of development that they are calling Life Cycle One and Life Cycle Two. Life Cycle One is proposed primarily to house construction workers and associated recreational and residential uses for the proposed Jordan Cove Energy Project. This first phase is proposed to last up to 60 months. Life Cycle Two is proposed as a long term multi-family residential project with a variety of residential features and types.

**Life Cycle One**

Significant features of Life Cycle One include:

- 163 total buildings comprising 766 total residential units (1,356 total bedrooms),
- Two community buildings used primarily for resident food service and recreation during Phase One (Exhibit 1, page 16),
- On-site recreational/open space totaling 42% of the gross project acreage,
- Improvements to urban street standards for main access road (Lindy Lane) and proposed secondary access road, and
- The construction of 12 additional interior public/private streets.

### **Life Cycle Two**

Significant features of Life Cycle Two include:

- The building count is not expected to change during Life Cycle Two, but the total number of residential units is expected to decrease to 642,
- Two community buildings used primarily for community multi-use and related recreational facilities during Phase Two (Exhibit 1, page 16), and
- The total bedroom count is expected to decrease to 1,116.

### **ADVANTAGES:**

The proposal would provide a large mixed-use residential housing base to the City as well as construct many off-site improvements including sewer pipe and pump station, increase the road diet on Ocean Blvd., and improve two access points into the development.

### **DISADVANTAGES:**

- The proposal will impact the traffic flows in the general area of the proposal,
- Both construction traffic and other associated impacts are expected to last several years and will impact neighboring residences as well as traffic within the City.

These impacts as well as other associated impacts have been mitigated through the 41 conditions of approval that are associated with the proposal.

### **BUDGET IMPLICATIONS:**

The applicant is making large off-site improvements to the City's transportation and sewer infrastructure at their cost. Additionally, fees and taxes will be generated to area utilities as a result of this proposal.

### **RELATED CITY GOAL:**

**Infrastructure and Services:** To maintain and improve the City's physical infrastructure and provide quality services for current and future citizens.

### **ACTION REQUESTED:**

If it pleases the Council, staff recommends an approval the proposed Ocean Grove subdivision application with the conditions of approval that are attached in the Final Order.

# HEARINGS OFFICER'S ORDER AND FINDINGS

City File No: 187-ZON13-037

## I. SUMMARY

The applicant has submitted a land use application requesting approval for a planned unit development (PUD), conditional use permit (CUP), site plan and architectural review (SPAR), and partition II (subdivision) for the purpose of building a mixed-use planned unit residential development within the City of Coos Bay, OR. The proposed site is 71.9 acres and is located south of the developed portion of Lindy Lane; Coos County Assessor's Map 25-13-28, tax lot 600 and Map 25-13-21C, tax lots 900, 902, and 903.

The applicant is proposing two phases of development called Life Cycle One and Life Cycle Two. Life Cycle One is proposed primarily to house construction workers and associated recreational and residential uses for the proposed Jordan Cove Energy Project. This first phase is proposed to last up to 60 months. Life Cycle Two is proposed as a long term multi-family residential project with a variety of residential features and types.

City of Coos Bay Hearings Office Carrie Richter (the "Hearings Officer") conducted a duly noticed public hearing on February 19, 2014 and that hearing was continued to a second hearing on March 17, 2014. City staff recommended approval of the application subject to conditions of approval. Public testimony was received and issues raised are discussed in later sections of this Order. The record was left open to allow all parties to submit additional evidence and argument and the applicant was given an additional seven days to submit final written argument.

## II. ORDER

The Hearings Officer **APPROVES** the planned unit development (PUD), conditional use permit (CUP), site plan and architectural review (SPAR), and recommends that the City Council approve the partition II (subdivision) for the purpose of building a phased, mixed-use planned unit residential subject to the conditions of approval set out below.

## III. HEARING SUMMARY

The Hearings Officer opened the public hearing for this application on February 19, 2014. The Hearings Officer made the statements required by ORS 197.763 and disclaimed any *ex parte* contacts, bias or conflicts of interest. She invited audience challenges to her ability to conduct the hearing; there were none. City Planning Director Eric Day summarized the proposal and the applicable requirements from the Coos Bay Municipal Code (CBMC). City Engineering Coordinator Jennifer Wirsing summarized the Dyer Report, a study on the condition of the City's sewer system as necessary to serve the proposed development.

The applicant's representatives, architect David Straus and planner Jay Harland, testified that they largely agreed with the staff's recommendations but had some concerns about a number of the proposed conditions of approval. Jay Harland did acknowledge the City's concerns over

the additional impacts to the City's sewer lines and requested a continuance of the proceeding to allow adequate time to identify a solution. The Hearings Officer questioned the applicants' representatives regarding the phasing of the proposal, timing to the provision of infrastructure needed to serve the development and the block length issues. The Hearings Officer then took testimony from those in favor and those opposed to the proposal. The applicant's were given an opportunity to respond to the testimony received and the hearing was then continued until March 13, 2014.

The hearing was reconvened on March 17, 2014. The Hearings Officer again made the statement required by ORS 197.763 and disclaimed any *ex parte* contacts, bias or conflicts of interest. No challenges to her ability to conduct the hearing were raised. City staff provided an update summarizing the events leading up to the hearing including a new sewer line proposal and further discussion about the conditions of approval that were still in dispute. Then the applicant's representatives, Jay Harland, David Straus, Ralph Dunham, the applicant's engineer, and Timothy Jackle, the applicant's attorney, were given an opportunity to testify. This testimony included a discussion of the proposed phasing for the development, additional details regarding the proposed sewer line, and arguments relating to a number of proposed conditions of approval. Again, all those wishing to testify in favor or in opposition to the proposal were given the opportunity to speak. Finally, the applicant was given an opportunity to provide rebuttal.

The public hearing portion of this matter was then closed. The public record was left open for an additional seven days until 5:00 pm on March 24 for any party, who had already submitted testimony into the record, to respond to the issues raised to date in the hearing. The applicant was then given an additional seven days, until April 1, to submit final written argument. City staff and the Applicant's representatives submitted written testimony during these periods.

#### **IV. PUBLIC COMMENT SUMMARY**

Throughout the process, the Hearings Officer received oral and written testimony from individuals who were in favor as well as opposed to the proposal. Rather than address each speaker by name, the testimony can be grouped into particular topics. The individuals who spoke in favor of this project highlighted the benefit of providing additional construction jobs.

Most of the testimony in opposition came from individuals who own property, currently reside, or have family living along Lindy Lane, one of the primary access roads identified for serving the proposed development. The testimony from these nearby neighbors consisted of concerns over loss of wildlife and deer habitat, impacts to Pony Creek and the need for a hydrology study, loss of right-of-way resulting from improving Lindy Lane, noise from construction, whether adequate earthquake evacuation plans were in place, adequacy of the secondary access, loss of quiet serenity, whether the homes will be owner occupied and whether these owners would now be required to connect to the city sewer system. Many of these concerns are not within the purview of the Hearings Officer because they are not relevant to the applicable approval criteria. For example, the CBMC does not map or otherwise regulate development within wildlife habitat or stream corridor areas. It does not regulate construction impacts, nor does it address sewer connection requirements. Moreover, the subject property is

planned and zoned for low-density and high-density residential uses, meaning that the land has been deemed suitable to accommodate residences at identified densities and those previous determinations are now beyond further challenge. Therefore, without obtaining a plan amendment, the Hearings Officer cannot conclude that the development of residences at densities permitted along with infrastructure needed to support this development such as improving roads to urban standards is not allowed.

A number of individuals raised concerns over whether the applicant's traffic analysis included approved projects that were not yet built including the Confederated Tribes gaming center and hotel, Jordan Cove, and other projects. Other transportation related concerns included questions about adequate site distance on Ocean Blvd. from the nearby assisted living facility were raised.

With regard to traffic concerns, the Hearings Officer must rely on the traffic analysis provided by a licensed, professional traffic engineer finding that the transportation system as designed, and subject to the conditions set forth below, will be adequate to allow for efficient and safe transportation throughout the site. The Hearings Officer agrees with this analysis. Further, a condition of approval requires the construction of a secondary access as a condition of providing occupancy for the very first structure on the site. The Hearings Officer finds that this is adequate. Further, the Hearings Officer concludes that the provision of sidewalks and bicycle lanes along the full length of Lindy Lane, although certainly an adjustment at first, will increase the livability and safety for all residents along that street. Regarding overall livability and noise impacts, the Hearings Officer agreed to impose the fencing obligation offered by the applicant.

The Hearings Officer heard concerns over storm drainage impacts to Pony Creek and seismic issues. Storm drainage into Pony Creek will meet all applicable City standards as well as any applicable DEQ standards. The applicant explained that representatives of Oregon Department of Fish and Wildlife have been involved in the design of the Pony Creek stream crossing and it must be designed to improve fish passage. Other than the building code, the Hearings Officer finds nothing in the applicable regulations or plan policies that could serve to restrict development because of seismic concerns.

Questions were raised about the relationship between the proposed application and the Jordan Cove Energy project and whether approving this project would assist in the siting of the liquefied natural gas facility in any way. Steve Donovan from Jordan Cove testified that this application bore no connection to the proposed industrial development.

The Hearings Officer notes that the applicant's March 17, 2014 letter included additional responses to opposition testimony and to the extent that it does not conflict with the findings above, the Hearings Officer adopts this response as her own.

## **V. FINDINGS AND APPLICABLE CRITERIA**

These findings are adapted from the staff report and as such, where the Hearings Officer finds no reason to deviate from staff's recommended finding, staff's finding is set forth below and, as modified, is adopted as her own.

## **Chapter 17.40**

### **SINGLE-FAMILY AND DUPLEX RESIDENTIAL DISTRICT (R-2)**

#### **17.40.010 Intent.**

The R-2 district is included in the zoning regulations to achieve the following city objectives:

- (1) To reserve appropriately located areas for single-family and duplex family living at population densities consistent with the comprehensive plan and sound standards of public health and safety.
- (2) To provide space for semi-public facilities needed to complement urban residential areas and for institutions that require a residential environment.
- (3) To facilitate the provision of utility services and other public facilities commensurate with the anticipated population densities and service requirements.

#### **FINDING NO. 1:**

*The Hearings Officer finds that based upon the intent of the various zoning districts and the layout of the proposal the proposal meets the elements of this chapter by locating areas for single-family and duplex family living at population densities consistent with the comprehensive plan and sound standards of public health and safety, providing space for semi-public facilities needed to complement urban residential areas and for institutions that require a residential environment and facilitating the provision of utility services and other public facilities commensurate with the anticipated population densities and service requirements.*

#### **17.40.020 Permitted Uses.**

The following uses are permitted in the R-2 zoning district:

- (1) Residential Use Types.
  - (a) Accessory building.
  - (b) Cluster development (see Chapter 17.255 CBMC).
  - (c) Duplex dwelling.
  - (d) Single-family dwelling including manufactured homes which are subject to special siting standards.
  - (e) Zero lot line development (see Chapter 17.150 CBMC).

#### **FINDING NO. 2:**

*The Hearings Officer finds that according to the applicant's SPAR Master Plan Site Plan submittal all residential uses proposed within the R-2 district are zero lot line, duplex dwellings and therefore are permitted outright under this section.*

### **17.40.030 Conditional Uses.**

The following uses are permitted in the R-2 zoning district if authorized in accordance with the requirements of Chapter 17.355 CBMC:

- (1) Residential Use Types.
  - (a) Accessory apartment (see Chapter 17.250 CBMC).
  - (b) Group residential care facility.
  - (c) Planned unit development (see Chapter 17.270 CBMC).
  - (d) Accessory use or building on a separate lot or parcel (see Chapter 17.285 CBMC).

### **FINDING NO. 3:**

*The Hearings Officer finds that the proposal seeks approval of a Planned Unit Development which is a conditional use in all zones, including the R-2, under which the project is designated.*

- (2) Civic Use Types. Buildings must be residential in appearance, maintain the character of the area, and maintain yards as required by Chapter 17.150 CBMC.
  - (a) Administrative service.
  - (b) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).
  - (c) Community recreation.
  - (d) Educational service.
  - (e) Library service and cultural exhibit.
  - (f) Lodge, club, fraternal, or civic assembly.
  - (g) Public safety service.
  - (h) Religious assembly.
  - (i) Utility and service – No outside storage of equipment.
- (3) Commercial Use Types.
  - (a) Child care facility.
  - (b) Convenience sales and personal service.
  - (c) Home occupation, retail sales on the premises (see Chapter 17.260 CBMC).
  - (d) Tourist habitation – Bed and breakfast.

### **FINDING NO. 4:**

*The Hearings Officer finds that the community recreation elements of the proposal are permitted uses within the R-2 zone.*

#### **17.40.050 Property Development Requirements.**

The standards of Division III of this title, General Conditions, shall apply to all land and structures in the R-2 zone except as specifically regulated in this section.

(1) Lot Standards.

- (a) Minimum area: 5,000 square feet for each single-family dwelling unit, and 7,000 square feet for each duplex.
- (b) Minimum width: 40 feet.

#### **FINDING NO. 5:**

*The Hearings Officer finds that in the applicant's submittal, Sheet C-1 demonstrates that all lots are at least 40 feet in width. Sheets A-9 to A-10 in the Atlas shows a typical lot layout for each building type.*

*The Hearings Officer concurs with staff in its interpretation that, with regard to minimum lot area for duplexes, the aggregate square footage of the two lots would be used in satisfying the minimum lot area calculation in the case of a zero lot line duplex. This is because the term "duplex" is defined to mean "a building containing two dwelling units on a single lot or parcel." This suggests that "duplex" refers to the total building lot area rather than to each of the separate duplex units contained therein. For this specific project, all lots in the R-2 zone are at least 50 feet wide and the two lot aggregated together in the case of a duplex exceed 7,000 square feet. They average 8,500 square feet in size. Therefore the residential lots in the R-2 portion of the development comply fully with these standards.*

- (2) Building Coverage. Maximum lot coverage shall not exceed 40 percent of the total lot area.

#### **FINDING NO. 6:**

*The Hearings Officer finds that the proposed duplexes, including garages, have a footprint of 2,400 square feet. The lots range from 7,719 square feet to 8,415, therefore, the lot coverage for each duplex is between 28.4 to 31.1 percent. Therefore, the building coverage for the R-2 lots comply with the 40 percent maximum lot coverage standard.*

- (3) Building Height. No building or structure shall have a height greater than three stories, not to exceed 35 feet.

#### **FINDING NO. 7:**

*The Hearings Officer finds that all residential buildings proposed on the R-2 zoned properties are planned as 15 to 19 foot high, single story buildings, and therefore comply with the building height standard for the R-2 district.*



(4) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes.

**FINDING NO. 8:**

*Although yards and other open spaces are provided as part of this development, the Hearings Officer finds that this criterion imposes no quantitative requirement. No bus shelters are proposed.*

**Chapter 17.45**

**MULTIPLE RESIDENTIAL DISTRICT (R-3)**

**17.45.010 Intent.**

The R-3 district is included in the zoning regulations to achieve the following city objectives:

- (1) To encourage the development of higher density multiple residential structures, rather than lower density areas.
- (2) To serve as a transitional district from commercial and professional districts to lower density single-family and duplex residential districts.
- (3) To provide a variety of housing types to satisfy individual preferences and financial capabilities.

**FINDING NO. 9:**

*The Hearings Officer finds that all elements of the proposal located within the R-3 district meet the intent of the R-3 district standards listed in this element by proposing higher density multiple residential structures, serving as a transitional district from commercial and professional districts to lower density single-family and duplex residential districts and providing a variety of housing types to satisfy individual preferences and financial capabilities.*

**17.45.020 Permitted Uses.**

The following uses are permitted in the R-3 zoning district:

- (1) Residential Use Types.
  - (a) Accessory building.
  - (b) Cluster development (see Chapter 17.255 CBMC).
  - (c) Group residential.
  - (d) Multiple-family dwelling.
  - (e) Zero lot line development (see Chapter 17.150 CBMC).

- (f) Legally established single-family and duplex residential use types, pre-existing the adoption of the ordinance codified in this title; however, if the use is destroyed or discontinued, re-establishment must occur within 24 months in order to continue the residential use.

**FINDING NO. 10:**

*The Hearings Officer finds that three types of units are planned for the R-3 zoned properties. The majority of these will be one and two story multiple-family dwellings. A portion of the project located in the R-3 and QR-3 districts (QR-3 indicating area qualified for R-3 use but requiring a SPAR application) will contain Group Residential units identified as building type Unit 2 on the site plan (Atlas Sheet A-0) during Life Cycle 1. When the project enters Life Cycle 2, the group residential units will be reconfigured into multiple-family dwellings. Group residential, fourplexes, and one-bedroom multiple-family dwellings are permitted uses within the R-3 and QR-3 districts.*

**17.45.030 Conditional Uses.**

The following uses are permitted in the R-3 zoning district if authorized in accordance with the requirements of Chapter 17.355 CBMC:

- (1) Residential Use Types.
  - (a) Accessory apartment (see Chapter 17.250 CBMC).
  - (b) Duplex dwelling.
  - (c) Group residential care facility.
  - (d) Multiple-family dwelling, greater than 35 feet in height and three stories.
  - (e) Planned unit development (see Chapter 17.270 CBMC).
  - (f) Single-family dwelling, including manufactured homes which are subject to special siting standards.
  - (g) Single-family dwelling combined with a multiple-family dwelling on the same lot.

**FINDING NO. 11:**

*The Hearings Officer finds that the portion of the project located in the R-3 zone (and QR-3 zone) contains duplex buildings which require conditional use approval. These dwellings are shown on Sheet A-0 in the Atlas as Unit 5A and 5B buildings. In addition, the Unit 3A and 3B buildings will become duplex buildings when they are reconfigured for Life Cycle 2, see Sheets A-9 and A-10 in the Atlas. In addition, the entire project seeks approval as a Planned Unit Development, which is a conditional use in all zones, including the R-3.*

- (2) Civic Use Types. Buildings must be residential in appearance and maintain the character of the area and must maintain yards as required by Chapter 17.150 CBMC.
  - (c) Community recreation.

## FINDING NO. 12:

*Two community recreational buildings are proposed in the areas zoned R-3 and QR-3. During Life Cycle 1, Grove Commons, located on Tax Lot 900, is planned to provide dining and recreational facilities for the group residential units identified as Unit 2 and the surrounding multiple-family units. In Life Cycle 2 this building will be adapted for use as a community recreation center and banquet facility open to all the development's residents. During Life Cycle 1, Myrtle Lodge, the community facility proposed on Tax Lot 600, will also provide dining hall and recreational services to the residents of that section of the development. During Life Cycle 2 this building will be adapted as the dining and community center for the surrounding Life Cycle 2 "Over 55" portion of the development. Community recreation buildings are a conditional use in the R-3 and QR-3 districts.*

*The Hearings Officer additionally finds that based upon the submitted architectural renderings of the community buildings they are residential in appearance and maintain the character of the area. See the below discussion of "Yards" under section 17.150.*

### **17.45.050 Property Development Requirements.**

The standards of Division III of this title, General Conditions, shall apply to all land and structures in the R-3 zone except as specifically regulated in this section.

#### **(1) Lot Standards.**

- (a) Minimum Area. Minimum lot areas for each building containing multiple-family dwelling units are listed in Table 17.45.050.
- (b) Minimum Width. Each lot shall have a minimum width of 40 feet.

(2) Building Coverage. A maximum of 44 percent of the lot area for single-family and duplex dwelling units may be covered. The maximum lot coverage for multifamily dwellings is found in the sliding scale in Table 17.45.050, under percent of area covered by building.

**Table 17.45.050**

#### **Minimum Lot Area by Number of Units within a Multiple-Family Dwelling**

No. of Units	Total Area	Building Area	Yard Area	Percent of Area Covered by Building
1	5,000	2,200	2,800	44.0
2	7,000	3,080	3,920	44.0
3	6,200	2,790	3,410	45.0
4	7,400	3,404	3,996	46.0
5	8,600	4,042	4,558	47.0
6	9,800	4,704	4,896	48.0
7	11,000	5,500	5,500	50.0
8	12,200	6,100	6,100	50.0

9	13,400	6,700	6,700	50.0
10	14,600	7,300	7,300	50.0
11	15,800	7,900	7,900	50.0
12	17,000	8,500	8,500	50.0
13	18,200	9,100	9,100	50.0
14	19,400	9,700	9,700	50.0
15+	Add 1,200 sq. ft. for every unit over 14			

**FINDING NO. 13:**

*The Hearings Officer finds that Atlas Sheets A-4, A-6, A-7, A-9, A-10 and C-1 demonstrate that lots in the R-3 and QR-3 zone portions of the project are at least 40 feet in width.*

*The Hearings Officer concurs with staff's finding that, on a lot by lot, analysis the proposal does not meet the lot size requirement of this code section. However, by looking at the development as a whole the applicant's proposal does meet the overall density requirements for the entire site. This is allowed per CBMC 17.270.050(3), which states that "the overall density permitted by the underlying zoning district shall govern the density of the development".*

*The Lot Area Compliance Table below shows the minimum lot size for each dwelling type required for a subdivision in Life Cycle One and Life Cycle Two. The Table shows the combined lot sizes for the PUD by housing type as follows:*

**Table 6**

Unit Type	Maximum Total Units on lot	Smallest Proposed Lot Size (in sf)	Minimum Lot Size (in sf)	Deviation Required ?	Total Building Area (in sf)	% of Area Covered by Bldg.	Max. Coverage Allowed	Complies?
1-LC1	4	7,719	12,200	No	2,855	38%	50%	Yes
1-LC2	4	7,719	7,400	No	2,855	38%	50%	Yes
2-LC1	60	291,435	76,400	No	All Units 65,000	22%	50%	Yes
2-LC2	120	291,435	290,600	No	All Units 65,000	22%	50%	Yes
3A-LC1	4	7,440	7,400	No	2,332	31.3%	46%	Yes
3A-LC2	2	7,440	7,000	No	2,332	31.3%	46%	Yes
3B-LC1	4	5,850	7,400	Yes	2,178	37.2%	46%	Yes
3B-LC2	2	5,850	7,000	Yes	2,178	37.2%	46%	Yes
4-LC1	240	325,650	271,200	No	All Units 41,600	12.7%	50%	Yes
4-LC2	120	325,650	290,600	No	All Units 41,600	12.7%	50%	Yes
5A	2	7,000	7,000	No	2,405	34.2%	44%	Yes
5B	2	7,000	7,000	No	2,400	34.2%	44%	Yes

*All except Unit Type 3B conform to the lot size standards. These units are intended to become an "Over 55" community in Life Cycle 2.*

*The proposed Life Cycle 1 fourplexes that are to be converted to duplex buildings are located on lots that are undersized for the base zone. Lots are required to be 7,000 sq. ft. for duplex buildings and 7,400 sq. ft. for fourplexes. CBMC 17.270.050 (planned unit development) allows for an increase in overall density if the applicant satisfactorily demonstrates distinctiveness and excellence in siting or design, or provides specific property development improvements that surpass the ordinary requirements of CBMC. This standard is discussed in greater detail below.*

(3) Building Height. No building or structure shall have a height greater than three stories, not to exceed 35 feet, except as permitted under conditional uses.

**FINDING NO. 14:**

*The Hearings Officer finds that the elevations on Atlas Sheets A-4 to A-12 show that the tallest building proposed will be the three-story Unit 2 buildings at 35 feet height. All proposed building heights comply with applicable standards.*

(4) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes.

**FINDING NO. 15:**

*Although yards and other open spaces are provided as part of this development, the Hearings Officer finds that this criterion imposes no quantitative requirement. No bus shelters are proposed.*

**Chapter 17.135  
BLOCKS**

**17.135.010 Blocks.**

Blocks shall not exceed 600 feet in length, except where the previous block layout adjacent to the proposed development or where topographical conditions justify a variation.

**FINDING NO. 16:**

*The Hearings Officer finds that all public street blocks in the development with the exception of portions of White Fir Drive do not comply with the 600 foot block length. These roads are bisected by a central pedestrian trail system which breaks up each road into pedestrian sections of less than 600 feet. The Applicant sought deviation from this standard given the topographical conditions and the plain language of this provision appears to allow such a request without first seeking a variance. The evidence submitted shows that the slope between White Fir Drive and the driveway serving the Type 2 buildings directly to the north exceeds 20%. The Hearings Officer finds that constructing a connecting road on such a steep slope qualifies as a topographic condition that permits deviation from the block length standards. However, the*

*slope at the mid-point between White Fir Drive to the Sequoia Drive to the south appears to be at an approximate 2% slope. Constructing a connecting road here to break up the block length does not appear difficult and, in fact, the applicant agreed to this request.*

*As a condition of approval the Hearings Officer requires the applicant to meet the criteria found in 17.135.010 (Blocks) on all public blocks except for along the north side of White Fir Drive. No connection between White Fir Drive and the parking lot serving the duplexes directly to the north is required. However, the pedestrian / bicycle connection must be constructed as proposed.*

## **Chapter 17.140**

### **LOTS**

#### **17.140.010 General.**

In general, a lot shall be a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, width, and area.

#### **FINDING NO. 17:**

*The Hearings Officer finds that most parcels of land are of sufficient size to meet minimum zoning requirements for the uses specified. The exception is lots in the southwestern corner of the project that hold fourplexes during Life Cycle 1 and become duplexes during Life Cycle 2. These lots are on parcels that do not meet the minimum zoning requirements for the use. CBMC 17.270.050 (planned unit development) allows for density to be spread around the development as long as the overall density requirements of the site are met. The applicant's proposal does meet the overall density of the site as is shown above under Finding 13.*

#### **17.140.020 Dimensions.**

(1) Residential Lot Size. Lot sizes shall conform to the property development requirements of each district. Corner lots shall be at least five feet more in width than other lots on the same block in order to permit appropriate building setback from the orientation to both streets.

(3) Large Lot Development. In developing tracts into large lots which at some future time are likely to be re-divided or partitioned, the planning commission may require that the blocks shall be of size and shape, be so divided into lots and contain building site restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

#### **FINDING NO. 18:**

*The Hearings Officer finds that all proposed lot sizes conform to the property development requirements of each district for all units. All corner lots are at least 5 feet wider than the interior lots as shown on the tentative plan Atlas Sheet C-1. The applicant is proposing two large lots containing multiple-family buildings. These lots are not intended to be divided further in the*

*future, but instead the building design and site layout work together to create distinct housing communities within the subdivision.*

#### **17.140.030 Street Orientation.**

(1) Lot Lines. All side lot lines shall be at right angles to street lines or radial to curved street lines, unless variation from these requirements is deemed necessary by the planning commission.

#### **FINDING NO. 19:**

*The Hearings Officer finds that most all side lot lines are at right-angles to the proposed streets.*

### **Chapter 17.145**

### **ACCESS MANAGEMENT**

#### **17.145.020 Legal Access.**

All parcels of land shall have access to a public street or alley. Vehicular access shall be provided to all parcels of land from a dedicated public street or alley and lot frontage for residential uses shall be not less than 30 feet in width, unless otherwise provided.

#### **FINDING NO. 20:**

*The Hearings Officer finds that vehicular access shall be provided to all parcels of land from a dedicated street or alley and lot frontages for residential uses shall be not less than 30 feet in width. As a condition of approval the intersection at Lindy Lane and Ocean Boulevard will also be improved to handle the increased volume of traffic associated with the Ocean Grove project.*

#### **17.145.030 Access Permit Required.**

Access to a public street requires an access permit in accordance with the following procedures:

- (1) Permits for access to city streets shall be subject to review and approval by the department of community services based on the standards contained in this title. An access permit may be in the form of a letter to the applicant, attached to a land use decision notice as a condition of approval, or included in the building permit review.
- (2) Permits for access to state highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the city. In that case, the city shall determine whether access is granted based on its adopted standards.
- (3) Approval of proposed developments that require an access permit from North Bend/ODOT shall be contingent upon the city/agency issuing an access permit. The city shall impose a condition of approval that requires the developer to obtain an access permit prior to the issuance of building permits.

(4) The city or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (*i.e.*, for shared driveways), development of a frontage street, installation of traffic control devices, control or reserve strips, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

(5) An access permit is tied to the specific use, not a specific lot/parcel. A new access permit is required for any change in use or expansion of an existing use in order to determine that the access is safe and appropriate for the proposed use based on the standards contained in this title.

#### **FINDING NO. 21:**

*The Hearings Officer finds that the applicant is proposing that the primary access to the development will be through the existing residential street, Lindy Lane, which connects to Ocean Boulevard. All existing properties that are part of this development front on the existing Lindy Lane right-of-way. Permits to access city streets shall be provided in the form of a proposed plan and supporting technical reports (if applicable) and provided subject to review and approval by the Community Development and Public Works Departments. Improvements shall be performed at the Lindy Lane/Ocean Boulevard intersection and the secondary access/Ocean Boulevard intersection. Additionally, as a condition of approval the road diet will be extended along Ocean Boulevard from the existing Road Diet (approximately 700 feet south of Woodland Drive) and continue north along Ocean Boulevard to the Radar Intersection. All improvements shall be in conformance with the conditions set forth in this report, the applicant's Traffic Impact Study (TIS), and supplemental addendums to the TIS.*

#### **17.145.040 Access Options.**

A development shall provide vehicular access according to one of the following methods:

- (1) From a public street or alley abutting the subject lot/parcel.
- (2) From a driveway connected to an adjoining property that has direct access to a public street (*i.e.*, "shared driveway"). An access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the driveway.
- (3) Residential Development on Arterial Streets. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (*e.g.*, includes flag lots and mid-block lanes). An on-site turnaround so vehicles are not required to back out into an arterial street must be provided.
- (4) Number of Access Points. For multiple-family, commercial, industrial, and public/institutional developments, the number of access points shall be minimized to protect



the function, safety and operation of the street(s). Shared access may be required in order to maintain the required access spacing, and minimize the number of access points.

(5) Shared Driveways. The number of driveways onto public streets shall be minimized by the use of shared driveways with adjoining lots/parcels where feasible. When shared driveways for nonresidential uses are required, an internal access driveway shall be stubbed to adjacent developable lots/parcels to allow for future extension and access to the shared driveway.

(6) Joint and Cross Access. New commercial development shall provide cross-access driveways and pedestrian pathways to allow circulation between sites without having to access the adjacent public street. Cross-access driveways shall be improved and stubbed to adjacent developable lots/parcels to create the opportunity for future extension. As a condition of approval, the landowner shall record an access easement to grant reciprocal access to adjacent lots/parcels.

(7) Fire Access and Parking Area Turnarounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turnaround areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.

(8) Reserve Strip. The city may require the developer to establish reserve strips to control access to a street in order to prevent access to abutting property, to assure the proper extension of street patterns, and to assure the orderly development of land lying beyond the street. Control and disposal of the reserve strip shall be placed under the jurisdiction of the city. A reserve strip is a one-foot-wide strip of land contiguous to a road.

**FINDING NO. 22:**

(1) *All lots will take access off of these new streets.*

(2) *Shared access driveways occur only at the large multiple family lots. A cross-access easement will be recorded.*

(3) *No arterial roads will be present within the development, so item 3 does not apply.*

(4) *The multiple-family parking areas have driveway access onto each of the surrounding streets. Where there is more than one driveway accessing the same street, Coas Bay access spacing requirements have been observed.*

(5) *The multiple-family parking areas make use of shared driveways to minimize the number of driveways accessing each street.*

(6) *No commercial development is proposed as part of this project, therefore item 6 does not apply.*

(7) *Parking areas have been designed to provide adequate aisles and circulation to accommodate fire equipment and deliveries. In addition, Fulton Avenue is provided with a temporary turn-around until the adjacent property builds out and constructs the connection.*

(8) *No reserve strips are needed to prevent access to adjacent properties. The development's road system is designed to allow future roads to connect with the project traffic circles and/or intersections. At the time of road dedication, the additional right-of-way needed for these connections will also be dedicated. In this way there are no "stub-outs" to the property edges that could compromise access for the adjoining properties.*

*The applicant objected to staff's proposed condition of approval requiring hammerheads for stubbed roads within the site. The Hearings Officer is inclined to agree that the complete development plan, as shown, does appear to provide sufficient turnarounds for fire equipment access. As far as the Hearings Officer can tell, stubbed streets would only occur as the result of the phased development. In other words, depending on how the phases develop, stubbed streets may result. Therefore, the Hearings Officer finds that hammerheads or some other appropriate turnaround for emergency access is required as the phasing of development occurs. As a condition of approval, emergency access to all buildings within the proposal will need to be shown on final engineering drawings including hammerheads or roundabouts for stubbed roads within the site.*

#### **17.145.050 Access Spacing.**

Street, alley or driveway intersections accessing onto a public street shall be separated from other street, alley, or driveway intersections according to the following (Measurement is made from the inside of curb to inside of curb):

- (1) Arterial Streets. The minimum access spacing between access points shall be 500 feet.
- (2) Collector Streets. The minimum access spacing between access points shall be 300 feet.
- (3) Arterial/Arterial Intersections. The minimum access spacing from the intersection shall be 300 feet.
- (4) Arterial/Collector Intersections. The minimum access spacing from the intersection shall be 300 feet.
- (5) Collector/Collector Intersections. The minimum access spacing from the intersection shall be 150 feet, if practicable, otherwise 100 feet.
- (6) On state highways, ODOT standards supersede city standards.
- (7) Existing undeveloped lots or parcels cannot be denied access. The maximum access spacing possible should be provided.
- (8) In cases where existing development undergoes an expansion, intensification or change of use, existing developed lots/parcels cannot be denied access to a street where there is an

existing access point. The existing access point may be required to relocate in order to comply with access spacing standards or to maximize spacing to the greatest extent possible. A temporary access point may be allowed until an alternate access point, such as a shared driveway, that better meets the standard becomes available.

#### **FINDING NO. 23:**

*As discussed in greater detail in Findings 33 below, the Hearings Officer finds that Grove Lane and Lindy Lane, north of White Fir Drive are Neighborhood Routes in that they serve to connect Ocean Blvd., an arterial with local streets within the subdivision. Although no access spacing requirement is imposed for Neighborhood Routes, the Hearings Officer notes that no residences will access directly onto Grove Lane or the area of Lindy Lane north of Grove Lane.*

## **Chapter 17.150 YARDS**

### **17.150.010 Conventional Requirements.**

(1) Required Yards. All parcels of land shall provide yards as specified in Table 17.150.010, unless otherwise permitted or required by the provisions of each zoning district. These yards shall extend the full width or depth of the lot, and shall be open from ground to sky except as provided under Chapter 17.155 CBMC, Permitted Projections, or under exceptions listed in subsection (2) of this section. The width shall be measured between the property line and the nearest building line, lines, or intersections thereof. One foot shall be added to each required interior side and rear yard for each story or part story above the first story of any building.

(2) Exceptions.

- (a) Front yard setback requirements of this title shall not apply in any residential district where the average depth of front yards of existing dwellings within the same block, within 250 feet from exterior side lot lines of the lot, and fronting on the same street is less than the minimum required front yard. In such cases the front yard requirement on the lot shall not be less than the average existing front yard.
- (b) An accessory building less than 120 square feet may be located within any required side or rear yard up to the property line if it is placed at least 20 feet from the front property line and is not more than eight feet in height at its highest point above grade, and is not a visual obstruction at driveways or intersections. An accessory building less than 120 square feet may be located closer than 20 feet to the front property line and less than 10 feet to a flanking street if it is not more than eight feet in height at its highest point above grade and is not a visual obstruction at driveways or street intersections.

## **FINDING NO. 24:**

*The Hearings Officer finds that all yards of the proposed buildings shall meet all yard standards as stipulated by CBMC 17.150.010. No exceptions or deviations are needed.*

### **17.150.020 Zero Lot Line.**

An alternative to the yard requirements may be permitted upon planning commission approval.

- (1) Pre-application. The applicant shall submit a sketch plan to the department of community services and shall discuss the general proposal with staff before filing for any special development permits.
- (2) Permits Required. New construction or the replacements, additions, or major improvements of existing development shall be subject to site plan and architectural review.
- (3) Standards. The general conditions of the district shall prevail in addition to the special standards listed in this subsection. (See Figure 17.150.020.)
  - (a) The lot(s) contiguous to the zero setback yard must be under the same ownership at the time of initial construction, or the applicant must produce written evidence that the contiguous property owner consents to this type of construction and is willing to enter into the required covenant agreement.
  - (b) The yard setback on the lot contiguous to the zero lot line development must comply with the requirements of the International Building Code.
  - (c) If dwellings are constructed against both side lot lines, access must be provided along the rear lot lines for public pedestrian or vehicular access to the rear yards and for access by protection service vehicles.
  - (d) When two dwellings are built against the same zero lot line, no portion of them shall project over any property line.
  - (e) Property owners of this kind of development and property owners of contiguous property shall sign a covenant agreement with the city which shall be recorded against the lots. The agreement shall provide that:
    - (i) In case of destruction of one or more units, new construction must follow the same concept of construction as previously designed.
    - (ii) Each owner shall carry fire and liability insurance on their portion of the building with the contiguous owner(s) also listed on the policy.
    - (iii) Provisions for the maintenance of the zero lot line wall, the roof and any common facilities are included.
    - (iv) The procedures for the resolution of disputes are specified.

**FINDING NO. 25:**

*The Hearings Officer finds that the applicant owns all properties planned to accommodate zero setback duplex buildings. The duplex properties shall be designed to meet Coos Bay zero setback standards as stipulated by CBMC 17.150.020. Each lot must be served by a single and separate private lateral. No shared laterals will be allowed for duplex buildings. Property owner covenant agreements shall be developed and recorded.*

**Chapter 17.160**

**FENCES AND WALLS**

**17.160.020 Required Fences and Walls.**

A fence or wall shall be constructed along the perimeter of all areas considered by the council and/or commission to be dangerous to the public health and safety. The height of this wall may require a permit.

**FINDING NO. 26:**

*The Hearings Officer finds that no fences or walls shall be constructed along the perimeter of the development, except if needed to provide safety at locations where retaining walls are installed.*

**17.160.030 Permitted Fences and Walls.**

Fences and walls not greater than eight feet in height shall be permitted on or within all property lines which are not within any vision clearance area. For any fence greater than eight feet in height, a setback from the property line of one foot shall be provided for each additional foot or fraction of a foot.

**FINDING NO. 27:**

*The Hearings Officer finds that no fences or walls are proposed for this development. Yards associated with individual lots that face open space areas are to be included as part of a commonly managed open space.*

**Chapter 17.165**

**VISION CLEARANCE AREA**

**17.165.010 Regulations.**

The following regulations shall apply to all intersections of streets, alleys, and private driveways within all residential and professional districts in order to provide adequate visibility for vehicular traffic:

- (1) There shall be no visual obstructions over 36 inches in height within the vision clearance area (see Figure 17.165.010). This requirement shall not apply if:

- (a) The property subject to the vision clearance area is three or more feet above street grade; or
  - (b) The fence or wall will not impair visibility due to its design or material used.
- (2) The vision clearance area at all intersecting and intercepting alleys, streets, or highways shall encompass all land formed by a triangle, one point being the corner of the lot at the intersection and the other two points located a distance of 20 feet from this corner point on the side, front or rear property lines as the case may be.
- (3) The vision clearance area on each side of any private driveway intersecting a street or alley shall encompass all land formed by a triangle, one point located where the side of the lot intersects the street or sidewalk, and the other two points located a distance of 10 feet from this point along the driveway, sidewalk, or street as the case may be.
- (4) If the above requirements do not provide for adequate visibility because of unusual or irregular lots or intersections, the vision clearance area shall be determined by the public works department.

**FINDING NO. 28:**

*No fences are proposed for this project. Planting and landscaping materials can and will be restricted within vision triangles to be no more than 36 inches in height.*

**Chapter 17.170**

**UTILITIES AND PUBLIC FACILITIES**

**17.170.010 General Provisions.**

- (1) Where necessary to permit future development of adjoining land, sanitary sewer and water lines, electrical lines, or other utilities shall be extended to the boundary of the development, as determined by the public works department or other appropriate agencies.

**FINDING NO. 29:**

*Undeveloped property to the west is zoned as R-2 and R-5 and as such, is zoned to accommodate future development. Proposed on-site sanitary sewer, water, electrical lines, and other utilities shall be extended to the boundary of the development and sized in such a manner that will allow for ultimate build out of the adjacent land. All proposed utilities shall be constructed within an improved public right of way or dedicated public easement.*

- (2) Easements for these utilities shall be dedicated wherever necessary. The easements shall be a minimum of 10 feet in width and centered on rear or side lot lines. Easements for water lines are subject to approval by the Coos Bay/North Bend water board.

**FINDING NO. 30:**

*The Hearings Officer disagrees with the applicant's suggestion that the plain language of CMBC 17.170.010(2) provides no basis for city staff to propose a public utility easement in excess of*

*ten feet in width. However, the Hearings Officer agrees with the applicant that the City lacks sufficient evidence to make nexus and rough proportionality findings required by cases like Nollan, Dolan and Koontz, to justify the exaction. The applicant's licensed engineer has submitted testimony that the public facilities will fit within the 10-foot wide easement while maintaining compliance with all laws and regulations in the process. Therefore, the Hearings Officer finds that locating the proposed utilities within an improved public right of way or dedicated easement will be sufficient to ensure compliance.*

*For easement widths that are not related to sewer and/or storm drain, project will be required to coordinate with the appropriate utility/franchise. All water lines and sewer lines shall be separated in accordance with OAR 333-061-0050 provisions and be approved by the Coos Bay-North Bend Water Board. All other utilities shall have a minimum of 18 inches of separation.*

(3) Unless otherwise provided, all utilities such as power lines, telephone lines, television cables, and the like shall be installed in underground conduits of such design as approved by the public works department.

**FINDING NO. 31:**

*The Hearings Officer finds that unless otherwise provided, all utilities such as power lines, telephone lines, television cables, and the like shall be installed in underground conduits of such design as approved by the public works department. Utilities must have 18 inches of separation.*

**Chapter 17.175**

**DRAINAGE FACILITIES**

**17.175.010 General Provisions.**

(1) If any part of a development is traversed by a watercourse, drainage way, channel, or stream, a stormwater easement or drainage right-of-way shall be provided conforming substantially with the lines of the watercourse. Other easements for stormwater drainage shall be provided as required by the public works department or other appropriate agency to a minimum width of 10 feet and centered on rear or side lot lines.

(2) Where necessary to permit future development of adjoining land, stormwater drainage lines shall be extended to the boundary of the development, as determined by the public works department.

**FINDING NO. 32:**

*The Hearings Officer finds that if any part of a development is traversed by a watercourse, drainage way, channel, or stream, a stormwater easement or drainage right-of-way shall be provided conforming substantially to the lines of the watercourse. Minimum easement width for installations of storm drain with depths of cover of 5-feet or less (measured at the top of pipe) is 15 feet. For each additional 5-feet of cover over 5-feet (rounded up), the minimum easement width will be increased by 10-feet.*

*It shall be the sole responsibility of the applicant to coordinate and receive approvals from the appropriate resource agencies prior to commencement of construction. If a deviation from this original SPAR application is required as a result of the resource agency's assessment and coordination, the applicant shall resubmit any changes for approval. This may result in an additional SPAR application.*

*Where necessary to permit future development of adjoining land, stormwater drainage lines shall be extended to the boundary of the development, as determined by the public works department.*

## **Chapter 17.180**

### **TRANSPORTATION STANDARDS**

#### **17.180.010 General.**

(1) The location, width, and grade of streets, sidewalks, and pedestrian and bicycle pathways shall conform to the Coos Bay transportation system plan. Street and pathway location, width, and grade shall be considered in their relation to existing and planned streets and pathways, to topographical conditions, to public convenience and safety, and to proposed use of the land to be served by the streets.

#### **FINDING NO. 33:**

*The location, width, and grade of streets, sidewalks, and pedestrian and bicycle pathways shall conform to the Transportation System Plan, 2004. Staff argued that the TSP required designating White Fir Drive, Grove Lane and the onsite and offsite portions of Lindy Lane north of White Fir Drive as Collector streets. The applicant disputed this assertion arguing that the TSP calls for only a single connection between Ocean Grove and the adjacent subdivision to the west and it should be classified as a Local Street.*

*The Hearings Officer agrees, in part, with both sides on this matter. As for the number of connections required, all parties appear to agree that Figure 3-6 does show a road connection from Ocean Blvd. through the subject property and connecting to the subdivision to the west. Thus, there appears to be one, rather than three, connections to the west required. The Hearings Officer finds that the applicant proposal includes the required connection along Lindy Lane and onto Grove Lane with a connection either along Fulton Avenue or through the roundabout to the west. Another connection is available to the east along White Fir Drive. The TSP explains Figure 3-6 that the "dashed lines...indicate priority connections only." This suggests that other connections may also be required. Although the Hearings Officer agrees that a single connection is required, the Hearings Officer also finds that Figure 3-6 must be considered in context with the medium and high density residential zoning in place on this property along with the proposal to construct 766 units as part of LifeCycle 1, which is a large residential development by any measure. Therefore, the Hearings Officer finds that Figure 3-6 is not the sole means for determining the number street connections required.*



*With regard to identifying the appropriate functional classification for the various connections, the TSP explains the meaning of the dashed lines on Figure 3-6 as “potential connections” but it also goes on to clarify that “specific alignments and design will be better determined upon development review.” TSP, p. 3-11. As such, the Hearings Officer finds that Figure 3-6 does not control determinations as to the functional classification of newly planned connections or their design.*

*Further the Hearings Officer disagrees with the applicant that Functional Class Figure 3-2 in the City’s TSP designates the functional classification for all future roads. Classifying these future roads would be inconsistent with the statement from the TSP quoted above that roadway design is to be “determined upon development review.” The Hearings Officer finds it interesting that the use of dashed lines in Figure 3-2 refers to roads “not yet constructed” suggesting that these are roads that may have already been approved but not built. In any event, the Hearings Officer assumes that the reference to “not yet constructed” was intentional and distinguishable from a future road where its location and the area to be served are not yet known. The Hearings Officer also notes that even though Figure 3-2 does include local streets, none of the future streets identified on Figure 3-6 are included in Figure 3-2, which would be the case if the classification of all future streets was contained within Figure 3-2, as the applicant suggests.*

*Contrary to the applicant’s arguments, the Hearings Officer finds that CBMC 17.180.010(4) refers to roads already in existence and does not suggest that the TSP figures serve as the sole source for designating road classifications in the future. Accepting the applicant’s argument that Figure 3.2 is the sole source for identifying future roadways and classifications would result in no public roadways, local or otherwise, serving property that is zoned to serve medium and high-density residential uses – a nonsensical conclusion.*

*Rather than rely on the Figures in the TSP, which the Hearings Officer finds inconclusive on the question of future road classification, the Hearings Officer focused on the text of the TSP. This text suggests that functional classification and design issues are to be determined at the time of development review based on the extent of the connectivity provided along with the amount of traffic the facility will carry. TSP p. 3-5. A “collector” is characterized as providing a “citywide circulation function” that does not “penetrate residential neighborhoods.” It is difficult for the Hearings Officer to see any argument that Lindy Lane, White Fir Drive or Grove Lane all serve to enhance “citywide circulation” or avoid a neighborhood when serving the neighborhood is exactly the primary purpose for these roads. Instead, the Hearings Officer believes that Grove Lane and the portion of Lindy Lane north of Grove Lane are best characterized as “neighborhood routes.” These roads will serve as connectors between Fulton Road, the residential development to the east, and the arterial Ocean Grove Blvd. These roads will be used primarily by “residents in the area to get into and out of the neighborhood, but are not likely to serve citywide/large area circulation.” The TSP definition of neighborhood route provides that “these roads are typically a quarter mile to a half mile in length,” which is very nearly exactly the length of Grove Lane and Lindy Lane north of White Fir Drive. TSP p. 3-3.*

*None of the figures in the TSP designate roads as neighborhood routes, nor is a recommended cross section provided. The Hearings Officer assumes that the appropriate cross-section is something between the smaller 2-lane cross-section for a collector and the larger 36’*

neighborhood residential street. The Hearings Officer believes that staff tried to strike that balance as well by allowing for reduced width bicycle lanes. Accepting staff's cross-section as a Neighborhood Route, the only difference between staff's proposed design and the applicant's preference for a Local Street designation is the existence of bicycle lanes rather than on-street parking. The Hearings Officer finds very little practical difference between the two and other than concern about the access restrictions, which are resolved by the Neighborhood Route classification, the Hearings Officer heard no other objections to type of improvements. Further, given the applicant's claim that most residents of LifeCycle One will not have vehicles, they are likely to rely on bicycles to get around.

Therefore, although the Hearings Officer finds that only the Grove Lane connection qualifies as a Neighborhood Route, requiring a 36' width and a bicycle lane, the Hearings Officer acknowledges the Applicant's willingness to provide bike lanes to enhance connectivity on White Fir Drive as well. It may be that the applicant decides to create its secondary access point to the east rather than the west of the site. If so, Lindy Lane between White Fir and Grove Lane must also contain a bicycle lane and the additional one foot of sidewalk width.

Therefore, the Hearings Officer requires that the proposed public street for Ocean Grove are as follows:

Street Name	Street Classification	Right of Way Width (feet)	Improvement Widths (feet)		
			Travel Lane	Bicycle Lane	Sidewalk
White Fir Drive	Local Street	50	2 - 12 feet	2 - 6 feet	2 - 5 feet
Grove Lane	Neighborhood Route	50	2 - 12 feet	2 - 6 feet	2 - 5 feet
Lindy Lane – South of White Fir Drive	Local Street	50	2 - 12 feet	2 - 6 feet	2 - 5 feet
Lindy Lane – North of White Fir Drive <sup>1</sup>	Neighborhood Route	50	2 - 12 feet	2 - 6 feet	2 - 5 feet

<sup>1</sup> This Neighborhood Route designation shall apply to Lindy Lane north of Grove Lane in the event that no connection to the east property line is provided. If the connection to the east is provided, Lindy Lane north of White Fir Drive must be a Neighborhood Route.

(2) All streets within or abutting a proposed development shall be designed to handle the amount and kind of traffic generated by the development and shall be improved to the standards contained in this title. All proposed developments must provide paved access from an existing fully improved public street which meets city specifications and is adequate in design to handle the amount and kind of traffic generated by the development. Paved access to private developments may be subject to similar requirements of CBMC 17.200.030(3)(e).

(3) The applicant may be required to dedicate adequate rights-of-way and construct street improvements consistent with functional classification of the adjacent roadway as designated in the Coos Bay transportation system plan.

(4) All state and local roadways within the city of Coos Bay have been classified in the Coos Bay transportation system plan based on their level of importance and function. These classifications serve to identify the applicable standard for individual situations.

**FINDING NO. 34:**

*The Hearings Officer acknowledges that Section 3 of this section requires that equivalent functional classifications connect roads together and that TSP Figure 3-2 does identify a collector street to the west connecting into the Ocean Grove development. Although the Hearings Officer agrees with City staff that this criterion would be sufficient to require a collector through the subject development, designating the connection a Neighborhood Route, with road width and many of the improvements required for a Collector will provide the same connectivity quality that would otherwise result. The Hearings Officer finds that all public roads and street improvements shall comply with the 2004 Transportation System Plan. The Hearings Officer additionally finds that all interior street improvements and ROW's shall be in conformance with CBMC Table 17.180.030 and June 2009 Development Provisions for Public and Private Infrastructure Design Standards.*

**17.180.020 Transportation Impact Study (TIS) Requirements.**

(1) Purpose. Each proposed development that is expected to generate 500 or more daily trip ends shall evaluate the transportation system impacts in a transportation impact study (TIS). Such evaluations shall be prepared by a professional transportation engineer and paid for by the applicant. The TIS shall evaluate the access, circulation and other transportation requirements. The scope of a TIS shall be established by the department of community services to address issues related to a specific development proposal.

(2) Projects that generate less than 500 daily trip ends may also be required to provide traffic analysis when, in the opinion of the department of community services, a capacity problem and/or safety concern is caused and/or is adversely impacted by the development. The department of community services shall determine the scope of this special analysis.

(3) Trip ends shall be defined by the Institute of Transportation Engineers (ITE), Trip Generation Manual, 6th Edition (or subsequent document updates), or trip generation studies of comparable uses prepared by an engineer and approved by the department of community services. "Trip ends" are trips that either begin or end at the proposed land use.

(4) Level of Service (LOS). The level of service standard to determine what is acceptable or unacceptable traffic flow on streets shall be based on a volume-to-capacity ratio. City streets shall maintain a LOS of "D" during the p.m. peak hour of the day. A lesser standard may be accepted for local street intersections or driveway access points that intersect with collector or arterial streets, if alternative signalized access is available and these intersections are found to operate safely.

(5) Mitigation. Where a development causes traffic impacts that bring a road below acceptable levels of service, or impacts a road that is already operating below acceptable levels of service, or impacts a road that has a documented safety problem, the TIS shall identify traffic

impacts attributable to the development and appropriate mitigation measures. The developer may be required to implement mitigation measures as a condition of approval.

(6) Traffic Signals. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and the Manual of Uniform Traffic Control Devices.

**FINDING NO. 35:**

*A Transportation Impact Study (TIS) was submitted for this project. The study was conducted by a registered professional engineer with expertise in transportation to comply with all the above requirements. However there is an assumption in the TIS that a LOS E/F is sufficient for un-signalized intersections if signal warrants aren't met and that this a standard engineering practice. The City's Transportation System Plan references that study intersections cannot operate worse than LOS D and the CBMC (Section 17.180.020) identifies a level of service D standard under their TIS requirements. Therefore, the LOS standard for City un-signalized intersections is D. If impacts are shown at any un-signalized study area intersection as a result of traffic revisions then mitigation is required.*

*The Hearings Officer finds that the applicants submitted Traffic Impact Analysis (TIA) did not provide justification for the assumptions that were made for the Life Cycle 1(LC1) analysis. For instance LC1 trip generations assume that 90% of the workers will be shuttled to the work site and that 10% will drive normally. No justification was provided for how this would be insured and a condition of approval is necessary to ensure compliance.*

*Additionally, it appears that LC1 workers will only be living in this development and that no family members will be joining them. Family members would drive up the number of trips generated. No mention was made in the TIA or applicant's narrative about workers families. The Hearings Officer finds that as these justifications were not provided that all off-site improvements will need to be completed before LC1 is constructed.*

*As a condition of approval the Hearings Officer finds that the following off-site traffic improvements shall be required before the issuance of building permits for LC1.*

<b>Offsite Traffic Improvements for Ocean Grove</b>	
<b>Location</b>	<b>Improvement</b>
Lindy Lane (from Ocean Boulevard to project site)	Improve Lindy Lane to a collector (50' r/w, 2-12' travel lanes, 2-8' bicycle lanes, and 2-6' sidewalks)
Ocean Boulevard at the Lindy Lane Intersection	Right turn lane
Ocean Boulevard at the La Clair Street Intersection	Right turn lane
Ocean Boulevard at the Knife River Driveway Intersection	Right turn lane
Ocean Boulevard	Restriping of 6,500 feet of Ocean Boulevard from a 4 lane road to a 2 lane road with a two way left turn lane with bicycle lanes

### **17.180.030 Standards.**

(1) Dimensions. Street and alley dimensions shall conform with the requirements set forth in Table 17.180.030. The department of community services may modify these requirements to satisfy topographical conditions, public convenience and safety, and the relationship to existing streets.

In addition, the department of community services may modify the requirements set forth in Table 17.180.030 if the landowner can: (a) demonstrate the intent of CBMC 17.180.010(1) through (4) is met; and (b) provide written documentation that the proposed street design is approved by the Coos Bay fire chief. The department may refer the request to the planning commission. Any decision of staff may be appealed to the planning commission in accordance with Chapter 17.305 CBMC.

#### **FINDING NO. 36:**

*The Hearings Examiner finds that public street and alley dimensions shall conform to the requirements set forth in the 2004 TSP and Table 17.180 as modified in Finding 33 above. The department of community development may modify these requirements to satisfy topographical conditions, public convenience and safety, and the relationship to existing streets.*

*As a condition of approval the applicant shall modify any necessary street and alley dimensions to conform to the requirements set forth in the 2004 TSP and Table 17.180 where applicable.*

(2) Variances. Where existing conditions, such as the topography, the size or shape of land parcels, or constraints posed by sensitive lands (*i.e.*, wetlands), make it otherwise impractical to meet these minimum standards, then a variance, pursuant to Chapter 17.350 CBMC, may be granted to accept a narrower right-of-way.

#### **FINDING NO. 37:**

*The Hearings Officer finds that the applicant is not requesting any variances.*

(3) Turn Lanes/Medians. Turn lanes and/or center medians are required on major (five-lane) arterials and optional for secondary (three-lane) arterials.

#### **FINDING NO. 38:**

*The Hearings Officer finds that the applicant is not proposing to construct any new arterials.*

(4) Alignment. As far as practical, all streets other than minor streets shall be in alignment with existing streets by continuations of the centerlines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction and otherwise shall not be less than 100 feet.

**FINDING NO. 39:**

*The Hearings Officer finds that no staggered street alignment is proposed and thus, this criterion does not apply.*

**Table 17.180.030 – Street Standards.**

Type of Street	Minimum Right-of-Way Width	Minimum Paving Width Curb-to-Curb				Sidewalk Curb (b)	Maximum Grade
		Motor Vehicle Travel Lane	Median or Center Turn Lane	On-Street Parking	Bike Lane (a)		
<b>Collector</b>	70'	12'	–	2 @ 8'	2 @ 5 – 6'	2 @ 5'	10%
<b>Local</b>							
Residential	50'	10'	–	2 @ 8'	–	2 @ 5'	16%
Commercial / Industrial (c)	60'	12'	–	2 @ 8'	–	2 @ 5'	16%
<b>Dead End (d)</b>	50'	10'	–	2 @ 8'	–	2 @ 5'	16%
<b>Cul-de-Sac (e)</b>	50'	10'	–	(d)	–	1 @ 5' (f)	16% (d)
<b>Alley</b>							
1-way	20'	12'	–	–	–	–	–
2-way	20'	16'	–	–	–	–	–

- (a) New construction: six feet; reconstruction: five feet.
- (b) Wider sidewalks may be required in commercial areas.
- (c) The minimum right-of-way width includes the option of two six-foot-wide landscape strips for arterials or two four-foot-wide strips for local commercial/industrial.
- (d) A dead end must be less than 400 feet in length and terminate with a circular or hammerhead turnaround with a maximum grade of eight percent.
- (e) No parking is permitted at the end of a cul-de-sac which must have adequate space for emergency equipment turnaround, usually a 45-foot unobstructed radius.
- (f) At the end of the cul-de-sac, a five-foot sidewalk is required along the perimeter adjacent to the development.

**FINDING NO. 40:**

*The Hearings Officer finds that the proposed public streets identified as Grove Lane and the portion of Lindy Lane north of Grove Lane are Neighborhood Routes but they shall conform to the 2004 TSP cross section for a 2-lane collector as modified in Finding 33 above. Although the southern portion of Lindy Lane and White Fir Drive are classified as Local Streets, they shall*

*include the ROW dedication and improvements as set forth in the Applicant's proposal. The interior private streets are being submitted as a PUD and as such can deviate from the 2004 TSP.*

(5) Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case less than 60 degrees unless there is a special intersection design. Streets shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which are not right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 20 feet.

**FINDING NO. 41:**

*The Hearings Officer finds that no arterials have been proposed as a part of this application. Therefore, this criterion does not apply.*

(6) Grades. In flat areas, allowance shall be made for finished street grades having a minimum slope of one-half percent. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing area of at least 20 feet long and averaging five percent grade or less. At intersections, no part of the centerline of one street within 50 feet of the near curbline of the other street shall have a slope above the intersection in excess of six percent or below the intersection in excess of eight percent. The maximum grade of either street within an intersection shall be six percent.

**FINDING NO. 42:**

*The Hearings Officer finds that in flat areas, allowance shall be made for finished street grades having a minimum slope of one-half percent. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing area of at least 20 feet long and averaging five percent grade or less. At intersections, no part of the centerline of one street within 50 feet of the near curbline of the other street shall have a slope above the intersection in excess of six percent or below the intersection in excess of eight percent. The maximum grade of either street within an intersection shall be six percent.*

(7) Curves. Centerline radii of curves shall not be less than 300 feet on five-lane arterials, 200 feet on three-lane arterials, or 100 feet on other streets, and shall be to an even 10 feet, except where topographical conditions justify a variation.

**FINDING NO. 43:**

*The Hearings Officer finds that no arterials have been proposed as a part of this application. The Hearings Officer finds that the following non-arterial have a radii of curve less than 100 feet; Fulton Ave, Chinkapin Ln., Sitka Ln., and Lodge Pole Dr. but the Hearings Officer agrees with staff and that applicant that topographical conditions justify a variation.*

(8) Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets; that is, a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic; double frontage lots with suitable depth, screen planting contained in a non-access reservation strip along the rear or side property line; or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

**FINDING NO. 44:**

*The Hearings Officer finds that no arterial streets are being proposal as a part of this application and the proposed subdivision does not abut Ocean Blvd. This criterion does not apply.*

(9) Alleys. Alleys shall be provided in commercial and industrial districts facilities as approved by the city. The corners of alley intersections shall have a radius of not less than 12 feet. There shall be no dead-end alleys.

**FINDING NO. 45:**

*The Hearings Officer finds that the project is not a commercial or industrial project and therefore no alleys are required or proposed.*

(10) Future Extension of Streets. Streets shall be extended to the boundary of the parcel in order to give access to or permit a satisfactory future development of adjoining land. Resulting dead-end streets may be approved without a turnaround if they are less than 150 feet in length. If longer than 150 feet, then a temporary turnaround (i.e., hammerhead) shall be constructed. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

**FINDING NO. 46:**

*The Hearings Officer finds that the applicant shall extend interior public streets to the boundary of the adjoining parcel. If longer than 150 feet, then a temporary turnaround (i.e., hammerhead) shall be constructed. Reserve strips and street plugs may be required to preserve the objectives of street extensions.*

(11) Street Names. No street name shall be used which will duplicate or be confused with names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the planning commission or department of community services.

**FINDING NO. 47:**

*The Hearings Officer finds that no street names shall be used which will duplicate or be confused with names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the planning commission or department of community services.*



#### **17.180.040 Pedestrian Access and Circulation.**

(1) Pedestrian Pathways. To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family housing and duplexes on individual existing lots, shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards below.

#### **FINDING NO. 48:**

*The Hearings Officer finds that the Street Circulation Plan Atlas C-5 shows a continuous pathway system that will connect all portions of the development and fulfill the requirements stipulated by CBMC 17.180.040.*

(2) Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property. As a condition of approval, the developer shall record an access easement to grant access to adjacent parcels.

#### **FINDING NO. 49:**

*The Hearings Officer finds that the Street Circulation Plan Atlas C-5 as well as the Recreation Plan on A-1 shows a pathway system that extends throughout the development site, and connects to all future phases of development, adjacent trails, public parks and open space areas whenever possible.*

*The applicant shall extend pathways throughout the development and include paths along the periphery that may be connected with pathways on adjacent properties when they are developed. The Hearings Officer acknowledges that phased development may result in a patchwork of disconnected paths until full build-out. In order to obtain as much connectivity as possible, the applicant shall construct the pathways as set out in Atlas A-1 and C-5 located within each development phase, depicted on Atlas A-2. Further, when subsequent phases are built, all of the pathways necessary to connect the existing phases with the new ones shall be constructed. For example, if Phase A is build after Phase F, all of the pathways connecting Phase A to Phase F must be completed to allow for a continuous pathway system throughout the site. A condition of approval shall ensure compliance.*

*As required above, as condition of approval, the developer shall record an access easement along White Fir Drive and Lindy Lane to grant pedestrian access to adjacent parcels for their future development.*

(3) Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following standards:

- (a) Reasonably Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
- (b) Safe and Convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
- (c) For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
- (d) For residential buildings, the “primary entrance” is the front door (*i.e.*, facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling.

**FINDING NO. 50:**

*According to Atlas A-0, the Hearings Officer finds that reasonable pathways are available from all units to the adjacent streets.*

- (4) Connections within Development. Pathways shall connect all building entrances to one another within a development. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

**FINDING NO. 51:**

*According to Atlas A-0, the Hearings Officer finds that all proposed pathways will connect all building entrances to one another within the development. Pathways shall connect all parking areas, storage areas, recreational facilities and common areas. Further, when subsequent phases are built, all of the pathways necessary to connect the existing phases with the new ones shall be constructed and a condition of approval shall ensure compliance. Pathways are stubbed near property lines at appropriate locations for future connection to adjacent properties upon their development.*

- (5) Connections to Public Streets. Pathways shall be provided at or near mid-block where the block length exceeds the length required by Chapter 17.135 CBMC. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:

- (a) Multi-use pathways (*i.e.*, for pedestrians and bicyclists) are no less than 10 feet wide and located within a 20-foot-wide right-of-way or easement that allows access for emergency vehicles;

- (b) If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted;
- (c) Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;
- (d) The city may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
- (e) The city may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (*e.g.*, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of the ordinance codified in this title prohibit the pathway connection.

**FINDING NO. 52:**

*The Hearings Officer finds that pathways are provided near mid-block at all blocks that exceed the length required by Chapter 17.135. They are also provided connecting the Fulton Avenue cul-de-sac to Grove Lane. See Sheet A-0 in the project Atlas. Pathways comply as follows:*

- (a) *10 foot wide multi-use paths are provided as mid-block connections. No easements are necessary as the property for emergency access as all paths are located on the common property of the development. The remainder of the paths are planned as 6 foot wide pedestrian paths.*
- (b) *Only the main multi-use pathways will have low bollard lighting. See, Sheets A-13 and A-14. The remainder of the pedestrian pathways are not planned to be lit to avoid light spill into the rear of residences.*
- (c) *The grade for most of the paths is gentle enough not to require stairs or switchbacks. However due to the steeper grade drop across the Phase F area, it is likely that stairs and/or switchbacks will be necessary in that area.*
- (d) *Pathways/trails along perimeter are expected to be shielded from the adjacent properties by the retention of existing vegetation along the property lines rather than through the installation of fences.*
- (e) *Limited trails are available in the southeast corner of the property due to the steepness of the terrain. Limited trails are anticipated in the northwest corner due to the presence of wetlands and drainage facilities.*

*As a condition of approval the applicant shall conform to Chapter 17.135 CBMC with the provision of any pathways that are constructed within the development.*

(6) Street Lights. Street lights shall be installed at the right-of-way intersection in accordance with city standards as part of the street improvement project or when the sidewalks are constructed. Street lights may also be required at the end of a cul-de-sac.

**FINDING NO. 53:**

*The Hearings Officer finds that Atlas Sheet A-13 presents the light fixtures selected by the applicant to be used throughout the subdivision in order to provide continuity. A street and path lighting plan appears in the record at Atlas Sheet A-14 and indicates lighting at the corners of every intersection. With regard to phased construction, as a condition of approval, street lighting shall be constructed consistent with the corresponding infrastructure section as set out in the Infrastructure Sections Plan. As a condition of approval, a final lighting plan must be submitted for review and approval with the site development application.*

(7) Sidewalks and Planter Strips. Maintenance of sidewalks and planter strips shall be the continuing obligation of the adjacent property owner.

**FINDING NO. 54:**

*The Hearings Officer finds that the maintenance of sidewalks and planter strips shall be the continuing obligation of the adjacent property owner.*

**17.180.050 Improvements.**

(1) Improvement Standards. Public streets within or adjacent to a development shall be improved in accordance with the transportation system plan.

Public streets, alleys and driveways shall be constructed and improved to standards established by the department of community services and the provisions of this title.

Public street and alley improvements shall be subject to acceptance by the department of community services.

**FINDING NO. 55:**

*The Hearings Officer finds that all public streets within or adjacent to the development shall be improved to meet standards as stipulated by the Transportation System Plan, CBMC Table 17.180.030 and June 2009 Development Provisions for Public and Private Infrastructure Design Standards as discussed in greater detail in Findings 33 and 40 above. The Hearings Officer finds that the June 2009 Development Provisions for Public and Private Infrastructure Design standards serve as the "standards established by the department of community services" and thus, they are applicable to this application as standards that were in effect when the application was filed. ORS 227.173. Further, as city staff explains, compliance with these standards are necessary to ensure that public facilities are adequate and can be safely provided. Further, the Hearings Officer finds that the applicant was unable to identify any Design Standards that conflict or would be impractical to construct. Without completing the detailed design now, it is impossible for the Hearings Officer to determine which standards are*

*impractical. However, given that the applicant has not been able to identify any particular standard, the Hearings Officer concludes that compliance with all of the Design Standards is feasible. The Public Works Director has acknowledged some flexibility in allowing deviations from these Standards when safe and appropriate alternative designs are identified. The Hearings Officer believes this is sufficient. Public streets, alleys and driveways shall be constructed and improved to standards established by the department of community services, CBMC Table 17.180.030 and June 2009 Development Provisions for Public and Private Infrastructure Design Standards. Public street and alley improvements shall be subject to acceptance by the department of community services.*

*As a condition of approval all public streets within the proposal shall meet the criteria of the 2004 TSP and June 2009 Development Provisions for Public and Private Infrastructure Design Standards or a deviation from the standards is allowed as determined by the Coos Bay Public Works Director.*

(2) Existing Streets. Whenever existing rights-of-way adjacent to or within a parcel are of less than the minimum width, additional right-of-way shall be provided as part of a land division or development permit.

**FINDING NO. 56:**

*The Hearings Officer finds that Lindy Lane is an existing 50 foot right-of-way which should be sufficient to accommodate roadway improvements identified in Finding 33 above. However, the applicant indicated that final roadway design has not yet been completed and the amount of right-of-way may not extend the full 50-feet. Thus, the applicant shall perform a preliminary analysis to determine the areas in which the road will not be able to meet the standards of a Neighborhood Route, as set out above. From there, the Community Development and Public Works Department shall work with the applicant to allow deviation in the design to accommodate the existing right-of-way. The Hearings Officer encourages the installation of sidewalks, even if at reduced widths, on both sides of Lindy Lane, given the size and intensity of the proposed development.*

(3) Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the parcel, when in conformity with the other requirements of these regulations, and when the planning commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided or developed. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

**FINDING NO. 57:**

*The Hearings Officer finds that half streets are unnecessary for the reasonable development of the parcel.*

(4) Temporary Streets. The city may accept a partial improvement of a local public street that serves a residential district. The partial improvement shall include improvement (an all-

weather travel surface or paving) of the vehicle travel lanes, but may defer other improvements (e.g., paving, parking, curbs, gutters, sidewalks) as long as future guarantees are provided in accordance with subsection (5) of this section. The landowners or the city may consider the formation of a local improvement district at any time pursuant to city ordinance.

**FINDING NO. 58:**

*The Hearings Officer finds that this is not an approval criterion and thus no finding of compliance is necessary.*

(5) Future Guarantees. The city may accept a future improvement guarantee (e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future) which must be filed in the deed records of the county clerk, in lieu of street improvements, unless one or more of the following conditions exist:

- (a) A partial improvement may create a potential safety hazard to motorists or pedestrians;
- (b) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
- (c) The improvement would be in conflict with an adopted capital improvement plan; or
- (d) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

**FINDING NO. 59:**

*The Hearings Officer finds that this is not an approval criterion and thus no finding of compliance is necessary.*

**Chapter 17.185**

**OPEN SPACE**

**17.185.010 Types.**

Open space may be any or a combination of the following:

- (1) Natural areas of undisturbed vegetation or areas replanted with vegetation after construction.
- (2) Natural watercourses or greenways.
- (3) Areas of steep slopes averaging greater than 20 percent.

- (4) Expanses of lawn.
- (5) Community garden plots.
- (6) Yards associated with individual lots only if aggregated into one definable unit.

**FINDING NO. 60:**

*The Hearings Officer finds that the applicant's proposal includes open space of the following types: Natural areas of undisturbed vegetation or areas replanted with vegetation after construction, natural watercourses or greenways, expanses of lawn, and yards associated with individual lots only if aggregated into one definable unit.*

**17.185.020 General Standards.**

- (1) Minimum Area. The minimum area will vary and is specified for each use or type of development elsewhere in this title.
- (2) Restrictions. Open space areas shall not be occupied by buildings, streets, or street rights-of-way.

**FINDING NO. 61:**

*The Hearings Officer finds that the minimum area for recreational areas and/or open space is determined by PUD standards stipulated by CBMC 17.270. CBMC 17.270 requires a minimum of 40% recreational areas and/or open space. The applicant's proposal dedicates 42% of the total area for recreational areas and/or open space, and therefore meets the criteria.*

*As a condition of approval it shall be the sole responsibility of the applicant to coordinate and receive approvals from the appropriate state and federal resource agencies prior to commencement of construction. If a deviation from this original SPAR application is required as a result of the resource agency's assessment and coordination, the applicant shall resubmit any changes for approval. This may result in an additional application(s).*

**Chapter 17.190**

**RECREATIONAL AREA**

**17.190.010 Types.**

Recreational areas may be either or a combination of the following:

- (1) Places of active/passive recreation, *i.e.*, tot lots, ballfields, picnic areas, community buildings, swimming pools, tennis courts, etc.
- (2) Expanses of lawn.

**FINDING NO. 62:**

*The Hearings Officer finds that the recreational areas are a combination of community buildings and expanses of lawns.*

**17.190.020 General Standards.**

- (1) Minimum Area. The minimum area will vary and is specified for each use or type of development below or elsewhere in this title. However, areas designated as recreational shall be contiguous and shall measure at least 30 feet in each direction.
- (2) Overall Finished Grade. The grade of the area calculated for recreational areas shall not exceed 10 percent slope.
- (3) Restrictions. Recreational areas shall not be occupied by non-recreational buildings, streets, street rights-of-way, solar arrays, or wind generation devices.

**FINDING NO. 63:**

*The Hearings Officer finds that the minimum area for recreational areas and/or open space is determined by PUD standards stipulated by CBMC 17.270. CBMC 17.270 requires a minimum of 40% recreational areas and/or open space. The applicant's proposal dedicates 42% of the total area for recreational areas and/or open space. Areas designated as recreational are contiguous and measure at least 30 feet in each direction.*

*The Hearings Officer finds that the grade of the area calculated for recreational areas shall not exceed 10 percent slope. Recreational areas shall not be occupied by non-recreational buildings, streets, street rights-of-way, solar arrays, or wind generation devices.*

**17.190.030 Conventional Subdivision Requirements.**

- (1) Minimum Area. The developer shall dedicate to the city or reserve for the residents of the development land usable for recreational area. This regulation shall apply to developments of at least six acres or greater. The amount of land to be set aside shall be 3,000 square feet for the first six acres and shall be increased 500 square feet for every additional acre in the development. Any fractional acreage greater than one-half shall be counted as a full acre. The recreational area shall have a length-to-width ratio of not greater than 3:1.
- (2) Plan. The plat or partition map shall contain the following:
  - (a) Boundaries of the proposed area.
  - (b) Written explanation of the purpose of the area and a description of any improvements to be made.
  - (c) Description of the manner in which the area will be perpetuated, maintained, and administered.
- (3) Guarantee.



- (a) Recreational areas dedicated to the city must be accepted by the city; or
- (b) The preservation and continued maintenance of property and/or structures 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.

**FINDING NO. 64:**

*The Hearings Officer finds that the conventional subdivision requirements are waived and the applicant shall instead fulfill the requirements stipulated by CBMC 17.270 for a planned unit development. A condition of approval shall require the recording of CC&Rs requiring the preservation and continued maintenance of all property and structures located within open space areas as required by CBMC 17.190.030(3).*

## **Chapter 17.200**

### **OFF-STREET PARKING AND LOADING**

#### **17.200.020 General Provisions.**

- (1) Required parking shall be available for the parking of operable vehicles of residents, customers, and employees. A required loading space shall not be used for any other purpose than the immediate loading or unloading of goods or passengers.
- (2) The off-street parking and loading requirements specified in this title shall be required of any new development or use and shall not be relinquished, reduced, or altered below the requirements established unless equivalent facilities are provided and maintained elsewhere or until the use or occupancy of the building or structure is changed, affecting the computation of the required parking.
- (3) When an existing structure is enlarged by increasing the floor space or by increasing seating capacity, or if the use changes, and any of these changes requires greater amounts of parking, the off-street parking requirements of this chapter for the use, in its entirety, shall be satisfied.
- (4) Off-street parking and loading spaces shall meet all requirements of this title before the building for which they serve is occupied, except as permitted in CBMC 17.200.030(3).
- (5) All parking spaces shall be on the same parcel of land with the main use they serve. However, parking for nonresidential structures or uses may be provided within 300 feet of the main building and in the same general type of district if there is assurance in the form of deed, lease, contract, or other similar document that the site is usable for the required parking for the duration of the use.

**FINDING NO. 65:**

*The Hearings Officer finds that the Life Cycle 1 and Life Cycle 2 Parking Matrixes in the application as Exhibit 2, page 31, detail the required and provided off-street parking for the operable vehicles of residents.*

*The Hearings Officer finds that the off-street parking spaces provided in the applicant's proposal meet the requirements established by CBMC Table 17.200.040. Structure types 3A, 3B, and 4 do not meet the minimum parking requirements during Life Cycle 1, but equivalent facilities are provided and maintained elsewhere on site. The Hearings Officer additionally finds that the applicant is proposing to use the entire site to satisfy the parking requirements of individual uses within the site.*

*The Hearings Officer concludes that all parking spaces are on the same parcel of land with the main use they serve when the entire planned unit development is considered as a single parcel of land.*

*As a condition of approval, the uses that occupy Grove Hall and Myrtle Lodge shall be limited to uses that do not exceed the amount of off-street parking supplied. This requirements shall be incorporated into the CC&Rs for the project.*

**17.200.030 Design Requirements.****(1) Access.**

- (a) All access to individual parking spaces on a nonresidential parcel or lot shall be from a street or alley directly to the parcel or lot itself. Parking spaces in a nonresidential lot and for multiple-family units of four or more shall be arranged so that ingress to or egress from a parking space does not require backing into a public street or over a sidewalk.

**FINDING NO. 66:**

*The Hearings Officer finds that all access to individual parking spaces on a nonresidential parcel or lot shall be from a street or alley directly to the parcel or lot itself. Parking spaces for nonresidential lots and for multiple family units of four or more is arranged so that ingress to and egress from a parking space does not require backing into a public street or over a sidewalk. The Building Type 1 multiple-family residential units are the only 4-unit dwellings that back out directly onto private PUD streets. This may or may not be accurate depending on which streets are deemed public and/or private. Any streets that require backing into a street cannot become dedicated public streets.*

**(2) Dimensions.**

- (a) Residential Uses. A parking space for residential uses shall have a minimum width of nine feet and a minimum length of 18 feet.

- (b) Nonresidential Uses. A parking space for nonresidential uses shall have a minimum width of nine feet and a minimum length of 18 feet not including access driveways and turnarounds sufficient to permit a standard automobile to be parked in and removed from the space without the necessity of moving other vehicles. The recommended dimensions of stalls and aisles are shown in Table 17.200.030.
  - (c) Nonresidential Uses – Compact Car. A compact car space for nonresidential uses shall have a minimum width of eight feet and a minimum length of 16 feet not including access driveways and turnarounds sufficient to permit a compact automobile to be parked in and removed from the space without the necessity of moving other vehicles.
- (3) Surfacing.
- (a) General.
    - (i) All off-street parking spaces, access, maneuvering areas, and driveways shall be graded and paved in accordance with the standards established by the engineering division and shall be maintained in good condition.
    - (ii) If access is gained from an improved street, that portion of the access in the public right-of-way also shall be paved.
    - (iii) Improvements to the parking facilities of residential uses, such as the addition of a carport or garage, shall require compliance with the surfacing requirements of the driveway and maneuvering areas if the dwelling gains access from an improved street. At a minimum, the paved access must be 10 feet in length measured from the curb face.
    - (iv) Exceptions to this requirement are listed in subsection (3)(b) of this section; delays are listed in subsections (3)(c) and (d) of this section.
  - (b) Exceptions. The following parking areas are exempt from the surfacing requirements, but are subject to improvements in subsection (3)(e) of this section:
    - (i) Separate or segregated parking areas for storage of business vehicles and equipment when in excess of the required parking.
    - (ii) Separate or segregated parking areas for employees only when in excess of the required parking.
    - (iii) Separate or segregated areas for the outside display of merchandise. (Example: automotive and equipment sales/rentals and construction sales and service, etc.)

- (c) Delays – Unimproved Rights-of-Way. Off-street parking and loading for residential and nonresidential uses on existing unpaved streets are allowed a delay from the surfacing requirements prior to the issuance of an occupancy permit. However, the property owner must consent and present a recorded deed restriction or covenant which states that remonstrance against any future street improvement project has been waived and that the required paving will be completed within 12 months after the street is improved.
- (d) Delays – Physical Problems. The immediate surfacing of parking areas may be delayed up to one year after the date of occupancy when it is determined by the city building official that soil or climatic conditions or the availability of paving material prevents immediate paving. Soil instability shall be verified in writing by a paving contractor, qualified architect or engineer. The temporary delay shall be granted in writing by the building official. This delay is subject to improvements that may be required in subsection (3)(e) of this section.
- (e) Surfacing – Improvements for Exempt Surfacing.
  - (i) Provide gravel and/or durable, dustless surface.
  - (ii) Pave driveways and aprons to discourage debris from entering the street right-of-way or sidewalk. At a minimum, the paved access must be 20 feet in length measured from the curb face.
  - (iii) When adjacent to public sidewalks, provide a six-inch curb in accordance with standards established by the department of community services.
  - (iv) Provide adequate drainage to dispose of runoff.

**FINDING NO. 67:**

*The Hearings Officer finds that the applicant meets standards for parking lot dimensions as stipulated by CBMC Table 17.200.030. As a condition of approval, the applicant shall be required to meet all surfacing requirements as stipulated by CBMC 17.200.030(3).*

- (4) Signing. Parking stalls shall be clearly marked to the full 18- or 16-foot length and access lanes marked with directional arrows to guide internal movements. Additional signs and markings shall be required if determined by the public works department to be necessary for traffic circulation or safety. Areas used for compact cars shall be clearly marked and handicapped parking spaces shall be designated in accordance with state standards.

**FINDING NO. 68:**

*The Hearings Officer finds that the applicant shall clearly mark parking stalls to the full 18- or 16-foot length and clearly mark access lanes with directional arrows to guide internal movements. Additional signs and markings shall be required if determined by the public works department to be necessary for traffic circulation or safety. Areas used for compact cars shall be clearly marked and handicapped parking spaces shall be designated in accordance with state standards.*

(5) Wheel Stops. Wheel stops shall be placed so that no part of a vehicle extends over public sidewalks or rights-of-way or property lines. Parking areas directly abutting a street where no sidewalk exists shall have wheel stops placed so that at least a five-foot strip of pavement is available for pedestrian access in lieu of the sidewalk.

**FINDING NO. 69:**

*The Hearings Officer finds that wheel stops will be placed as needed to assure at least five feet of any adjacent sidewalk or walkway remains open. Wheel stops shall be placed so that no part of a vehicle extends over public sidewalks or rights-of-way or property lines.*

(6) Drainage. Adequate drainage shall be provided to prevent ponding and to dispose of the runoff from the impervious surface of the parking area. Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow of water onto sidewalks, public rights-of-way, and abutting private property, subject to approval of the public works department.

**FINDING NO. 70:**

*The Hearings Officer finds that the applicant's proposed drainage design and calculations have been provided. It appears that the drainage design has addressed the prevention of ponding and allowed for the disposal of the runoff from the impervious surface of the parking area. It further appears that the design has allowed for provisions for the on-site collection of drainage waters to eliminate sheet flow of water onto sidewalks, public rights-of-way, and abutting private property. The project is proposing several detention basins. However, not all of the detention basins have been designed to detain the 2-25 year storm event. As a condition of approval the project shall be conditioned to detain the 2-25 year storm event at all outfalls and based on the evaluation by the City's Public Works Department, the Hearings Officer concludes that compliance with this detention standard is feasible. The design of the detention basins shall be in accordance with June 2009 Design Standards. Each basin shall incorporate, at a minimum, the following: maintenance access to the basin flow line, regulator controlling the outflow for the required storm events, energy dissipator at outfall, freeboard, and emergency spillway (designed for the 100-year storm event). Additionally, the drainage report did not address the capacity of the rolled curbs. Prior to issuance of permits, the drainage report shall be updated to show that the curbs have the capacity to convey the 10-year storm event and still allow for a 12-foot travel lane that is not inundated with water. Rolled curbs shall be permitted only to the extent that they have capacity to convey the 10-year storm event.*

(7) Landscaping.

- (a) Minimum Area. For all off-street parking and maneuvering areas with 10 or more spaces, a minimum of nine square feet of landscaping shall be provided for each parking space.
- (b) Design Requirements.
  - (i) Landscaping shall consist of elements, each with a minimum area of 25 square feet and a minimum average width of three feet.

- (ii) Landscaping elements must be adjacent to or within the parking lot and shall be spaced no farther than 100 feet apart.
- (iii) Each element must have a major tree with a height of at least 20 feet at maturity and ground cover with a minimum height of one and one-half feet at maturity.

**FINDING NO. 71:**

*The Hearings Officer finds that for all off-street parking and maneuvering areas with 10 or more spaces, a minimum of nine square feet of landscaping will be provided for each parking space.*

*The Hearings Officer finds that Atlas Sheets L-1, L-4, L-6, L-8 and L-9 indicate that the landscaping will consist of elements, each with a minimum area of 25 square feet and a minimum average width of three feet. Landscaping elements must be adjacent to or within the parking lot and shall be spaced no farther than 100 feet apart. Each element will have a major tree with a height of at least 20 feet at maturity and ground cover with a minimum height of one and one-half feet at maturity.*

(8) Lighting. Lighting provided to illuminate parking, sales or display areas shall be hooded and arranged and controlled not to cause a nuisance either to traffic or to the living environment. The amount of light shall be provided according to the standards established by the public works department.

**FINDING NO. 72:**

*The Hearings Officer finds that a lighting plan for the parking lots, nor any light detail specifications were provided. Although the Hearings Officer finds that compliance with this criterion is feasible, as a condition of approval, a final lighting plan must be submitted for review and approval with the site development application.*

**17.200.040 Minimum Off-Street Parking Requirements.**

- (1) General.
  - (a) The amount of off-street parking shall be computed according to the standards of this section and the formulas listed in Table 17.200.040.
  - (b) Off-street parking requirements for a use not specifically mentioned shall be computed at the requirement for the use it most closely resembles at the discretion of the community development department.
  - (c) In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately.

**FINDING NO. 73:**

*The Hearings Officer finds that the amount of off-street parking provided by the applicant's proposal complies with the formulas listed in Table 17.200.040. Although some structure types*

*do not meet the minimum off-street parking requirements during Life Cycle 1, the total amount of proposed off-street parking for the entire development under Life Cycle 1 still exceeds the total off-street parking required by 27 spaces.*

(2) Shared Parking. Parking for two different uses may be shared if the business can demonstrate that the hours of operation do not overlap.

**FINDING NO. 74:**

*The Hearings Officer finds that the two community dining/recreation hall buildings on the site share parking with residences surrounding each building. Although staff expressed some concern that the current levels of proposed off-street parking for the two community buildings would leave the area significantly underserved based upon requirements for this use type in the City's parking standards. The applicant provided additional professional, qualified expert evidence of adequacy and the Hearings Officer finds that this is substantial evidence to determine that the proposed parking is sufficient. In an abundance of caution, the applicant has agreed to limiting its uses within the recreation buildings so as not to create a conflict and the Hearings Officer is amenable to this approach. If the recreation building uses rely on shared parking, the applicant shall demonstrate that the hours of operation will not overlap so as to restrict parking for nearby residential uses.*

(3) Compact Car and Handicapped Parking. A maximum of 25 percent of the required parking may be used for compact car parking. The number of parking spaces for the handicapped shall comply with state law.

**FINDING NO. 75:**

*The Hearings Officer finds that a maximum of 25 percent of the required parking will be used for compact car parking. Handicapped spaces shall be provided to meet or exceed the number required by state law.*

**17.200.060 Bicycle Parking.**

All uses, except for single-family dwellings and duplexes, required to provide off-street vehicle parking shall provide bicycle parking consistent with the standards in Table 17.200.060.

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

**FINDING NO. 76:**

*The Hearings Officer finds bicycle parking will be provided consistent with the standards in CBMC Table 17.200.060. Bicycle parking is provided for Unit Types 1 and 2 within the provided garages, per (Table 17.200.060) footnote 1.*

## **Chapter 17.270**

### **PLANNED UNIT DEVELOPMENT**

#### **17.270.010 General.**

The planned unit development process is established to encourage the development of single 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...

#### **FINDING NO. 77:**

*The Hearings Officer finds that the proposed PUD is compatible with surrounding uses. The Hearings Officer concludes the project includes architectural and design elements that will result in an attractive environment and the Hearings Officer heard no evidence to the contrary. The Hearings Officer concludes that by requiring the applicant to comply with State and Federal regulation as a condition of approval the project preserves and/or enhances on-site wetlands.*

- (1) Achieve a more efficient utilization of land through shared facilities and services, thereby economizing on development costs.

#### **FINDING NO. 78:**

*The Hearings Officer concludes that the project will result in efficient utilization of land by creating development components in Life Cycle 1 that will have permanent project benefits in Life Cycle 2 such as the community buildings and street investments both of which are examples of shared facilities and services that will economize on development costs. The Hearings Officer further concludes that the site has some wetland constraints that limit development potential of some portions of the site and the PUD allows for efficient design around these constraints while still maintaining an appropriate overall level of development under the plan and zoning designations applicable to the site.*

- (2) 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.

#### **FINDING NO. 79:**

*The Hearings Officer finds that the PUD ordinance affords opportunities for design freedoms to allow a desirable mix of building types and shared open space that will result in a superior design to what would have been possible with a conventional lot and block land use pattern.*



*The applicant has made use of this opportunity throughout their proposal through the use of multiple types of residential use and the civic use structures that are being proposed as a part of their proposal.*

- (3) Maximize development potential of building sites constrained by special features such as topography, shape, or size while minimizing the potential for hazardous conditions.

**FINDING NO. 80:**

*The Hearings Officer concludes that the site is laid out to protect wetland features and design around topographic constraints of the site. The Hearings Officer also recognizes that limited development potential exists on adjacent lands on the south portion of the site and consequently the PUD ordinance has maximized the potential of the building site while minimizing the potential for hazardous conditions.*

**17.270.020 Permits Required and Initiation.**

When required, the right to proceed with a planned unit development shall be determined through the conditional use permit process. Development design of the site shall be reviewed through site plan and architectural review. However, depending upon the marketing of the land, this review may be replaced by subdivision or major partitioning procedures. Substantial design changes in approved plans shall be approved under the same procedure. Application for these permits can be initiated by the property owner or authorized representative.

**17.270.040 Application.**

Application requirements are specified under Chapter 17.345 CBMC, Site Plan and Architectural Review, and/or Chapter 17.335 CBMC, Land Division – Partition II and Subdivision.

**FINDING NO. 81:**

*The Hearings Officer finds that the PUD has been initiated by the property owner through their authorized representative. The applicant has also applied for a Site Plan and Architectural Review and Subdivision and Subdivision review applications as a part of this consolidated application.*

**17.270.050 Property Development Requirements.**

- (1) Minimum Area. A planned unit development shall require a minimum gross area of two acres.

**FINDING NO. 82:**

*The Hearings Officer finds that the subject property has approximately 71.9 acres. Therefore the planned unit development minimum area requirements have been met.*

- (2) Permitted Uses. Any uses permitted or conditional in any residential zone of the city may be permitted in the 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.

**FINDING NO. 83:**

*The Hearings Officer concludes that the uses proposed in each area are uses that are permitted or conditional within the respective zones in which they are located and the Applicant has not proposed a project that necessitates the flexibility offered under these provisions.*

(3) Density. The overall density permitted by the underlying zoning district shall govern the density of the development. However, an increase in overall density may be approved if the applicant satisfactorily demonstrates distinctiveness and excellence in siting or design, or provides specific property development improvements that surpass ordinary requirements of this title.

**FINDING NO. 84:**

*The Hearings Officer finds that although the individual lot densities will vary, based on Ex. 1, pgs. 18-19 of the application, the overall density of the project complies with densities contemplated by the underlying zones.*

*The Hearings Officer additionally finds that if any of the lot sizes are changed before final design the applicant must demonstrate that the project meets density requirements found in this title.*

(4) Access and Roads.

(a) There shall be vehicular and pedestrian access to the development from a dedicated and improved street.

**FINDING NO. 85:**

*The Hearings Officer finds that the project proposes to take access at two locations off of Ocean Boulevard which is an improved Arterial Roadway. The project will have access from Lindy Lane. This access shall be improved to Neighborhood Route street standards as stipulated by the 2004 TSP (Figure 3.4) and as discussed in greater detail in Finding 33 above.*

*A secondary access, whose location has not been identified, nor dedicated, will require the creation of a new street (White Fir Drive) and will be constructed within a 50-foot ROW and will connect to the adjacent properties, either to the west or to the east. The on and off-site portions of Lindy Lane, Grove Lane and White Fir Drive will need to be dedicated and built to City standards. A condition of approval will be included in this report stipulating the dedication of easements for this secondary access. The secondary access shall be constructed as part of LC 1 scope of work and before occupancy permits are issued for any buildings on the site.*

(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.

**FINDING NO. 86:**

*The Hearings Officer finds that the project proposal includes both private and public streets. Based upon the details shown on Atlas Sheet C-6 not all of the private streets comply with - the requirements of 17.270.050 (4)(b). For example, the rolled curb on Sitka Ln. from edge of gutter to back of curb (BOC) is 2 feet. The detail for the local 20' residential roadway (sheet C-6) shows a distance of 21 feet from BOC to BOC. This results in a paving width of 17 feet and the standard requires 18 feet. Additionally, information was not provided in the land use application with respect to right of way widths for private streets. The details states that "right of way width varies". Therefore, the right of ways could not be determined for the proposed private streets.*

*The proposed private streets are Willow Road, Sitka Lane, Chickapin Lane, Lodgepole Drive, Wax Myrtle Drive, Incense Lane, Magnolia Drive, Fulton Ave. and Sequoia Drive. As a condition of approval the applicant shall demonstrate compliance with the criteria found in 17.270.050 (4)(b) (Private street Paving Standards).*

- (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.

**FINDING NO. 87:**

*The Hearings Officer finds that the applicant proposes to have fire sprinklers within all buildings with more than two dwelling units. Additionally, a condition of approval requires that the applicant obtain a letter from the Coos Bay Fire Chief stipulating that on-site fire protection*

*facilities are proposed to be provided in accordance with City of Coos Bay current regulations for such developments.*

*The Hearings Officer further concludes that based upon Exhibit 1, page 30, Exhibit 2, page 24 & Atlas A-13 of the applicant's proposal, all street lighting can feasibly and will be provided at the specified illumination rates. The applicant shall submit a final lighting plan as a condition of approval and install street lights throughout the project that meet Coos Bay light level standards for residential streets as determined by the Public Works Department.*

(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.

**FINDING NO. 88:**

*The Hearings Officer concludes that, based upon the plan depicted on Atlas Page A-1, the total gross area of recreational areas and open space are larger than 3,000 square feet in each instance and in total constitute more than 42% percent of the site as is shown in the applicant's proposal. The boundaries of the recreation areas and open space are depicted on the plan and that the applicant has adequately explained the purpose and description of improvements to be made to the recreational areas and open space. The applicant shall record appropriate CC&Rs to assure the recreational areas and open space will be perpetuated, maintained and administered and a condition of approval described in greater detail below shall ensure that result.*

- (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 public works and development department before occupancy of any dwelling.

**FINDING NO. 89:**

*The Hearings Officer acknowledges that the application describes a process to develop appropriate CC&Rs to assure the recreational areas and open space will be perpetuated, maintained and administered and Applicant can feasibly and will provide these documents to the City prior to occupancy of any dwelling. This document will also include the inspection and*

*maintenance, into perpetuity, for all of the detention ponds that the project is proposing. The agreement will cover all aspects of the ponds including but not limited to the pond itself, maintenance road, spillway, riser, outfall, etc. A condition of approval shall be that the applicant shall file the necessary legal documents associated with the CC&R's listed in Finding #89 with the public works and development department before occupancy of any dwelling.*

(7) Off-Street Parking and Loading. The provisions of Chapter 17.200 CBMC shall apply.

**FINDING NO. 90:**

*The applicant states that the project can feasibly and will comply with all off-street parking and loading requirements during Life Cycle 2. The City further concludes that a near-term deviation allowed under the PUD ordinance provisions is appropriate for Life Cycle 1 because the nature of that use is expected to be served by shuttles for construction workers and parking demand is expected to be significantly less than the demand for standard multiple family residential and because the actual dwelling unit types are such that parking demands for studios and group residential units are unlikely to exceed one car per dwelling unit.*

*The Hearings Officer concludes that the applicant proposes a deviation from off-street parking and loading requirements for Life Cycle 1 under 17.270 (planned unit development) requirements. CBMC 17.270.050(7) does not allow for variations to off-street and loading requirements however, the general purpose statement of the PUD code 17.270.010 allows for deviation from specific site standards as being allowable as long as the general purposes are achieved. The Hearings Officer agrees with the applicant's conclusion. However, a condition of approval shall require the operation of shuttles to and from the jobsite.*

(8) Signs. The provisions of Chapter 17.230 CBMC shall apply.

**FINDING NO. 91:**

*The Hearings Officer finds that the applicant has not applied for any signage as a part of this application. A condition of approval shall be that the applicant must submit an application for any proposed future sign as a part of this development.*

**17.270.060 Fees.**

(1) Site plan and architectural review or plat filing fee.

(2) Plan Check Fee. As part of the site plan or plat review, the construction plans and specifications shall be submitted for review. At this time the applicant shall pay a plan check fee established and set by resolution of the city council. If these plans must be corrected and then rechecked, the applicant shall also pay any additional actual costs incurred.

(3) Inspection Fee. The fee for the city's ongoing inspection of street and utility improvements shall be established by resolution of the city council. This fee shall be advanced by the applicant prior to the issuance of any construction permit. Additional inspection costs incurred by the city exceeding the initial cash advance established by resolution shall be based

upon actual costs and shall be paid before the city formally accepts the public improvements. Any portion of the cash advance not expended shall be refunded to the applicant after staff determines inspection is complete. The estimate of the cost of the required improvements will not be negotiable; a substantial difference of opinion may be submitted to the city council for review.

(4) Bond, Cash, or Security Deposit for Public Improvements. A surety or performance bond, cash, or negotiable security deposit approved by the council shall be filed for the public improvements in the amount established by resolution of the city council. The deposit or bond shall be paid prior to the issuance of any permits by the city. Terms of the bond or deposit are discussed further in CBMC 17.270.070(3). The estimate of the cost of the required improvements will not be negotiable; a substantial difference of opinion may be submitted to the city council for final determination.

#### **17.270.070 Requirements For Improvements.**

(1) Construction Plans and Specifications. As part of the site plan or plat review, the applicant shall submit to the public works and development department construction plans, profiles, and cross-section drawings, and specifications for the required utilities and streets, accompanied by a plan check fee. These plans will be reviewed, and the applicant will be notified in writing of compliance with city requirements or of any necessary modifications. The final drawings and specifications shall be permanently filed with the department.

A copy of water system plans shall be submitted to public works by the applicant.

(2) Contract for Improvements. Within 48 months of approval of site plan or plat review and of the improvement plans and specifications, but prior to the issuance of any construction permits, the applicant shall be required to enter into an agreement to construct and/or improve facilities to serve the development. Prior to the issuance of any construction permits, the applicant will submit the inspection fee and also post a performance bond, cash, or security deposit guaranteeing the completion of the contracted provisions. All contracted improvements shall be completed within 24 months after the bond or surety is posted. If the applicant is unable to complete the improvements within two years with good cause, a one-year extension may be granted by the public works and development department. Further extensions must be approved by the planning commission.

(3) Bond and/or Surety, Cash or Security Deposit Provisions. The assurances for completion of improvements shall be filed with the city recorder in the nonnegotiable amount established by resolution of the city council. The bond or deposit shall:

- (a) Name the city as obligee.
- (b) Be in a form approved by the city attorney.
- (c) Be conditioned upon the final approval and acceptance of the development.
- (d) Provide full warranty for the improvements for a minimum of two years from the date of final acceptance by the city.

- (e) Be forfeited to the city if the applicant does not complete the requirements within the agreed-upon time limit, or if the applicant has created a hazard causing imminent danger to the public health and safety within or adjacent to the development which the developer fails to correct.
  - (f) Cover any costs, attorneys' fees, and liquidated damages resulting from delay or failure to meet the deadline.
- (4) Construction. Construction of improvements may begin in accordance with the agreement. During this phase of development, the applicant shall be required to prepare record drawings of all improvements. Special attention shall be given to underground utilities.
- (5) Acceptance of Improvements. Upon completion of the improvements, the applicant shall submit record drawings to the public works and development department of the street and sanitary/storm sewer plan profiles.

**17.270.080 Filing.**

An original or exact copy of the plan of the development shall be filed within seven days of the commission approval with the public works and development department. The staff shall indicate acceptance of the map and shall keep and maintain it as a permanent record.

**FINDING NO. 92:**

*The Hearings Officer finds that the applicant has complied with 17.270.070 up to this date. Additional application review fees may be required by the City as costs are incurred and a condition of approval requiring inspection during the construction phase, although not necessary, is included as a reminder to the applicant and the city as construction proceeds. As a condition of approval, no permits shall be issued for this project on the site until all review fees have been paid by the applicant.*

*Generally, the Hearings Officer finds that 17.270.070 requires the installation of all improvements, both on and off-site, or the posting of adequate security to ensure that improvements necessary to support the use are in place. As discussed in greater detail in Finding 92, this project is phased and these provisions are silent on how to require the necessary infrastructure to serve the various phases in an efficient way that allows for connectivity within the site as well as to adjacent properties, as appropriate. The Hearings Officer believes that requiring improvements concurrent with the various segments will ensure necessary infrastructure is in place to support development. The Hearings Officer further finds that with respect to off-site improvements, such as transportation, the evidence of impacts was not phased making it impossible for the Hearings Officer to determine at what intensity these off-site impacts are triggered. With regard to the sanitary sewer system, all parties appear to agree that the existing system is inadequate to support any development. Therefore, the Hearings Officer concludes that, with the exception of Lindy Lane, which may be bonded, all off-site improvements are necessary to support the initial phase of development and must be constructed prior to occupancy.*

*With respect to on-site improvements, each contract for improvements as authorized by 17.270.070, shall be specific to the improvements identified within the phase(s) in Finding 92 proposed for development. A bond or surety shall, in an amount agreed upon by the Coos Bay Public Works Department and in accordance with the provisions of this chapter, be submitted to the city before the issuance of building permits. All off-site improvements shall not be bonded as authorized by 17.270.070 but shall be completed prior to the issuance of occupancy permits.*

## **Chapter 17.335**

### **LAND DIVISION – PARTITION II AND SUBDIVISION**

#### **17.335.010 General.**

(1) The following general rules, guidelines and specific requirements, where applicable, shall govern the development of all partition II and subdivisions. The goals of these regulations are to:

- (a) Provide for a uniform process for partition II and subdivisions.
- (b) Ensure the appropriate size of building lots within the density requirements of the district.
- (c) Ensure economical, efficient, and safe circulation systems for vehicles and pedestrians.
- (d) Provide for the orderly extension of public facilities and services, such as water, drainage, sewerage, and streets.
- (e) Assure the health, safety, and welfare of the general public.

#### **FINDING NO. 93:**

*The Hearings Officer finds that the requirements of CBMC 17.335 do assure a uniform process for subdivisions. The Hearings Officer concludes the subdivision process in conjunction with the PUD ordinance ensure an appropriate size for all proposed building lots within the density requirements of the applicable districts. The Hearings Officer concludes the project included a traffic impact analysis and includes a connected network of streets for both vehicles and pedestrians. The Hearings Officer finds that the application indicates that public facilities and services have been considered and can feasibly be extended in an orderly fashion as part of the final platting process. With respect to health, safety and welfare of the general public, the Hearings Officer concludes that the proposed land division serves the land ownership structure of the development but the ownership has less to do with the health safety and welfare of the general public than the nature and design of the project itself. To this end, the Hearings Officer concludes that the project as a whole can be reasonably expected to support the health, safety and welfare of the general public by providing quality multiple-family development within the City limits consistent with the Comprehensive Plan Map for the area and that the proposed land division will result in a reasonable and appropriate land ownership configuration to underlie the physical development.*



(2) An application for a Partition II and Subdivision shall be made in either of the following circumstances:

- (a) The division includes the creation of a public dedicated street; or
- (b) There are more than three lots that will be created from the parent parcel.

**FINDING NO. 94:**

*The Hearings Officer finds that the application for subdivision has been made as the project proposes to create dedicated public streets and also to create 160 new lots from the parent parcels.*

**17.335.050 Preliminary Plat or Major Partition Map.**

(1) Application – Preliminary Plat or Map. At least 45 days prior to the planning commission meeting, an application for a preliminary plat or map shall be filed with the public works and development department, and shall include one mylar and 14 copies of maps and written information as listed below. (Platting and mapping standards are specified in CBMC 17.335.070.)

- (a) Base Map. A base map drawn at a scale of one inch equals 50 feet, unless otherwise approved by staff, containing the following information. If a different scale is necessary for the boundary survey map, a separate map may be submitted per county requirements:
  - (i) Map Data. Property boundaries, lot or parcel area in acres or square feet, north point, scale and date, name of owner or authorized person, engineer or surveyor preparing the maps, subdivision name(s).
  - (ii) Topography. All existing natural features including contour lines, tree groupings, low or swampy areas, streams, wetlands, or geological features, temporary bench mark based on mean sea level.
  - (iii) Existing rights-of-way and improvements within.
  - (iv) Utilities. Existing utilities and public facilities.
  - (v) Structures. Existing structures.

**FINDING NO. 95:**

*The Hearings Officer finds that the applicant submitted all required materials to satisfy the requirements of this code and to base a decision*

- (b) Tentative Plan. This map shall show the following additional information proposed for the development:

- (i) Lots. Proposed lot or parcel lines, lot or parcel dimensions, proposed lot and block numbers or metes and bounds description, street dimensions, dimension and purpose of easements, street names, and development name(s).
- (ii) Grades. Proposed finished grades of the property and streets showing all cut and fill areas, general slope of the property, location of the proposed retaining walls or slope protection, and proposed storm drainage systems or drainage ways.
- (iii) Utilities. Locations, grade, and size of proposed utilities, including streets, water, and sewer, fire hydrants, storm drains, electricity and communication lines. Proposed service and utility structures and their intended use, and other impervious surfaces other than streets. All facilities shall be considered in their relation to existing and planned facilities, topographical conditions, public convenience and safety, and proposed use of the land.
- (iv) Structures. Existing structures to remain.
- (v) Hazards. Location of hazard areas, showing areas within the 100-year floodplain, landslide potential, wetlands, sinkholes, or other hazards. (Note: A full geological report may be required by the building official or planning commission.)
- (vi) Open Space. Location and area of the proposed development, open space, setbacks where applicable, buffers, screens, recreation facilities, or required landscaped areas.

**FINDING NO. 96:**

*The Hearings Officer finds that the preliminary plat submitted includes the above listed components and complies with Section 17.355.050(1)b. However, the Hearings Officer understands that there are proposed detention ponds that do not meet the detention requirements. Furthermore, the plan currently shows a sewer section aligned under a detention basin. As a condition of approval the applicant shall meet sizing criteria for detention ponds.*

- (c) Written Information.
  - (i) Name. The name of the proposed development, not duplicating the name of any other similar development within the county.
  - (ii) Title Report. Indicating any taxes or assessments as a lien against the property, and ownerships of the property of proposed development and of adjacent property within 250 feet of the proposed development.
  - (iii) Ownerships. Description of ownership arrangement of commonly owned or commonly used property (e.g., organization bylaws, covenants or deed restrictions).

- (iv) Geological Report. For slopes greater than 2:1 or where the building official or planning commission specifies a site-specific geological investigation report. This report shall be prepared by a licensed engineering geologist, soils engineer, or other qualified expert, who must carry errors and omissions insurance. Verification of the insurance must be submitted with the report. The report shall indicate the feasibility of any proposed structures, cuts of fills, recommended storm drains both on and off the site, erosion control measures and slope stabilization devices, and trees or other stabilizing vegetation to be retained.
- (v) Phasing. A statement describing and explaining the rationale for the phasing of construction, sales of lots or units, and the placement of utilities and construction of streets.

**FINDING NO. 97:**

*The Hearings Officer finds that the required components of this section can be found in Exhibit 1 in the applicant's submittal. Additionally, Sheet A-2 in the Applicant's Atlas shows proposed phasing for project. Phases may be constructed in any order and be dependent upon market demand for the different types of units. As phases are constructed, streets providing access will be constructed and utilities extended simultaneously as shown in the applicant's infrastructure sections plan and the following table:*

<b>Phase</b>	<b>Identified Required Infrastructure Segments as Illustrated in the Sections Plan</b>
A	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14, 15, 17, 21, portion of 24 connecting Wax Myrtle Drive to Lodgepole Drive, 25, 26
B	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14, 15, 17, 19, 20, 21, 24, 26
C	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14
D	1, 2, 3, 4, 6, 7, 9, 10, 11, 13
E	1, 2, 4, 8, 11, and 13
F	1, 2, 3, 4, 8, 11 and 13
G	1, 2, 3, 4, 6, 11 and 13
H	1, 2, 3, 4, 6, 8, 9, 10, 11, 13,
I	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14, 15, 16
J	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14, 15, 17, 18, 19
K	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14, 15, 17, 19, 20, 21, 22
L	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14, 15, 17, 19, 20, 21, 24, 26

*The provision for secondary access is guaranteed by requiring construction of either infrastructure segments 11 and 13 as part of the first phase of development wherever it may occur on the site. Utilities will be stubbed out as needed to provide easy access for construction of the adjacent phase. A condition of approval will ensure compliance. Any systems that are proposed to be capped shall be done so in conformance with Public Works requirements. Caps shall be sufficiently tight to prevent the escape of wastewater or the infiltration of ground water or stormwater into the wastewater system. All caps shall be approved and inspected by Public works.*

(6) Planning Commission Recommendation – Preliminary Plat or Map. The commission will review the preliminary plat or map and written material supplied by the applicant, staff and other agencies and may recommend approval, conditional approval, or denial of the application. The commission shall adopt findings of fact which substantiate the following conclusions:

- (a) Development of any remainder of property under the same ownership can be accomplished in accordance with this title.

**FINDING NO. 98:**

*The Hearings Officer reviewed this application in place of the Planning Commission with a recommendation for adoption by the City Council for final approval. The Hearings Officer finds that the entire ownership is planned to be developed.*

- (b) Adjoining land can be developed or is provided with public access that will allow its development in accordance with this title and state statute.

**FINDING NO. 99:**

*The Hearings Officer finds that the applicant shall convey access easements necessary to allow for public access for adjoining lands.*

- (c) The plan complies with the requirements for its submittal, and with the policies and objectives of the comprehensive plan and other city ordinances.

**FINDING NO. 100:**

*The Hearings Officer incorporates and adopts the demonstration of compliance with applicable standards within the city's ordinances as set forth in this Order, the staff report and the application except for those standards where a deviation has specifically been requested through the PUD ordinance.*

*With respect to policies and objectives of the Comprehensive Plan, the Hearings Officer finds that neither the staff report, nor the application addresses any of the comprehensive plan goals or policies in particular. This may be because the Comprehensive Plan appears to primarily summarize existing conditions within the City and does not include any objectives for future growth that would serve to guide particular individual development projects. In any event, no party in this proceeding raised objections relating to particular plan policies, however, some of the testimony could relate to various policies and as such, the Hearings Officer addresses a few of them here.*

*For example, the Hearings Officer heard concerns about impacts the development would have with wildlife, particularly impacts to deer. With regard to the Physical Environment, Chapter 3, Section 3.6 Flora and Fauna states that the "general area provides a wide range of upland and marine habitats." Chapter 7 of the Plan entitled "Identification of Problems, Planning Issues, Goals, and Plan Implementation Strategies" does appear to contain some goals and strategies*

that are more forward looking. However, the only references to wildlife in the "Natural Resources," Section 7.1 refers to wildlife protection as a component of protecting riparian vegetation as a means of flood control and encouraging the City to work with other state and federal agencies to protect habitat "not to prohibit development" but to allow development that takes into account the carry capacity of the land. NRH 8 & 9. The Hearings Officer finds that this is nothing more than a recitation of existing conditions and imposes no mandatory obligations. Other than noting the existence of wildlife throughout the city, the plan does not appear to identify any particular resources or habitat areas that are subject to additional protections. The Hearings Officer finds that the Section 7 references to wildlife in terms of providing flood protection is not applicable to this proposal. Therefore, lacking any regulatory restriction, the Hearings Officer finds that to the extent that Section 3.6 and Section 7.1, NRH 8 & 9 of the plan apply, they are satisfied.

The Comprehensive Plan Section 5.2 notes that Coos Bay "lacks and adequate supply of workforce housing." To the extent that the LifeCycle One housing will serve workers for the Jordan Cove project, this development could be viewed as providing additional workforce housing. A related issue, Goals and Strategies, Section 7.2, Strategies EC.4 through EC.7 encourage the development of undeveloped parcels within the city for residential development, particularly multi-family housing. See also the Housing goals and policies, Section 7.6, 3.1.

The Hearings Officer heard testimony about the significant number of construction jobs created by this proposal and notes that these tradesmen and construction workers, as well as the development's future residents will rely on and, in turn, strengthen existing Coos Bay businesses. See Section 7.5, Economic Development, Goal #4.

Based on the foregoing, the Hearings Officer concludes that although most of the plan serves as either an inventory of existing conditions or as mandatory obligations for the City, small portions of Chapter 7 of the Comprehensive Plan may contains policies or objectives that are intended to function as approval criteria for the subject application and concludes that the applicable plan policies in Chapter 7 are met.

The planning commission may recommend conditional approval if there are deficiencies or other circumstances associated with the proposal. These substantive conditions shall be stated in terms that are specific and measurable so that the applicant is fully aware of the intent and justification of the condition and how and when implementation is to be accomplished. Conditions which the commission may recommend would be similar to those permissible under a conditional use permit.

**FINDING NO. 101:**

*The Hearing Officer's decision is subject to conditions of approval set forth at the end of this Order.*

(7) City Council Decision – Preliminary Plat or Map. The recommendation of the planning commission shall be forwarded to the city council as soon as possible but within 60 days of the hearing. Final decision by the city council is based upon recommendations by the planning

commission, the record and evidence presented at the time of the public hearing. The council may affirm, modify, or reverse the recommendation of the commission, but shall adopt findings to support the required conclusions per subsection (6) of this section.

**FINDING NO. 102:**

*The Hearing Officer finds that this is not an approval criterion and thus, no finding of compliance is required.*

**17.335.060 Public Improvements and Monumentation.**

No site preparation work may take place until all public improvement agreements have been executed, except as may be permitted in writing by the public works and development director.

(1) Required Public Improvements. The applicant shall be required to construct or to provide the following improvements according to the specifications of the public works and development department and to other regulations of this title:

- (a) Streets.
- (b) Sidewalks along collector and arterial streets as referenced in the comprehensive plan or as may be modified by the public works and development department.
- (c) Sanitary sewers and facilities.
- (d) Surface drainage control.
- (e) Water lines and facilities.
- (f) Fire hydrants.
- (g) Street lighting.
- (h) Underground public, private, or franchised utilities.
- (i) Street and traffic control signs and barricades as required.
- (j) Other items required by the commission, council, or public works and development department as a condition of development approval.

**FINDING NO. 103:**

*The Hearings Officer finds that no site preparation work may take place until all public improvement agreements have been executed, except as may be permitted in writing by the public works and development director as outlined in 17.335.060.*

*The applicant has proposed the construction of a new sewer line consistent with its March 4, 2014 report titled, "Ocean Grove Sanitary Sewer Alternative Analysis", prepared by Stutzner Engineering. Both the applicant's engineer as well as the Public Works Director have determined that this proposal is feasible and will be adequate to serve the development subject to the conditions of approval set forth below.*

(2) Optional Public Improvements. Other public improvements may be appropriate to the development and can be required at the discretion of the planning commission and/or city council as a condition of development approval. Such improvements are:

- (a) Bicycle lanes.
- (b) Pedestrian and/or bicycle paths.

**FINDING NO. 104:**

*The Hearings Officer finds that the applicant is proposing to construct pedestrian paths and trails as evidenced in Atlas A-1. These paths shall provide sufficient connectivity between various phases of development as explained in Finding 51. Although the private roads will not contain sidewalks or bike lines, the Hearings Officer finds that the internal pedestrian pathway and trail system is sufficient. The Hearings Officer also finds that the public collector and neighborhood route streets including Lindy Lane, north of White Fir Drive, White Fir Drive and Grove Lane must include bicycle lanes as set out in Finding 33.*

(3) Construction Plans and Specifications. After approval of the preliminary plat or partition map, the applicant shall submit to the public works and development department construction plans, profile and cross-section drawings, and specifications for the required public utilities and streets, accompanied by a plan check fee. The plans will be reviewed and the applicant will be notified in writing of compliance with city requirements, or of any necessary modifications. The final drawings and specifications shall be permanently filed with the department.

A copy of the water system plans shall be submitted to the public works and development department by the applicant.

**FINDING NO. 105:**

*The Hearings Officer finds that after approval of the preliminary plat map, the applicant shall submit to the public works and development department construction plans, profile and cross-section drawings, and specifications for the required public utilities and streets, accompanied by a plan check fee. The plans will be reviewed and the applicant will be notified in writing of compliance with city requirements, or of any necessary modifications. The plan will also be provided to the Coos Bay North Bend Water Board for their review and approval. The final drawings and specifications shall be permanently filed with the department.*

*A copy of the water system plans shall be submitted to the public works and development department by the applicant.*

(4) Contract for Public Improvements. After approval of the plans and specifications, and within 48 months of preliminary approval, the applicant shall be required to enter into an agreement to construct and/or improve public facilities to serve the development within 24 months. Prior to the issuance of any construction permits, the applicant will submit the inspection fee and also post a performance bond, cash, or security deposit guaranteeing the completion of the contractual provisions. If the applicant is unable to complete the

improvements within the two-year time period with good cause, a one-year extension may be granted by the public works and development department. Further extension must be approved by the council. No other development permits shall be issued until the contract is executed and all fees and bonds paid.

Contract for providing a water system shall be negotiated with the Coos Bay/North Bend water board. A copy of the executed agreement shall be submitted to the public works and development department with the contract.

**FINDING NO. 106:**

*The Hearings Officer finds that this is a continuing obligation and no finding of compliance is required at this early stage. In any event, the developer shall coordinate with the Water Board on the following items:*

- 1. Water distribution system planning and design. This is typical with any development and involves mapping of project area topography with proposed streets and new water main layout; water main sizing (usually dictated by fire flow requirements) and fire hydrant locations (requires input from the CB Fire Dept.); and finally detailed design review. The design review may include development impacts on the existing distribution system as well.*
  - 2. The potential impact of the proposed development on the Pony Creek Watershed. The Watershed is, of course, the primary source of drinking water for the entire community, and any proposed impact must be carefully evaluated. The potential impacts to the drinking water supply are (1) erosion of sediments into Merritt Lake, typically from a major storm event, creating a turbid plume at the intake and, (2) conveyance of other contaminants into Merritt Lake, with or without a major storm event and plume that could affect long term water quality.*
  - 3. Prior to the preparation of final design, the Water Board and developer shall enter into a contract. The developer shall agree to certain conditions and pay costs incurred by the Water Board. Costs will include design review, construction inspection, WB contract administration, some construction work by our crew, service tap fees and system development charges.*
  - 4. All water line and sewer line shall be separated in accordance with OAR 333-061-0050 provisions.*
- (5) Monumentation. The applicant shall set monuments and furnish a map depicting the monumentation of the exterior boundaries of the tract of land and of the right-of-way lines within the subdivision in accordance with ORS 92.060.

When the improvements contract is executed, the applicant for a subdivision plat shall also enter into a contract to complete the interior monumentation within 24 months, and subsequently present a certified post-monumentation plan. Contract extensions will be handled in the same manner as improvement contracts (subsection (4) of this section). This contract shall be secured with a performance bond and/or surety, cash, or security deposit.



(6) Bond and/or Surety, Cash, or Security Deposit Provisions. The assurances for completion of public improvements and/or for proper monumentation shall be filed with the city recorder in the nonnegotiable amount as established by resolution of the city council. The bond or deposit shall:

- (a) Name the city as obligee.
- (b) Be in a form approved by the city attorney.
- (c) Be conditioned upon the final approval and acceptance of the development.
- (d) Provide for full warranty for improvements for a minimum of two years from the date of final acceptance by the city.
- (e) Be forfeited to the city if the applicant does not complete the requirements within the agreed-upon time limit, or if the applicant has created a hazard causing imminent danger to the public health and safety within or adjacent to the development which the developer fails to correct.
- (f) Cover any costs, attorneys' fees, and liquidated damages resulting from delay or failure to meet the deadline.
- (g) Remain in the custody of the city until the obligation is completed or the bond or deposit is forfeited, or shall be placed in an escrow account subject to city control.

(7) Construction. Construction of improvements may begin in accordance with the agreement. During this phase of development, the applicant shall be required to prepare record drawings of all improvements. Special attention shall be given to underground utilities.

#### **17.335.070 Final plat or map.**

(1) Application – Final Plat or Map. A final plat or map, conforming to the approved preliminary plat or map, shall be filed with the public works and development department within 12 months after the improvement contract is executed. The plat or map shall include an exact mylar copy of the plat or map as filed with the county clerk's office and 14 prints of the drawings. The mapping, drafting, and lettering will be done in a neat and legible fashion as determined by staff and will conform with ORS 92.080.

Final plat or map application shall include the information listed below:

- (a) Final Plan. All required information shall be clearly and legibly shown on the plat or map.
  - (i) Map Specifications. Date, north point, legend, topography (bluffs, watercourses, etc.), existing cultural features (highways, railroads, etc.), and scale no less than one inch equals 100 feet unless otherwise approved by staff.
  - (ii) Boundaries. Legal description; dimensions of tract, block, and lot boundary lines or parcel boundary lines.

- (iii) Blocks. Numbered consecutively.
- (iv) Lots. Numbered beginning with one and then consecutively.
- (v) Parcels. Metes and bounds description.
- (vi) Easements. Denoted with fine dotted lines, clearly identified and, if already of record, the recorded reference. If any easement is not recorded, the widths of the easement and the lengths and bearings of the lines and sufficient ties to definitely locate the easement with respect to the development must be shown.

If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

- (vii) Dedications. Land parcels to be dedicated for any public or private purpose to be distinguished from lots intended for sale; may include recreational or open space areas.
- (viii) Street Data. Right-of-way boundaries, widths and centerlines. For rights-of-way on curvatures, dimensions of the delta angle, arc, length, and tangent shall be shown.
- (ix) Survey Data. The length of bearings, delta angles, radii, arcs, points of curvature, and length and bearings of tangents. Bearings shall be to the nearest 10 seconds, except for lot line bearings to the nearest 30 seconds. All distances to the nearest hundredth foot, the error of closure to be one foot in 10,000 feet.

(b) Certificates.

- (i) Dedication Certificate. A certificate signed and acknowledged by all parties having any recorded title interest in the land consenting to the preparation and recording of the plat or map, and/or a certificate signed and acknowledged as above, dedicating all areas of land shown on the final plat and intended for any public use, except those lands which are intended for the exclusive use of the lot owners in the development, their licenses, visitors, tenants, or servants.
- (ii) Surveyors Affidavit. A certificate signed and sealed by the licensed surveyor responsible for the survey and the final plat or map.
- (iii) Post-Monumentation Affidavit. A certificate signed by the public works and development director verifying the monumentation. This certificate will be executed only upon completion of all public improvements.
- (iv) Other. All other certificates now or hereafter required by law.

(c) Supplementary Material Accompanying Plat.

- (i) Plat or Map Preparation. Name and address of owner(s), developer, engineer, or surveyor and land planner or landscape architect.
- (ii) Title Report. A preliminary title report issued by a title insurance company in the name of the owner of the land showing all parties whose consent is necessary and their interest in the premises.
- (iii) Deed Restrictions. Five copies of any deed restrictions applicable to the development.
- (iv) Taxes. Written proof that all taxes and assessments on the tract are paid to date.
- (v) Public Improvements. Written certification from the public works and development department and the water board that either all improvements have been made or that an agreement has been executed.
- (vi) Survey Calculations. Calculations should be properly indexed and should measure eight inches by 11 inches or eight inches by 14 inches. No unnecessary printed, lettered, or written information shall appear on calculation sheets except that which relates to the survey of the development. One set of coordinates shall be used throughout; minus coordinates are not acceptable. Traverse sheets shall contain the following order: point number or lot corner, angle, bearing, horizontal distance, latitude, departure, north coordinate, and east coordinate. Vertical datum benchmark shall be measured from mean sea level. Computed sheets or tapes will be accepted if properly indexed, labeled, and explained.

(2) Application Filing – Final Plat or Map. The final maps and supplemental information shall be presented at least 30 days prior to review by the council.

If the applicant is not prepared to file the final plat or map as required in this section, a preliminary extension of up to six months may be granted by the public works and development department. A request for an extension shall be made in writing and shall include reasons the extension is necessary. Extensions beyond the initial six months shall require the approval of the city council.

If the final material is not presented and there is no request for an extension, the development will be automatically reviewed by the city council. The applicant will be notified to show cause for failure to meet the ordinance provisions.

(3) Staff Review – Final Plat or Map. The final map and other data shall be reviewed by the public works and development department to determine: (a) that the development is substantially the same as approved on the preliminary plat or map, (b) that there has been compliance with provisions of the law and of this title, and (c) that the plat or map is technically correct.

The city will make field checks to verify that the mapping is sufficiently correct and will enter the property without notice for this purpose. If it is determined that there has not been full conformity, the applicant shall be advised in writing of the changes or additions that must be made to bring the plat or map into conformance and an opportunity to make these changes must be given.

#### **17.335.080 Structural Permits.**

Upon filing the final plat or map, building and structural permits may be issued by the public works and development department. The applicant shall be required, however, to present written verification from the public works and development department and from the water board that sewer and water service is available to the subject lot(s). [Ord. 93 § 5.16.8, 1987].

#### **17.335.090 Acceptance of Improvements.**

Approval of the final plat or map shall not constitute an offer by the applicant or acceptance by the city of any public improvements or monumentation. Upon completion of the improvements and post-monumentation (CBMC 17.335.060), the applicant shall submit the following record drawings to the public works and development department:

- (1) One copy of street and sanitary/storm sewer plan profiles.
- (2) One mylar of the certified post-monumentation plan.

Public works and development shall review the material, indicate approval of the post-monumentation by signing the affidavit on the final plat or map, and recommend to the city council that a resolution be passed confirming final acceptance of all public improvements.

#### **FINDING NO. 107:**

*The Hearings Officer finds that the applicable criteria contained in 17.335.060 – 090 are on-going obligations for proceeding to subdivision land as required by the City's land division standards. For these reasons, no additional findings of compliance are required.*

### **Chapter 17.345**

#### **SITE PLAN AND ARCHITECTURAL REVIEW**

##### **17.345.030 Application.**

An applicant for a general or special development permit for a development which is subject to site plan and architectural review shall submit a plan or plans drawn to scale showing the following as applicable:

- (1) Contour lines related to some established bench mark or other datum approved by the public works and development director and having a minimum interval of five feet.
- (2) The location and direction of all watercourses and areas subject to flooding.

- (3) Natural features, such as rock outcroppings, marshes, wooded areas, indicating those to be preserved and/or removed.
- (4) Location of all structures and improvements.
- (5) Property lines of the subject site.
- (6) Location and size of any areas to be conveyed, dedicated, or reserved as common open spaces, recreational areas, and similar uses.
- (7) Existing and proposed vehicular and pedestrian circulation system including bike paths, off-street parking areas, service loading areas, and major points of access to public rights-of-way.
- (8) Location and type of irrigation.
- (9) Existing and proposed utility systems, including sanitary sewer, storm sewer, drainageways, water and fire hydrants.
- (10) General location of and type of trees to be retained on site having a trunk diameter of six inches or more at a point of 24 inches above natural grade.
- (11) Precise location or pattern and spacing of all proposed plant materials by size and common name, acceptable alternatives, expected mature appearance, estimated time of maturity, and the purpose intended to be achieved by the landscaping.
- (12) Other elements and material type used in site treatment such as fences, walls, paving materials, planter boxes, screening, and ground control.
- (13) Architectural drawings or sketches, drawn to scale, showing all elevations and exterior materials of the proposed structures and other improvements and floor plans.
- (14) Proposed exterior lighting showing type, height, and area of illumination.
- (15) Size, location, material, and illumination of signs.
- (16) Time schedule for completion.

**FINDING NO. 108:**

*The Hearings Officer finds that the applicant has submitted the required components of this chapter and complies with section 17.390.010 or performance is guaranteed through the imposition of conditions of approval.*

**17.345.050 Decision.**

No general development permits shall be issued for new construction or major remodeling until the plans have been reviewed and approved by the commission. The site plan and architectural

review process shall be used to establish how, not whether, a development may occur, and shall not affect dwelling unit densities, although conditions may be imposed which are necessary for a development to achieve the minimum requirements of this title. The planning commission may approve, or conditionally approve, the proposed site plan after addressing the following criteria:

- (1) The location, size, shape, height, spatial and visual impacts and arrangements of the uses and structures are compatible with the site and surroundings.

**FINDING NO. 109:**

*The Hearings Officer finds as follows:*

- a) *The project is a multiple-family and group residential project located within an area planned for such development under the comprehensive plan and zoning maps of the City and are therefore compatible.*
- b) *The size of the project is dictated by the size of the parcel(s) and is limited by environmental constraints such as wetlands to be preserved and the need to satisfy the 40 percent open space requirement for the PUD request. Urban residential zoning within Urban Growth Boundaries is properly interpreted to require full utilization of lands available for needed housing and a project that proposes the same is thus compatible by operation of the Comprehensive Plan. The size of individual buildings are typical for multiple-family development and the project proposes to locate the largest buildings and community recreation buildings near the center of the site. This design reduces potential impacts because this portion of the site has less topographic relief and the larger buildings are buffered from surrounding lands with smaller buildings and separated by over 400 feet in all directions. When considered together, the size of the project generally and the individual buildings specifically are compatible with the site and surroundings.*
- c) *With respect to height, all structures meet the height restrictions of the zoning code and are therefore compatible by operation of the zoning code standards themselves and can further be found to be compatible by virtue of the site plan that proposes the tallest buildings near the center of the project to minimize impacts on surrounding lands.*
- d) *With respect to visual impacts, the project design and proposed materials are of a quality that meets or exceeds the quality of development that exists on surrounding lands and is at least as good as or better than other typical multiple-family development found elsewhere in the City of Coos Bay and for this reason the visual impacts are compatible. Moreover, most of the project is located such that visual impact to other residential areas will be minimal because of existing tree stands, topography and physical separation.*
- e) *The arrangement of uses and structures are arrayed to maximize compatibility by locating the most intensive uses and largest structures near the center of the site away from the largest wetlands area on the site.*

(2) The public and private sewerage and water facilities provided by the development are adequate in location, size, design, and timing of construction to serve the residents or establishments. These facilities meet city standards and relevant policies of the comprehensive plan and provide adequate fire protection.

**FINDING NO. 110:**

*The Hearings Officer concludes that the sewer system can be made adequate based on the conditions of approval and the offsite improvements. Therefore, the City concludes that the public and private sewerage to be provided by this development are adequate in location, size, design, and timing of construction to serve residents and establishments intended to occupy the subject property. The Hearings Officer also concludes from the evidence that the facilities to serve this property will be constructed to meet city standards and relevant policies of the comprehensive plan and doing so will ensure appropriate levels of public sanitary sewer service and public water service, including adequate water for fire protection. Pursuant to the CBMC, applicant's engineering plans for sanitary sewer and public water will be reviewed and approved by the Public Works Department and the same will assure that sewer facilities will be designed and provided in a way that meets all municipal standards. Based upon the foregoing findings of fact and conclusions of law, the Hearings Officer concludes that the application is consistent with the requirements of this criterion.*

*The City of Coos Bay does not regulate the water facilities. The applicant must coordinate with the Coos Bay-North Bend Water Board to obtain approvals for all proposed water facilities associated with this project.*

(3) The grading and contouring of the site, and how site surface drainage and/or on-site surface water storage facilities are constructed to ensure that there is no adverse effect on neighboring properties, public right-of-way, or the public storm drainage system; and that the site development work will take place in accordance with city policies and practices.

**FINDING NO. 111:**

*The Hearings Officer finds that the applicant's proposed drainage design and calculations have been provided. It appears that the drainage design has addressed the prevention of ponding and allowed for the disposal of the runoff from the impervious surface of the parking area. It further appears that the design has allowed for the provision of on-site collection of drainage waters to eliminate sheet flow of water onto sidewalks, public rights-of-way, and abutting private property. However the drainage report did not address the capacity of the rolled curbs. Prior to issuance of permits, the drainage report shall be updated to show that the curbs have the capacity to convey the 100-year storm event and still allow for a dry travel lane.*

*The project is proposing several detention basins. However not all of the detention basins have been designed to detain the 2-25 year storm event. Although, based on the Public Works Director's review, the Hearings Officer finds that compliance with this standard is feasible, the project shall be conditioned to detain the 2-25 year storm event at all outfalls. The design of the detention basins shall be in accordance with June 2009 Design Standards. Each basin shall*

*incorporate, at a minimum, the following: maintenance access to the basin flow line, regulator controlling the outflow for the required storm events, energy dissipator at outfall, freeboard, and emergency spillway (designed for the 100-year storm event).*

(4) Based on anticipated vehicular and pedestrian traffic generation, adequate rights-of-way and improvements to streets, pedestrian ways, bikeways, and other ways are provided to promote safety, reduce congestion, and provide emergency equipment access.

**FINDING NO. 112:**

*The Hearings Officer finds the following:*

a) *The City's Level of Service Standards for City streets is LOS D and the project will maintain LOS D under Life Cycle One for all study area intersections in 2028. The traffic analysis indicates that with relatively minor mitigations to the intersections of Lindy Lane and Ocean Boulevard and LaClair Street and Ocean Boulevard the project will meet LOS D in 2028 with the addition of project traffic from full build-out of Life Cycle Two. The Hearings Officer concludes that, with the identified mitigations, the project will promote vehicular safety, reduce congestion and will provide emergency access.*

b) *The Hearings Officer concludes that the project will add at least one sidewalk to Lindy Lane and will add a combination of sidewalks and separated pathways throughout the development that will result in improvements to pedestrian ways in this portion of the City. The City concludes that the pedestrian components will promote safety and reduce congestion.*

c) *The Hearings Officer concludes that bikeways will be improved by the addition of City streets and that the local nature of the streets support shared use of streets between bike and vehicles along the private roadways. The City concludes the bikeway components of the project will promote safety and reduce congestion.*

d) *The Hearings Officer concludes that the project will incorporate a road diet to mitigate for the increase in traffic. The road diet will be approximately 6,500 feet in length and may extend from Radar Rd. to 700 feet south of Woodland Drive. Additional improvements at the Lindy Lane/Ocean Boulevard, LaClair/Ocean, and secondary access/Ocean. These improvements are discussed in the TIS and supporting addendum.*

(5) There are adequate off-street parking and loading facilities provided in a safe, well-designed, and efficient manner.

**FINDING NO. 113:**

*The Hearings Officer finds that the submitted parking informational materials in the Applicant's Exhibit 2 and shows that the project as a whole complies with required parking supplies in both Life Cycle 1 and Life Cycle 2. There are specific structure types that do not meet the CBMC standards for off-street parking under Life Cycle 1. The Hearings Officer concludes that a deviation to the off-street parking standards under Life Cycle 1 is appropriate as proposed and the City concludes this deviation can and is appropriately taken under the City's PUD ordinance.*



(6) Adequate dedication or reservation of real property for public use, as well as for easements and right of entry for construction, maintenance, and future expansion of public facilities are addressed.

**FINDING NO. 114:**

*The Hearings Officer finds that an adequate amount of real property will be dedicated for roads and utilities necessary to serve future residents of this development as required by the conditions of approval set forth below. No other needed public dedications or reservations were identified in the application process.*

(7) The structural design, location, size, and materials used for buildings, walls, fences, berms, traffic islands, median areas, and signs serve their intended purposes.

**FINDING NO. 115:**

*The Hearings Officer finds that the intended purpose of the project in Life Cycle 1 is to serve the needs of construction workers on the Jordan Cove project and to supply typical market rate multiple-family development housing during Life Cycle 2. Utilizing the longer-time frame design requirements of Life Cycle 2 to govern the design will result in enduring improvements that will serve the longer term use of the area. The Hearings Officer concludes that the proposed design has been prepared by qualified professionals so that the structural design, location, size and materials of buildings, walls, fences, berms, traffic islands, median areas and signs will serve their intended purpose and the Hearings Officer correspondingly concludes they will.*

(8) Other property development requirements of the zoning district are satisfied.

**FINDING NO. 116:**

*The Hearings Officer finds that no other property development requirements are necessary.*

**17.345.060 Conditions.**

The planning commission may impose other reasonable conditions deemed to be necessary if it is determined the development may have an impact on the site or surrounding property. 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. These conditions may include but not be limited to those listed in Chapter 17.355 CBMC and below:

(1) Refine the landscaping plan to specify the size, type by common name, and spacing of trees, shrubbery, ground cover, and other plantings and where this landscaping shall occur. Include, as part of the landscaped plan, clearances from specified trees, rocks, water ponds or watercourses, or other natural features. Require that the landscape plan be prepared by a licensed landscape architect, contractor, or nursery proprietor.

- (2) Obtain city engineer's approval of a grading, drainage, erosion control, and ground stabilization plan for the collection and transmission of storm or ground water.
- (3) Establish vehicle and pedestrian access facilities, including sidewalks.
- (4) Limit the height of a building that is proposed to be constructed over 35 feet or increase a building setback up to an additional 20 feet.
- (5) In the case of commercial or industrial development, provide access by a frontage road having limited and controlled access onto an arterial street by means of traffic signals, traffic control islands, or other means that will preserve the traffic-carrying capacity and safety of the arterial street and that will avoid the cumulative effect of individual access points directly onto the arterial street.
- (6) In the case of a development that is not required to provide a frontage road, provide access to a street that intersects an arterial street instead of taking access directly from the arterial street.
- (7) Special studies, investigations, or reports to verify that any aspect of the development will not create hazardous conditions for persons or property, for such impacts as geologic or soils conditions, noise, traffic, or landscaping.
- (8) Modify the design to provide energy conservation and protect solar or wind access.

**FINDING NO. 117:**

*Conditions of approval consistent with these requirements are set forth in the conclusion of this Order.*

**Chapter 17.355  
CONDITIONAL USE**

**17.355.040 Decision.**

A decision to approve or conditionally approve an administrative or quasi-judicial conditional use permit shall be made only after preparing findings or statements of fact which substantiate all of the following criteria:

- (1) The site for the proposed use will satisfy the specific conditions and intent set forth in Division IV of this title, if applicable.

**FINDING NO. 118:**

*The Hearings Officer finds that Planned Unit Developments are listed as a Special Site Development in Division IV of the City's Development Code Title. The Hearings Officer incorporates and adopts the conclusions of law herein above demonstrating satisfaction of the*

*specific conditions and overall intent for Planned Unit Development set forth in CBMC 17.270 in Findings 77 through 92 above.*

(2) The site for the proposed use is adequate in size and shape to satisfy any other property development requirements of the district in which it is located, in addition to any requirements that may be imposed by Division IV of this title.

**FINDING NO. 119:**

*The Hearings Officer concludes that all of the sought deviations relate to specific design objectives rather than the size and shape of the property. The Hearings Officer further concludes that the R-3 areas proposed for duplex lots are adequate in size and shape to accommodate the proposed duplexes (with the zero-lot line configuration allowed under the CBMC so that each dwelling unit can be located on an individual parcel). The Hearings Officer further concludes that the overall density of the project is such that duplexes in the R-3 areas will result in the overall project being a density appropriate for an R-3 zoned property of this size and shape.*

(3) The site for the proposed use is served by streets and highways which are adequate in width, construction, and placement to safely carry the quantity and kind of traffic generated by the proposed use.

**FINDING NO. 120:**

*The Hearings Officer finds that based on the Applicant's transportation report, the primary site access to the project will be from Ocean Boulevard which is a fully improved arterial street which is adequate in width, construction and placement to safely carry the quantity of residential and group residential traffic that will be generated by the proposed development with the following improvements:*

<b>Offsite Traffic Improvements for Ocean Grove</b>	
<i>Location</i>	<i>Improvement</i>
<i>Lindy Lane (from Ocean Boulevard to project site)</i>	<i>Improve Lindy Lane to a collector (50' r/w, 2-12' travel lanes, 2-8' bicycle lanes, and 2-6' sidewalks)</i>
<i>Ocean Boulevard at the Lindy Lane Intersection</i>	<i>Right turn lane</i>
<i>Ocean Boulevard at the La Clair Street Intersection</i>	<i>Right turn lane</i>
<i>Ocean Boulevard at the Knife River Driveway Intersection</i>	<i>Right turn lane</i>
<i>Ocean Boulevard</i>	<i>Restriping of 6,500 feet of Ocean Boulevard from a 4 lane road to a 2 lane road with a two way left turn lane with bicycle lanes</i>

*The Hearings Officer finds that with the recommended improvements that the site for the proposed use is served by streets and highways which are adequate in width, construction, and placement to safely carry the quantity and kind of traffic generated by the proposed use. The Hearings Officer further finds that the nature of these off-site improvements will directly serve and are required to accommodate the impacts from the proposed development.*

- (4) The proposed use will not have an adverse physical effect on the development or use of abutting property.

**FINDING NO. 121:**

*The Hearings Officer finds that the scope of this inquiry is limited to consideration of those components that triggered the conditional use rather than any identified adverse affect. For example, this property is planned and zoned for residential development and the densities proposed as part of that development are consistent with the densities permitted in the zone. Relatedly, the Hearings Officer also finds that this criterion is appropriately applied as a relative criterion in comparison to uses not classified as conditional; for example, all multiple-family development requires lighting under the CBMC and therefore any lighting effect under this conditional use permit criterion must not be adverse when compared to lighting effects that would otherwise occur through standard application of the CBMC for development that is outright permitted. Therefore, the impacts from residential densities, such as traffic or construction noise, are not any greater as a result of the PUD-triggering conditional use review than if a subdivision was allowed. The Hearings Officer heard testimony from adjacent properties expressing concerns over the adjacent development relating to noise from construction, impacts from the improvement of Lindy Lane, adequacy of the secondary access, loss of quiet serenity, and whether the homes will be owner occupied. None of these impacts are particular to the PUD as it relates to the location and types of uses proposed. Instead all of these impacts would be the same from residential development of the adjacent property at this scale without the PUD component and for those reasons, the Hearings Officer finds that these impacts cannot be considered.*

*Further, the Hearings Officer finds that an adverse physical affect is an effect that results in some type of physical impact such as light impacts, noise impacts, or similar impacts that have a physical manifestation on adjacent property. Consistent with these conclusions, with respect to potential impacts particular to the development of a PUD, the Hearings Officer concludes as follows:*

**A.** *To the northwest is the Shore Pines Certified Manufactured Home Park. The standard lot configurations under CBMC 17.45.050 requires the northwest portion of the site to be developed with typical lots that would impact wetlands that would need to be mitigated and would place dwelling units near this property line. By proceeding as a PUD, the designers have been able to keep this area in a natural and replanted state that will minimize impacts to nearby lands while stubbing a street to the area for future connectivity in the event the undeveloped portion of that property zoned R-5 is developed in the future. This configuration will reduce physical effects on lands to the northwest below levels that would otherwise be anticipated as a result of non-PUD development that is not classified as conditional.*

**B.** *Development adjacent to Tax Lot 901's south boundary is similar to standard multiple-family development. For this reason the development is similarly compatible and will have similar levels of impact to conventional (non PUD development). The designs of these structure types are not especially large for multiple-family housing, being just two-story two-bedroom fourplexes in Life Cycle 1 and 2. These Type 1 Structures will be well landscaped and there is an*

*approximate 100-foot separation from the property line and the dwelling on Tax Lot 800. This configuration will not result in physical effects on Tax Lots 901 and 800 that are that adverse in comparison to non-PUD development that is not classified as conditional.*

**C.** *Lindy Lane will be improved to be in conformance with CBMC and 2009 standards. Noise from construction as well as residential traffic generation and lighting impacts along the improved Lindy Lane from the proposed PUD will be no greater than if multiple family housing were proposed under the City's base zoning standards.*

**D.** *The potential for adverse physical effects on lands to the northeast will be minimal as these lands are zoned for commercial use. This project's physical improvements and the associated off-site infrastructure improvements it will deliver are expected to aid in the establishment of new commercial uses in the area and will not have adverse effects on existing commercial uses. The City concludes generally that multifamily development is compatible with commercial development and serves to place the greatest number of people in convenient proximity to the goods and services provided by commercial uses.*

**E.** *Lands to the east, south and west of Tax Lot 600 are owned by the City of Coos Bay that is largely planned nor zoned for watershed protection. There is nothing inherently incompatible about multifamily development adjacent to a watershed protection area from a land use standpoint. The potential for adverse physical effects to the watershed from the PUD design are not expected to be appreciably greater than would occur from standard multifamily development that is otherwise permitted.*

*With respect to the duplexes in the R-3 zone, the Hearings Officer concludes that duplexes have a smaller profile and footprint than larger multiple-family structures that are otherwise allowed and therefore the potential for adverse physical effects is no greater, if not less, than what would be anticipated from larger multiple-family structures that are outright permitted. The Hearings Officer further concludes that many of the duplexes proposed in the R-3 area are located near the watershed protection areas that surround the southern portion of the project and there is no inherent likelihood that duplexes would be more likely to result in adverse physical effects on the watershed than other types of multiple-family development.*

#### **17.355.050 Conditions.**

The decision maker may impose conditions when it is determined that the proposed use may have an impact on the site itself or surrounding property by the nature of the proposed use or proposed site. These conditions shall be stated in terms that are specific and measurable so that the applicant is fully aware of the intent and justification of the condition and how and when implementation is to be accomplished. The decision maker has authority to impose conditions which would:

- (1) Alter yards, spaces, open space and building placement requirements in order to provide buffering for visual or safety purposes, or to abate other potential impacts.
- (2) Prescribe additional fences, walls, and/or landscaping for visual or safety purposes, or to abate other potential impacts.

- (3) Require surfacing of parking areas to preserve the quality of improved streets and assure safety of users.
- (4) Require the dedication and/or improvement of streets, alleys, or service roads which are within the proposed site, and those thoroughfares which may provide access when the access is essential to the development of the proposed use or when the access will be impaired by the proposed use.
- (5) Regulate points of vehicular ingress and egress in order to promote public safety.
- (6) Regulate signs and lights in order to preserve value of nearby property, protect them from glare and other distractions, and protect the aesthetic character of the neighborhood.
- (7) Require landscaping and maintenance or the retention of trees or other natural features to preserve the environmental quality of the site, protect against natural hazards, and visually screen the proposed site from surrounding uses.
- (8) Regulate levels of noise, vibration, odors, and other noxious impacts associated with commercial and industrial uses.
- (9) Regulate the operation time of certain activities to conform with the general activity time of the majority of the surrounding property.
- (10) Require site plan and architectural review if it would assist in minimizing the conflict between the proposed and existing uses.
- (11) Require a time period within which the proposed use shall be developed to ensure full compliance with the permit and conditions.
- (12) Require a bond for removal of the use within a specified period of time when the cost of removing the conditional use would be substantial.
- (13) Require screening of unsightly development such as trash receptacles, mechanical apparatus, storage areas, or windowless walls.
- (14) Require non-remonstrance against an improvement district through a deed covenant to ensure provision of basic services, parks or streets and sidewalks directly benefitting the proposed development.
- (15) Require areas set aside for recreation or open space to benefit the proposed development.
- (16) Require the placement of fire hydrants or alteration of streets to ensure adequate fire protection.
- (17) Require easements for the provision of utilities or to ensure health, safety, and welfare.
- (18) Any other requirement deemed necessary for public health, safety, and welfare.

## **FINDING NO. 122:**

*The Hearings Officer's imposed conditions of approval are contained at the conclusion of this Order.*

## **VI. ORDER AND CONDITIONS OF APPROVAL**

The Hearings Officer **APPROVES** the planned unit development (PUD), conditional use permit (CUP), site plan and architectural review (SPAR), and recommends that the City Council approve the partition II (subdivision) for the purpose of building a phased, mixed-use planned unit residential subject to the following conditions of approval:

### General Conditions

1. The project will be undertaken and completed consistent with the plans submitted, except as altered by conditions attached to the approvals.
2. It shall be the sole responsibility of the applicant to coordinate and receive approvals from the appropriate state and federal resource agencies prior to commencement of construction. If a deviation from this original SPAR application is required as a result of the resource agency's assessment and coordination, the applicant shall resubmit any changes for approval. This may result in an additional application(s).
3. The applicant shall obtain a letter from the Coos Bay Fire Chief stipulating that on-site fire protection facilities are proposed to be provided in accordance with City of Coos Bay current regulations for such developments.
4. The applicant shall file the necessary legal documents associated with the CC&R's listed in finding #89 with the Public Works Department before occupancy of any dwelling.
5. All unpaid fees owed to the City for this land use permit review shall be paid to the City of Coos Bay prior to issuance of any land clearing permit, building permit or the acceptance of the final plat.
6. With respect to on-site improvements, each contract for improvements as authorized by 17.270.070, shall be specific to the improvements identified within the phase(s) set forth in condition of approval 24 below. A bond or surety shall, in an amount agreed upon by the Coos Bay Public Works Department and in accordance with the provisions of this chapter, be submitted to the city before the issuance of building permits. Other than the Lindy Lane improvements, all off-site improvements may not be bonded as authorized by 17.270.070 but shall be completed prior to the issuance of occupancy permits.
7. All grading, sewer, storm drain, and traffic design shall be in conformance with June 2009 Design Standards or another design solution as may be determined by the Coos Bay Public Works Director.

8. All proposed utilities shall be constructed within an improved public right of way or dedicated easement. For easement widths that are not related to sewer and/or storm drain, project will be required to coordinate with the appropriate utility/franchise. All water lines and sewer lines shall be separated in accordance with OAR 333-061-0050 provisions and be approved by the Coos Bay-North Bend Water Board. All other utilities such as power lines, telephone lines, television cables and the like shall be installed in underground conduits and shall have a minimum of 18 inches of separation.

9. All infrastructure that is proposed to be public infrastructure (sewer, storm, and roads) shall be inspected during the construction phase. The applicant will bear the cost of this third party inspection.

#### On-Site Conditions

11. The applicant shall meet the criteria found in 17.135.010 (Blocks) on all public blocks except for along the north side of White Fir Drive. No vehicular connection between White Fir Drive and the parking lot serving the duplexes directly to the north is required.

12. Emergency access to all buildings within the proposal will need to be shown on final engineering drawings including required hammerheads or roundabouts for stubbed roads within the site.

13. All public interior streets shall be built in conformance to the Transportation System Plan, 2004 and as set forth in the following table which shows street names, classifications and improvement widths.

Street	Street Classification	Right of Way Width (feet)	Improvement Widths (feet)		
			Travel Lane	Bicycle Lane	Sidewalk
White Fir Drive	Local Street	50	2 - 12 feet	2 - 6 feet	2 - 5 feet
Grove Lane	Neighborhood Route	50	2 - 12 feet	2 - 6 feet	2 - 5 feet
Lindy Lane – South of White Fir Drive	Local Street	50	2 - 12 feet	2 - 6 feet	2 - 5 feet
Lindy Lane – North of White Fir Drive <sup>1</sup>	Neighborhood Route	50	2 - 12 feet	2 - 6 feet	2 - 5 feet

<sup>1</sup> This Neighborhood Route designation shall apply to Lindy Lane north of Grove Lane in the event that no connection to the east property line is provided. If the connection to the east is provided, Lindy Lane north of White Fir Drive must be a Neighborhood Route.

14. The applicant shall record an access easement along White Fir Lane and Lindy Lane to grant pedestrian access, utility and street connections to adjacent parcels for their future development.

15. The applicant shall conform to Chapter 17.135 CBMC with the provision of any pathways that are constructed within the development. Further, during the phasing of construction



connectivity shall be assured through the construction of pathways between the various phases as shown on the Infrastructure Sections Plan.

16. With regard to phased construction, street lighting shall be constructed consistent with the corresponding infrastructure section as set out in the Infrastructure Sections Plan.

17. A final lighting plan must be submitted for review and approval with the site development application.

18. Recreational areas shall not be occupied by non-recreational buildings, streets, street rights-of-way, solar arrays, or wind generation devices.

19. The applicant shall include provisions within its CC&Rs requiring the preservation and continued maintenance of all property and structures located within open space areas as required by CBMC 17.190.030(3). This document will also include the inspection and maintenance, in perpetuity, for all of the detention ponds that the project is proposing. The agreement will cover all aspects of the ponds including but not limited to the pond itself, maintenance road, spillway, riser, outfall, and other components.

20. The applicant must submit an application for any proposed future sign as a part of this development.

21. The applicant shall meet sizing criteria for detention ponds and shall re-align the sewer line currently proposed under the detention pond to a location approved by the Coos Bay Public Works Director.

22. If the project's final engineering and design plans propose work on private land not owned or controlled by the applicant, the applicant must obtain a notarized letter of permission from any affected property owner prior to issuance of permits.

23. A 6-foot high, sight obscuring fence along the north property line common with the Langley property boundary must be completed prior to occupancy of any structures on the site.

24. As phases are constructed, streets providing access will be constructed and utilities extended simultaneously as shown in the applicant's infrastructure sections plan and the following table:

Phase	Identified Required Infrastructure Segments as Illustrated in the Sections Plan
A	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14, 15, 17, 21, portion of 24 connecting Wax Myrtle Drive to Lodgepole Drive, 25, 26
B	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14, 15, 17, 19, 20, 21, 24, 26
C	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14
D	1, 2, 3, 4, 6, 7, 9, 10, 11, 13
E	1, 2, 4, 8, 11, and 13
F	1, 2, 3, 4, 8, 11 and 13
G	1, 2, 3, 4, 6, 11 and 13
H	1, 2, 3, 4, 6, 8, 9, 10, 11, 13,
I	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14, 15, 16

J	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14, 15, 17, 18, 19
K	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14, 15, 17, 19, 20, 21, 22
L	1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14, 15, 17, 19, 20, 21, 24, 26

### Off-Site Conditions

25. The Road Diet will be extended along Ocean Boulevard from the existing Road Diet (approximately 700 feet south of Woodland Drive) and continue north along Ocean Blvd. to the Radar Intersection. The entire extent equals 6,500 linear feet per finding #35. All improvements shall be in conformance with the conditions set forth in this report, TIS, and supplemental addendums to the TIS.

26. The following off-site traffic improvements shall be required before the issuance of occupancy permits for Life Cycle One. Lindy Lane improvements may be bonded as authorized by CBMC 17.270.070.

Offsite Traffic Improvements for Ocean Grove	
Location	Improvement
Lindy Lane (from Ocean Boulevard to project site)	Improve Lindy Lane to a neighborhood route (50' r/w, 2-12' travel lanes, 2-6' bicycle lanes, and 2-5' sidewalks) to the extent that it will fit within the existing right-of-way. <sup>1</sup>
Ocean Boulevard at the Lindy Lane Intersection	Right turn lane
Ocean Boulevard at the La Clair Street Intersection	Right turn lane
Ocean Boulevard at the Knife River Driveway Intersection	Right turn lane
Ocean Boulevard	Restriping of 6,500 feet of Ocean Boulevard from a 4 lane road to a 2 lane road with a two way left turn lane with bicycle lanes

<sup>1</sup> Any deviation shall be accomplished after review of a preliminary analysis to determine the areas in which the road will not be able to meet the standards of a Neighborhood Route, as set out above. From there, the Community Development and Public Works Department shall work with the applicant to allow deviation in the design necessary to fit within the existing right-of-way.

27. The applicant shall operate a shuttle to and from the Jordan Cove Energy Project worksite for use by the residents of the LifeCycle One development. This shuttle shall operate as many trips as necessary to ensure that less than 10% of the residents drive to the work site. Shuttle types, pick-up areas, and scheduling details shall be submitted for Community Development and Public Works Department review in advance of obtaining any occupancy permits and included within the CC&Rs for the project to make sure that all tenants are aware of this obligation.

28. The applicant shall acquire the necessary easements for a secondary access. The secondary access shall be bonded before any building permits are issued for the site and completed prior to the issuance of the certificate of occupancy for any structures on the site as part of Life Cycle One scope of work.

### Parking and Loading

29. The uses that occupy Grove Hall and Myrtle Lodge shall be limited to uses that do not exceed the amount of off-street parking supplied. This requirement shall be incorporated into the CC&Rs for the project.
30. If the recreation building uses rely on shared parking, the applicant shall demonstrate that the hours of operation will not overlap so as to restrict parking for nearby residential uses.

### Storm Sewer

31. All proposed detention basins shall attenuate the post-project 2 through the 25 year storm events to pre-project conditions. In addition, the detention basins shall include 1 foot of freeboard. The outfall for the detention basin shall have an energy dissipator and headwall. The velocity exiting the dissipator must be less than 5 feet per second. The detention basin shall have an emergency spillway that will convey the 100-year storm event. The emergency spillway must be hardened/protected to prevent erosion. Each basin shall have an access road for maintenance and be fenced around the perimeter. Detention ponds must be designed such that they will not adversely impact the downstream areas.
32. Prior to issuance of permits, the drainage report shall be updated to show that the curbs have the capacity to convey the 10-year storm event and still allow for a 12-foot travel lane that is not inundated with water. Rolled curbs shall be permitted only to the extent that they have capacity to convey the 10-year storm event and still allow for a 12-foot travel lane that is not inundated with water.
33. All detention basins shall be inspected and maintained privately into perpetuity. Applicant must provide documents which outline inspection and maintenance procedures for detention facilities. This document will be recorded with the property and included with the CC and Rs.

### Sanitary Sewer

34. The sewer study calculations shall include all facilities such as the proposed Community Center and Cafeteria. Sufficient plans or details were not submitted for the Community Center or Cafeteria for our review. The study needs to evaluate Life Cycle 1 assuming that Life Cycle 2 never occurs.
35. In lieu of constructing offsite improvements per the 2014 report titled, "Regional Sewer Study (Sewer Basins I, K, L, M, N, Q, and T)", prepared by The Dyer Partnership, the applicant has proposed the construction of a transmission line and pump station that solely serves the proposed Ocean Grove Development and the properties tributary to Ocean Grove. Final design of these sewer improvements shall be based on a flow rate of 300 gallons per minute (GPM) per equivalent dwelling unit (EDU). In addition, the design shall incorporate 2.28 persons (2010 Coos Bay census) per EDU and the peaking factor equation (per Washington State Department of Ecology) identified in the February 2014 report titled, "*Regional Sewer Study (Sewer Basins I, K, L, M, N, Q, and T)*", prepared by The Dyer Partnership.

36. The proposed pump station that will serve the transmission line that conveys sewer flows from the Ocean Groove project and the properties tributary to Ocean Grove must be located on a separate parcel. At time of completion (the time in which the system is turned over to the City of Coos Bay), the parcel must be dedicated to the City.

37. All approvals for sewer improvements associated with March 4, 2014 report titled, "*Ocean Grove Sanitary Sewer alternative Analysis*", prepared by Stuntzner Engineering from applicable agencies must be obtained. These may include but are not limited to City of Coos Bay, State Building Department, and Oregon Department of Environmental Quality.

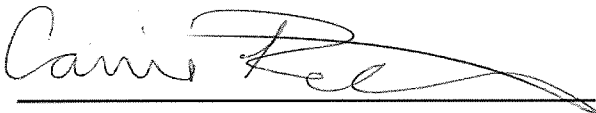
38. A third party consulting firm proficient in the type of work proposed in the March 4, 2014 report titled, "*Ocean Grove Sanitary Sewer Alternative Analysis*," prepared by Stuntzner Engineering must be retained to perform inspections during construction. The City of Coos Bay will manage this contract with the third party consulting firm.

39. A maintenance bond for 5 years for the improvements associated with the March 4, 2014 report titled, "*Ocean Grove Sanitary Sewer Alternative Analysis*", prepared by Stuntzner Engineering must be obtained.

40. Any final design conflicts and/or deviation from the March 4, 2014 sewer plan that may be identified shall be resolved through an agreeable course of action identified by the applicant and agreed to by the Public Works Director.

41. Prior to construction of the sewer transmission line, applicant shall confirm capacity of the existing headworks to ensure that the headworks will safely convey the additional flow.

Dated this April 14, 2014

A handwritten signature in cursive script, appearing to read "Carrie Richter", written over a horizontal line.

Carrie Richter

City of Coos Bay Hearings Officer

PDX\_DOCS:516127.1



500 Central Avenue  
Coos Bay, OR 97420

## **City of Coos Bay Community Development Department**

### **STAFF REPORT**

**FILE NUMBER:** 187-ZON13-037

**HEARING DATE:** February 19, 2014

**REQUEST:** Applicant has applied for the following land use applications: Planned Unit Development (PUD), Conditional Use Permit (CUP), Site Plan and Architectural Review (SPAR), and Partition II (Subdivision).

#### **APPROVAL CRITERIA**

The applicable approval criteria are found in the Coos Bay Municipal Code (CBMC) Sections 17.40, R-2; 17.45, R-3; 17.135, Blocks; 17.140, Lots; 17.145 Access Management; 17.150, Yards; 17.160, Fences and Walls; 17.165 Vision Clearance Area; 17.170, Utilities and Public Facilities; 17.175, Drainage Facilities; 17.180, Transportation Standards; 17.270, Planned Unit Development; 17.335, Land Division – Partition II and Subdivision; 17.345, Site Plan and Architectural Review; and 17.355, Conditional Use Permit.

**STAFF REPORT  
PREPARED BY:** Eric Day, Community Development Director  
Aaron Harris, Planner I

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Community Development Director's Initials \_\_\_\_\_

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## **KEY INFORMATION and CONCERNS**

The applicant has submitted a land use application requesting approval for a planned unit development (PUD), conditional use permit (CUP), site plan and architectural review (SPAR), and partition II (subdivision) for the purpose of building a mixed-use planned unit residential development within the City of Coos Bay, OR. The proposed site is 71.9 acres and is located south of the developed portion of Lindy Lane; Coos County Assessor's Map 25-13-28, tax lot 600 and Map 25-13-21C, tax lots 900, 902, and 903.

The applicant is proposing two phases of development that they are calling Life Cycle One and Life Cycle Two. Life Cycle One is proposed primarily to house construction workers and associated recreational and residential uses for the proposed Jordan Cove Energy Project. This first phase is proposed to last up to 60 months. Life Cycle Two is proposed as a long term multi-family residential project with a variety of residential features and types.

### **Life Cycle One**

Significant features of Life Cycle One include:

- 163 total buildings comprising 766 total residential units (1,356 total bedrooms),
- Two community buildings used primarily for resident food service and recreation during Phase One (Exhibit 1, page 16),
- On-site recreational/open space totaling 42% of the gross project acreage,
- Improvements to urban street standards for main access road (Lindy Lane) and proposed secondary access road, and
- The construction of 12 additional interior public/private streets.

### **Life Cycle Two**

Significant features of Life Cycle Two include:

- The building count is not expected to change during Life Cycle Two, but the total number of residential units is expected to decrease to 642,
- Two community buildings used primarily for community multi-use and related recreational facilities during Phase Two (Exhibit 1, page 16), and
- The total bedroom count is expected to decrease to 1,116.

### **Construction Timeline**

According to the proposal, the work schedule would result in the initial phases of construction beginning during the 2014 construction season (typically from late spring to the end of fall). The first 200 housing units would be completed and ready for occupancy by January of 2015. Peak work force housing would be completed by July of 2016 providing 766 total housing units

(Exhibit 1, page 14). Building conversions for the second life cycle are scheduled to begin in July of 2017 as construction workforce demand wanes at the Jordan Cove Energy Project.

## MAIN CONCERNS

The following are key concerns identified by staff from the applicant's proposal:

### Streets

#### On-site

1. **Street Sizes** - The proposed public street sizes that were submitted do not meet our minimum requirements per the CBMC and the June 2009 Design Standards. The right of way widths shown on the tentative subdivision map (Atlas #C-6) are substandard for the proposed public streets. The applicant shall build all streets per the following table:

**Information for the Proposed Public Streets for Ocean Grove<sup>(1)</sup>**

Street Name	Street Classification	Right of Way Width (feet)	Improvement Widths (feet)		
			Travel Lane	Bicycle Lane	Sidewalk
White Fir Drive	Collector	50	2 - 12 feet	2 - 8 feet	2 – 6 feet
Grove Lane	Collector	50	2 - 12 feet	2 - 8 feet	2 – 6 feet
Lindy Lane – Onsite <sup>(2)</sup>	Collector	50	2 - 12 feet	2 - 8 feet	2 – 6 feet
Lindy Lane - Offsite	Collector	50	2- 12 feet	2 - 8 feet	2– 6 feet

(1) Right of way and improvement widths were obtained from the January 6, 2004 report titled, *Coos Bay Transportation System Plan*, Figure 3-4 (2 Lane Section).

(2) Lindy Lane – Onsite refers to the portion between White Fir Drive and Grove Lane.

2. **Block lengths** – Blocks are being proposed that exceed the 600 foot maximum stipulated by CBMC 17.135 (Exhibit 1, page 17 & Exhibit 2, page 11). No variances have been applied for

#### Off-site transportation improvements

1. Off-site traffic improvements shall be required before the issuance of building permits for Life Cycle One.

2. **Secondary Access** - The applicant allows for a secondary access by extending White Fir Drive extending easterly to Ocean Boulevard (Exhibit 1, page 10) or by extending Grove Lane easterly to Ocean Boulevard. Currently no secondary access has been secured. Application states that there will be a 50 foot easement for this access.
3. **Lindy Lane** - Improvements will also include replacing the existing culvert that bisects Lindy Lane.

#### **Offsite Traffic Improvements for Ocean Grove**

Location	Improvement
Lindy Lane (from Ocean Boulevard to project site)	Improve Lindy Lane to a collector (50' r/w, 2-12' travel lanes, 2-8' bicycle lanes, and 2-6' sidewalks)
Ocean Boulevard at the Lindy Lane Intersection	Right turn lane
Ocean Boulevard at the La Clair Street Intersection	Right turn lane
Ocean Boulevard at the Knife River Driveway Intersection	Right turn lane
Ocean Boulevard	Restriping of 6,500 feet of Ocean Boulevard from a 4 lane road to a 2 lane road with a two way left turn lane with bicycle lanes

### **Sewer**

The City's adopted Sewer Master Plan, the system that this project is proposing to tie into (gravity lines, force mains, and pump stations) is deficient at this time. Additionally, the City's Master Plan is approximately 8 years old and was completed from a master planning level rather than a high level of detail. Based upon this knowledge the City contracted with The Dyer Partnership to analyze the downstream system from the point at which the project is proposing to tie into the public system (the old K-Mart parking lot) to Treatment Plant 1 (1420 Ivy Avenue). The Dyer Partnership's January 2014 detailed analysis titled, "Draft Regional Sewer Study", determined that approximately 8,860 feet of gravity line, 5,060 feet of force main, and 4 pump stations will need to be upgraded to adequately handle the sanitary sewer flows generated by Ocean Grove project. The Table below is an excerpt from Draft Regional Study that itemizes the improvements that must be constructed prior to issuance of any building permits as a condition of approval.



**Table 7.2.1**  
**Existing System & Ocean Grove Improvement Projects**

Manhole or Pump Station #	Deficiency Noted	Existing Pipe Dia. (in)	Req'd Pipe Dia. (in)	Description of Improvement Project	Total Project Cost
MH I-9 TO MH I-5	Surcharged Line	8	10	Replace 850 LF of Piping	\$264,037
I-5 TO PS 12	Surcharged Line	8	12	Replace 335 LF of Piping	\$124,370
PS 12 TO MH K-18	Force Main Velocity Exceeded	6	8	Replace 870 LF of Piping	\$254,204
MH K-18 TO MH K-2	Surcharged Line	8	10	Replace 1,250 LF of Piping	\$546,717
MH K-2 TO PS 13	Surcharged Line	10	15	Replace 245 LF of Piping	\$77,281
PS 13 TO MH L-1	Force Main Velocity Exceeded	6	8	Replace 460 LF of Piping	\$76,371
MH L-1 TO MH L-7	Surcharged Line	8	15	Replace 1,950 LF of Piping	\$803,699
MH L-7 TO L-9	Surcharged Line	12	15	Replace 220 LF of Piping	\$100,571
PS 10 TO MH N-1	Force Main Velocity Exceeded	10	12	Replace 3,660 LF of Piping	\$969,364
MH N-1 TO MH N-13	Surcharged Line	10	12	Replace 1,110 LF of Piping	\$382,691
MH N-13 TO N-20	Surcharged Line	10 & 12	15	Replace 720 LF of Piping	\$249,632
MH N-20 TO T-3	Surcharged Line	10 & 12	18	Replace 2250 LF of Piping	\$803,353
Pump Station #	Deficiency Noted	Existing Capacity (GPM)	Req'd Capacity (GPM)	Description of Improvement Project	Total Project Cost
3	Wet Well Flooded	2200	2,600	Replace/Upgrade P.S.	\$331,000
10	Wet Well Flooded	752	2,350	Replace/Upgrade P.S.	\$1,103,760
12	Wet Well Flooded	300	1,225	Replace/Upgrade P.S.	\$1,013,620
13	Wet Well Flooded	480	1,560	Replace/Upgrade P.S.	\$1,013,313
<b>TOTAL</b>					<b>\$8,113,983</b>

## STAFF RECCOMENDATION

Staff has reviewed the applicant's proposal relative to all applicable CBMC requirements and finds that there are sufficient grounds for approval, subject to the recommended Conditions of Approval (see Section V).

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## GENERAL INFORMATION

<b>APPLICANT:</b>	Ocean Grove Development Group LLC 1801 Hwy 99 North Ashland, OR 97520
<b>APPLICANT'S REPRESENTATIVES:</b>	Jay Harland, CSA Planning Ltd 4497 Brownridge Terrace, Suite 101 Medford, Oregon 97504
<b>PROPERTY OWNER:</b>	Ocean Grove LLC 1801 Hwy 99 North Ashland, Oregon 97520
<b>SITE LOCATION:</b>	NHN Lindy Lane
<b>LEGAL DESCRIPTION:</b>	Coos County Assessor's Map 25-13-28, tax lot 600 and Map 25-13-21C, tax lots 900, 902, and 903.
<b>SITE SIZE:</b>	71.90 acres
<b>ZONING:</b>	R-2, Single-family/Duplex Residential; R-3, Multiple Residential; and QR-3, Area Qualified For R-3 Use
<b>COMP PLAN DESIGNATION:</b>	Low-density Residential and High-density Residential
<b>120-DAY PERIOD:</b>	The application was deemed complete on November 4, 2013. The 120-day maximum application-processing period ends March 4, 2014.
<b>PUBLIC NOTICE:</b>	Public notice was mailed to affected property owners on 01/27/2014. In addition, the application was published in The World Newspaper on 02/06/2014 for the Hearings Officer Public Hearing scheduled for 02/19/2014 at Coos Bay City Hall and on 03/06/2014 for the City Council Public Hearing scheduled for 03/18/2014 at Coos Bay City Hall.

## BACKGROUND

The Ocean Grove Homes Project employs a dual cycle development model. The project's first phase is projected to last 24-60 months, and offer high quality work-force housing at higher density occupancy. The higher density occupancy is designed for efficient conversion to permanent, lower density "market housing." The project's second phase will be implemented after the peak of work-force housing demand has passed (Exhibit 1, page1).

The first development period is termed "Life Cycle One." The primary goal during Life Cycle One is to provide an adequate number of beds and logistical services for temporary workers on the Jordan Cove LNG terminal construction (Exhibit 1, page 1). 163 buildings and 766 total units are proposed during Life Cycle One, which equals 1,356 total bedrooms.

Starting about 30 months after initial completion, the applicant will begin modifying the interior living spaces of the existing buildings to provide market housing for permanent term residents. The second development period is termed "Life Cycle Two" and it has as its primary goal the provision of new multiple-family housing (Exhibit 1, page 2). The building count is not expected to change during Life Cycle Two, but the total number of residential units is expected to decrease to 642. The total bedroom count is expected to decrease to 1,116.

The Ocean Grove Homes Project proposes seven building types during both Life Cycles. Table 1 identifies these buildings by type.

**Table 1**

Building Type	Description
1	2 Story Multiplex
2	2 Story Multiplex over Garage
3A	Single Level Multiplex
3B	Single Level Multiplex
4	3 Story Multiplex
5A	Single Level Duplex
5B	Single Level Duplex

Table 2 presents the proposed quantity of each building type, the number of units per building, and the total number of units per building type during Life Cycles 1 and 2.

**Table 2**

Bldg Type	Life Cycle 1			Bldg Type	Life Cycle 2		
	# of Buildings	Units per Bldg	LC 1 Total Units		# of Buildings	Units per Bldg	LC 1 Total Units
<b>1</b>	49	4	196	<b>1</b>	49	4	196
<b>2</b>	15	4	60	<b>2</b>	15	8	120
<b>3A</b>	11	4	44	<b>3A</b>	11	2	22
<b>3B</b>	33	4	132	<b>3B</b>	33	2	66
<b>4</b>	8	30	240	<b>4</b>	8	18	144
<b>5A</b>	26	2	52	<b>5A</b>	26	2	52
<b>5B</b>	21	2	42	<b>5B</b>	21	2	42
	163		<b>766</b>		163		<b>642</b>

Table 3 presents the total number of units by housing type for Life Cycles 1 and 2.

**Table 3**

Unit Type	Life Cycle 1	Life Cycle 2
Studio	416	48
1-Bedroom	0	120
2-Bedroom	290	474
Group Quarters/ 6-Bedroom Spaces	60	0
<b>TOTAL</b>	<b>766</b>	<b>642</b>

Table 4 presents the total number of bedrooms by housing type for Life Cycles 1 and 2.

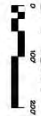
**Table 4**

Unit Type	Life Cycle 1	Life Cycle 2
Studio	416	48
1-Bedroom	0	120
2-Bedroom	580	948
Group Quarters/ 6-Bedroom Spaces	360	0
<b>TOTAL</b>	<b>1356</b>	<b>1116</b>

**BUILDING LEGEND**

TYPE 1	2 STORY MULTIPLEX
TYPE 2	2 STORY MULTIPLEX OVER GARAGE
TYPE 3A	SINGLE LEVEL MULTIPLEX
TYPE 3B	SINGLE LEVEL MULTIPLEX
TYPE 4	3 STORY MULTIPLEX
TYPE 5A	SINGLE LEVEL DUPLEX
TYPE 5B	SINGLE LEVEL DUPLEX
	DINING HALL / CLUB HOUSE

# SPAR Master Site Plan



**SITE LEGEND**

	WETLAND AREA TO REMAIN
	6' WIDE TRAIL
	10' WIDE PATH W/ LIGHTING



**STRAUS & SEIBERT  
ARCHITECTS LLP**

1135 EAST MAIN STREET, SUITE 20  
MIDWINTER, OREGON 97130  
503.641.779 ext. 400  
503.641.779 ext. 401

**OCEAN GROVE**  
DEVELOPMENT GROUP, LLC

**Ocean Grove Homes**  
COOS BAY, OREGON

**SPAR Master Site Plan**



## SITE CONDITIONS AND VICINTY MAP

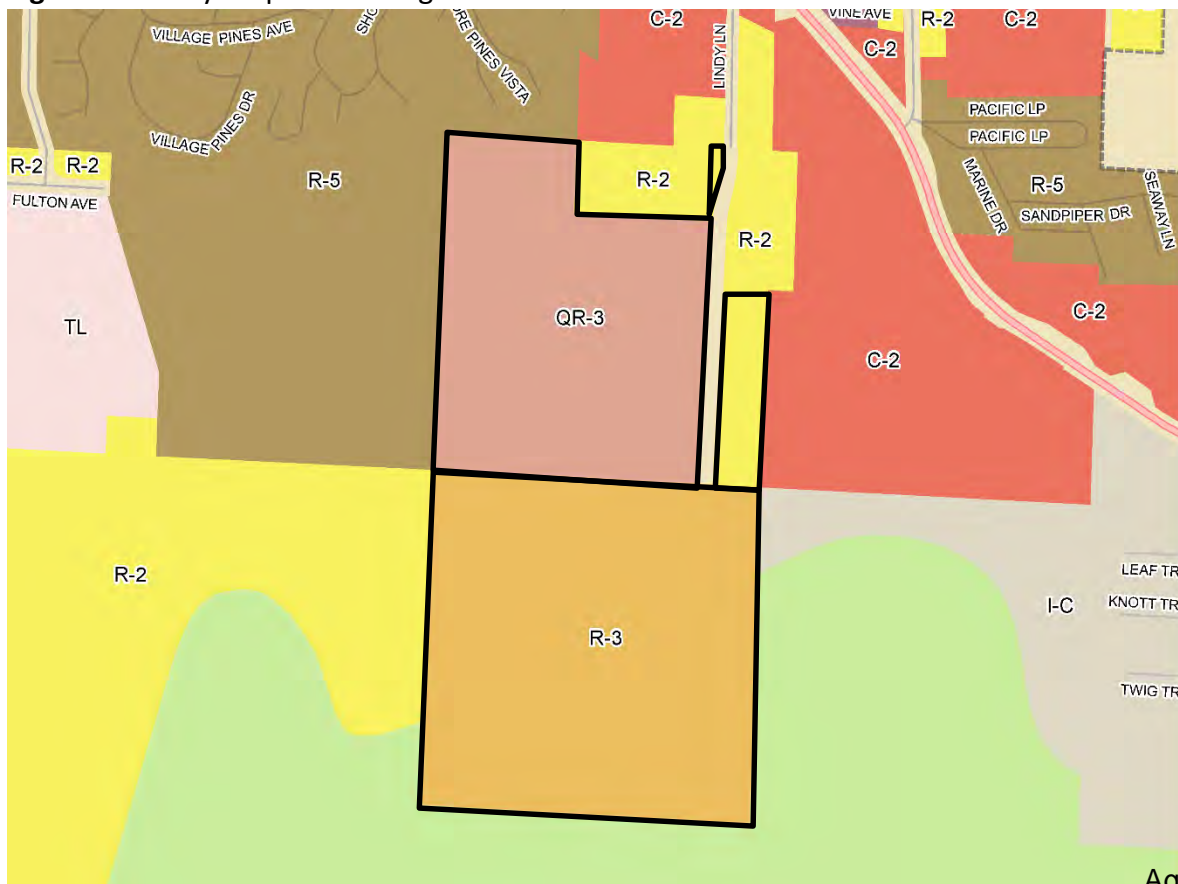
The site is currently undeveloped and stabilized with low growing vegetation, scattered trees, and brush. Historically, mining materials of differing types have been extracted from the northern portion of the site. The soil is predominantly sandy loam topsoil with underlining soils of Quaternary Marine Terrace deposits and Coaledo Formation Bedrock. The southern portion of Tax Lot 600 conveys flows overland in a south easterly direction to the Pony Creek Reservoir. The area to the north conveys flows overland in a northeasterly direction to a canyon. The flows are ultimately captured in a closed conduit storm drain that is aligned along the north portion of the parking lot associated with 3111 Ocean Boulevard (the current K-mart location) and conveyed easterly. The flows are then conveyed northerly across Ocean Boulevard via a culvert and outfalls into a tributary to Pony Creek.

Most of the topographic relief is located on the northerly portion of the property. There is some steep topography that runs from the south property line of Tax Lot 600 to the south property line of Tax Lot 903 where there is approximately 40 feet of fall over a horizontal distance of approximately 100 feet. Additionally there is approximately 40 feet of fall over a 100 foot horizontal distance in the northwest portion of Tax Lot 900. The balance of the site has undulating topography.

### Surrounding Land Use and Zoning:

As shown in Figure 1 below, the four subject parcels lie within the R-2, R-3, and QR-3 zoning districts. Residential, commercial, and watershed uses surround the site (see Table 5).

**Figure 1** Vicinity Map and Zoning



**Table 5:** Surrounding Land Use and Zoning

<b>DIRECTION FROM SITE</b>	<b>LAND USE</b>	<b>ZONING</b>
North	Single-family/Duplex, Residential certified factory built home park, General commercial	R-2, R-5, C-2
East	Single-family/Duplex, General commercial, Watershed	R-2, C-2, QP-2
South	Watershed	QP-2
West	Single-family/Duplex, Residential certified factory built home park	R-2, R-5



## **APPROVAL CRITERIA AND ANALYSIS**

### **Chapter 17.40**

#### **SINGLE-FAMILY AND DUPLEX RESIDENTIAL DISTRICT (R-2)**

##### **17.40.010 Intent.**

The R-2 district is included in the zoning regulations to achieve the following city objectives:

- (1) To reserve appropriately located areas for single-family and duplex family living at population densities consistent with the comprehensive plan and sound standards of public health and safety.
- (2) To provide space for semi-public facilities needed to complement urban residential areas and for institutions that require a residential environment.
- (3) To facilitate the provision of utility services and other public facilities commensurate with the anticipated population densities and service requirements.

##### **FINDING NO. 1:**

*Staff finds that based upon the intent of the various zoning districts and the layout of the proposal staff finds that the proposal meets the elements of this chapter by locating areas for single-family and duplex family living at population densities consistent with the comprehensive plan and sound standards of public health and safety, providing space for semi-public facilities needed to complement urban residential areas and for institutions that require a residential environment and facilitating the provision of utility services and other public facilities commensurate with the anticipated population densities and service requirements.*

##### **17.40.020 Permitted uses.**

The following uses are permitted in the R-2 zoning district:

- (1) Residential Use Types.
  - (a) Accessory building.
  - (b) Cluster development (see Chapter 17.255 CBMC).
  - (c) Duplex dwelling.
  - (d) Single-family dwelling including manufactured homes which are subject to special siting standards.
  - (e) Zero lot line development (see Chapter 17.150 CBMC).

## **FINDING NO. 2:**

*Staff finds that according to the applicant's SPAR Master Plan Site Plan submittal all residential uses proposed within the R-2 district are zero lot line, duplex dwellings and therefore are permitted under this section.*

### **17.40.030 Conditional uses.**

The following uses are permitted in the R-2 zoning district if authorized in accordance with the requirements of Chapter 17.355 CBMC:

#### **(1) Residential Use Types.**

- (a) Accessory apartment (see Chapter 17.250 CBMC).
- (b) Group residential care facility.
- (c) Planned unit development (see Chapter 17.270 CBMC).
- (d) Accessory use or building on a separate lot or parcel (see Chapter 17.285 CBMC).

## **FINDING NO. 3:**

*Staff finds that the proposal seeks approval of a Planned Unit Development which is a conditional use in all zones, including the R-2, under which the project is designated, see Exhibit 1 for Findings of Fact and Conclusions of Law addressing the conditional use criteria for PUD approval (Exhibit 2, page 5). Additionally, planned unit developments are a conditional use in R-2, R-3, and QR-3 districts. Elements of the proposal located within the R-2 district are permitted uses.*

(2) Civic Use Types. Buildings must be residential in appearance, maintain the character of the area, and maintain yards as required by Chapter 17.150 CBMC.

- (a) Administrative service.
- (b) Bus shelter (administrative conditional use, see Chapter 17.355 CBMC).
- (c) Community recreation.
- (d) Educational service.
- (e) Library service and cultural exhibit.
- (f) Lodge, club, fraternal, or civic assembly.
- (g) Public safety service.
- (h) Religious assembly.
- (i) Utility and service – No outside storage of equipment.

#### **(3) Commercial Use Types.**

- (a) Child care facility.
- (b) Convenience sales and personal service.

- (c) Home occupation, retail sales on the premises (see Chapter 17.260 CBMC).
- (d) Tourist habitation – Bed and breakfast.

**FINDING NO. 4:**

*Staff finds that the community recreation elements of the proposal are permitted uses within the R-2 zone.*

**17.40.050 Property development requirements.**

The standards of Division III of this title, General Conditions, shall apply to all land and structures in the R-2 zone except as specifically regulated in this section.

(1) Lot Standards.

- (a) Minimum area: 5,000 square feet for each single-family dwelling unit, and 7,000 square feet for each duplex.
- (b) Minimum width: 40 feet.

**FINDING NO. 5:**

*Staff finds that in the applicant's submittal, Sheet C-1 demonstrates that all lots are at least 40 feet in width. Sheets A-9 to A-10 in the Atlas shows a typical lot layout for each building type.*

*Staff finds that the CBMC is ambiguous in that it is unclear whether duplexes located on two zero lot line lots fall under the single-family dwelling or duplex minimum area requirements. Staff interprets these provisions to mean that all duplexes fall under the 7,000 square foot minimum and that the aggregate square footage of the two lots would be used in the case of a zero lot line duplex. For this specific project, all lots in the R-2 zone are at least 50 feet wide and the two lot aggregates exceed 7,000 square feet. They average 8,500 square feet in size. Therefore the residential lots in the R-2 portion of the development comply fully with these standards (Exhibit 2, page 6).*

(2) Building Coverage. Maximum lot coverage shall not exceed 40 percent of the total lot area.

**FINDING NO. 6:**

*Staff finds that according to the applicant's submittals, the proposed duplexes, including garages, have a footprint of 2,400 square feet. The lots range from 7,719 square feet to 8,415, therefore, the lot coverage for each duplex is between 28.4 to 31.1 percent. Therefore, the building coverage for the R-2 lots comply with the 40 percent maximum lot coverage standard (Exhibit 2, page 6).*

(3) Building Height. No building or structure shall have a height greater than three stories, not to exceed 35 feet.

**FINDING NO. 7:**

*Staff finds that all residential buildings proposed on the R-2 zoned properties are planned as 15 to 19 foot high, single story buildings, and therefore comply with the building height standard for the R-2 district (Exhibit 2, page 6).*

(4) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes.

**FINDING NO. 8:**

*Staff finds that no bus shelters or other uses are proposed that have yard requirements in this title. All yards adjacent to PUD open space areas will be considered and maintained as PUD open space (Exhibit 2, page 7).*

## **Chapter 17.45**

### **MULTIPLE RESIDENTIAL DISTRICT (R-3)**

#### **17.45.010 Intent.**

The R-3 district is included in the zoning regulations to achieve the following city objectives:

- (1) To encourage the development of higher density multiple residential structures, rather than lower density areas.
- (2) To serve as a transitional district from commercial and professional districts to lower density single-family and duplex residential districts.
- (3) To provide a variety of housing types to satisfy individual preferences and financial capabilities.

#### **FINDING NO. 9:**

*Staff finds that all elements of the proposal located within the R-3 district meet the intent of the R-3 district standards listed in this element by proposing higher density multiple residential structures, serving as a transitional district from commercial and professional districts to lower density single-family and duplex residential districts and providing a variety of housing types to satisfy individual preferences and financial capabilities.*

#### **17.45.020 Permitted uses.**

The following uses are permitted in the R-3 zoning district:

##### **(1) Residential Use Types.**

- (a) Accessory building.
- (b) Cluster development (see Chapter 17.255 CBMC).
- (c) Group residential.
- (d) Multiple-family dwelling.
- (e) Zero lot line development (see Chapter 17.150 CBMC).
- (f) Legally established single-family and duplex residential use types, pre-existing the adoption of the ordinance codified in this title; however, if the use is destroyed or discontinued, re-establishment must occur within 24 months in order to continue the residential use.

#### **FINDING NO. 10:**

*Staff finds that three types of units are planned for the R-3 zoned properties. The majority of these will be one and two story multiple-family dwellings. A portion of the project located in the R-3 and QR-3 districts (QR-3 indicating area qualified for R-3 use but requiring a SPAR application) will contain Group Residential units identified as building type Unit 2 on the site*

*plan (Atlas Sheet A-0) during Life Cycle 1. When the project enters Life Cycle 2, the group residential units will be reconfigured into multiple-family dwellings (Exhibit 2, page 7). Group residential, fourplexes, and one-bedroom multiple-family dwellings are permitted uses within the R-3 and QR-3 districts (Exhibit 1, page 18).*

**17.45.030 Conditional uses.**

The following uses are permitted in the R-3 zoning district if authorized in accordance with the requirements of Chapter 17.355 CBMC:

**(1) Residential Use Types.**

- (a) Accessory apartment (see Chapter 17.250 CBMC).
- (b) Duplex dwelling.
- (c) Group residential care facility.
- (d) Multiple-family dwelling, greater than 35 feet in height and three stories.
- (e) Planned unit development (see Chapter 17.270 CBMC).
- (f) Single-family dwelling, including manufactured homes which are subject to special siting standards.
- (g) Single-family dwelling combined with a multiple-family dwelling on the same lot.

**FINDING NO. 11:**

*Staff finds that the portion of the project located in the R-3 zone (and QR-3 zone) contains duplex's which require conditional use approval. These dwellings are shown on Sheet A-0 in the Atlas as Unit 5A and 5B buildings. In addition, the Unit 3A and 3B buildings will become duplexes when they are reconfigured for Life Cycle 2, see Sheets A-9 and A-10 in the Atlas. See Exhibit 1 for Findings of Fact and Conclusions of Law addressing the conditional use criteria for these requested duplex dwellings in an R-3 zoned portion of the project. In addition, the entire project seeks approval as a Planned Unit Development, which is a conditional use in all zones, including the R-3, see Exhibit 1 for Findings of Fact and Conclusions of Law addressing the conditional use criteria for PUD approval (Exhibit 2, page 7).*

**(2) Civic Use Types.** Buildings must be residential in appearance and maintain the character of the area and must maintain yards as required by Chapter 17.150 CBMC.

- (c) Community recreation.

**FINDING NO. 12:**

*Two community recreational buildings are proposed in the areas zoned R-3 and QR-3. During Life Cycle 1, Grove Commons, located on Tax Lot 900, is planned to provide dining and recreational facilities for the group residential units identified as Unit 2 and the surrounding multiple-family units. In Life Cycle 2 this building will be adapted for use as a community recreation center and banquet facility open to all the development's residents. During Life Cycle*

1, Myrtle Lodge, the community facility proposed on Tax Lot 600, will also provide dining hall and recreational services to the residents of that section of the development. During Life Cycle 2 this building will be adapted as the dining and community center for the surrounding Life Cycle 2 “Over 55” portion of the development (Exhibit 2, page 8). Community recreation buildings are a conditional use in the R-3 and QR-3 districts.

Staff additionally finds that based upon the submitted architectural renderings of the community buildings they are residential in appearance and maintain the character of the area. See the below discussion of “Yards” under section 17.150.

#### **17.45.050 Property development requirements.**

The standards of Division III of this title, General Conditions, shall apply to all land and structures in the R-3 zone except as specifically regulated in this section.

##### **(1) Lot Standards.**

(a) Minimum Area. Minimum lot areas for each building containing multiple-family dwelling units are listed in Table 17.45.050.

(b) Minimum Width. Each lot shall have a minimum width of 40 feet.

(2) Building Coverage. A maximum of 44 percent of the lot area for single-family and duplex dwelling units may be covered. The maximum lot coverage for multifamily dwellings is found in the sliding scale in Table 17.45.050, under percent of area covered by building.

**Table 17.45.050**

#### **Minimum Lot Area by Number of Units within a Multiple-Family Dwelling**

<b>No. of Units</b>	<b>Total Area</b>	<b>Building Area</b>	<b>Yard Area</b>	<b>Percent of Area Covered by Building</b>
1	5,000	2,200	2,800	44.0
2	7,000	3,080	3,920	44.0
3	6,200	2,790	3,410	45.0
4	7,400	3,404	3,996	46.0
5	8,600	4,042	4,558	47.0
6	9,800	4,704	4,896	48.0
7	11,000	5,500	5,500	50.0
8	12,200	6,100	6,100	50.0
9	13,400	6,700	6,700	50.0
10	14,600	7,300	7,300	50.0

11	15,800	7,900	7,900	50.0
12	17,000	8,500	8,500	50.0
13	18,200	9,100	9,100	50.0
14	19,400	9,700	9,700	50.0
15+	Add 1,200 sq. ft. for every unit over 14			

### FINDING NO. 13:

*Staff finds that Atlas Sheets A-4, A-6, A-7, A-9, A-10 and C-1 demonstrate that lots in the R-3 and QR-3 zone portions of the project are at least 40 feet in width.*

*Staff finds that, on a lot by lot, analysis the proposal does not meet the lot size requirement of this code section. However, by looking at the development as a whole the applicant's proposal does meet the overall density requirements for the entire site. This is allowed per CBMC 17.270.050(3), which states that "the overall density permitted by the underlying zoning district shall govern the density of the development".*

The Lot Area Compliance Table below shows the minimum lot size for each dwelling type required for a subdivision in Life Cycle One and Life Cycle Two. The Table shows the combined lot sizes for the PUD by housing type as follows:

**Table 6**

Unit Type	Maximum Total Units on lot	Smallest Proposed Lot Size (in sf)	Minimum Lot Size (in sf)	Deviation Required?	Total Building Area (in sf)	% of Area Covered by Bldg.	Max. Coverage Allowed	Complies?
1-LC1	4	7,719	12,200	No	2,855	38%	50%	Yes
1-LC2	4	7,719	7,400	No	2,855	38%	50%	Yes
2-LC1	60	291,435	76,400	No	All Units 65,000	22%	50%	Yes
2-LC2	120	291,435	290,600	No	All Units 65,000	22%	50%	Yes
3A-LC1	4	7,440	7,400	No	2,332	31.3%	46%	Yes
3A-LC2	2	7,440	7,000	No	2,332	31.3%	46%	Yes
3B-LC1	4	5,850	7,400	Yes	2,178	37.2%	46%	Yes
3B-LC2	2	5,850	7,000	Yes	2,178	37.2%	46%	Yes
4-LC1	240	325,650	271,200	No	All Units 41,600	12.7%	50%	Yes
4-LC2	120	325,650	290,600	No	All Units 41,600	12.7%	50%	Yes
5A	2	7,000	7,000	No	2,405	34.2%	44%	Yes
5B	2	7,000	7,000	No	2,400	34.2%	44%	Yes



All except Unit Type 3B conform to the lot size standards. These units are intended to become an “Over 55” community in Life Cycle 2. See PUD section in Exhibit 1, Findings and Conclusions of Law (Exhibit 2, page 10).

The proposed Life Cycle 1 fourplexes that are to be converted to duplexes are located on lots that are undersized for the base zone (Exhibit 1, page 18). Lots are required to be 7,000 sq. ft. for duplexes and 7,400 sq. ft. for fourplexes. CBMC 17.270.050 (planned unit development) allows for an increase in overall density if the applicant satisfactorily demonstrates distinctiveness and excellence in siting or design, or provides specific property development improvements that surpass the ordinary requirements of CBMC.

(3) Building Height. No building or structure shall have a height greater than three stories, not to exceed 35 feet, except as permitted under conditional uses.

**FINDING NO. 14:**

*Staff finds that the elevations on Atlas Sheets A-4 to A-12 show that the tallest building proposed will be the three-story Unit 2 buildings at 35 feet high (Exhibit 2, page 10). All proposed building heights comply with applicable standards.*

(4) Yards. There are no yard requirements for the use, bus shelter, other than those imposed by building codes.

**FINDING NO. 15:**

*Staff finds that no bus shelters or other uses are proposed that have additional lot requirements. All lots within the R-2 district comply with Section 17.150 Yards. All yards adjacent to PUD open space areas will be considered and maintained as PUD open space.*

## **Chapter 17.135 BLOCKS**

### **17.135.010 Blocks.**

Blocks shall not exceed 600 feet in length, except where the previous block layout adjacent to the proposed development or where topographical conditions justify a variation.

### **FINDING NO. 16:**

*Staff finds that all public street blocks in the development with the exception of portions of White Fir Drive comply with the 600 foot block length. These roads are bisected by a central pedestrian trail system which breaks up each road into pedestrian sections of less than 600 feet. CBMC 17.270.010 stipulates that deviation from specific site standards is allowable as long as the general purpose for the standards are achieved as the general intentions of this title are observed (Exhibit 1, page 17 & Exhibit 2, page 11). Staff finds that the general purpose for the standards can be achieved by implementing public safety traffic measures on the blocks that exceed the 600 foot criteria.*

*As a condition of approval the City requires the applicant to meet the criteria found in 17.135.010 (Blocks) on all public blocks including White Fir Drive.*

## **Chapter 17.140**

### **LOTS**

#### **17.140.010 General.**

In general, a lot shall be a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, width, and area.

#### **FINDING NO. 17:**

*Staff finds that most parcels of land are of sufficient size to meet minimum zoning requirements for the uses specified. The exception is lots in the southwestern corner of the project that hold fourplexes during Life Cycle 1 and become duplexes during Life Cycle 2. These lots are on parcels that do not meet the minimum zoning requirements for the use. CBMC 17.270.050 (planned unit development) allows for density to be spread around the development as long as the overall density requirements of the site are met. The applicant's proposal does meet the overall density of the site as is shown above under finding 13.*

#### **17.140.020 Dimensions.**

(1) Residential Lot Size. Lot sizes shall conform to the property development requirements of each district. Corner lots shall be at least five feet more in width than other lots on the same block in order to permit appropriate building setback from the orientation to both streets.

(3) Large Lot Development. In developing tracts into large lots which at some future time are likely to be re-divided or partitioned, the planning commission may require that the blocks shall be of size and shape, be so divided into lots and contain building site restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

#### **FINDING NO. 18:**

*Staff finds that all proposed lot sizes conform to the property development requirements of each district for all units. All corner lots are at least 5 feet wider than the interior lots as shown on the tentative plan Atlas Sheet C-1. The applicant is proposing two large lots containing multiple-family buildings. These lots are not intended to be divided further in the future, but instead the building design and site layout work together to create distinct housing communities within the subdivision (Exhibit 2, page 12 & Atlas C-1). However, staff has concerns with the right of way delineated on the tentative subdivision maps for Fulton Road and Lindy Lane. As the applicant builds the required improvements and dedicate the required right-of-ways in these areas parcel sizes may need to be decreased. The right of ways delineated on the tentative subdivision map (C-1) are smaller than the corresponding details shown on atlas page (C-6). If right of ways are enlarged to match details, this may affect lot size.*

**17.140.030 Street orientation.**

(1) Lot Lines. All side lot lines shall be at right angles to street lines or radial to curved street lines, unless variation from these requirements is deemed necessary by the planning commission.

**FINDING NO. 19:**

*Staff finds that most all side lot lines are at right-angles to the proposed streets.*

## **Chapter 17.145**

### **ACCESS MANAGEMENT**

#### **17.145.020 Legal access.**

All parcels of land shall have access to a public street or alley. Vehicular access shall be provided to all parcels of land from a dedicated public street or alley and lot frontage for residential uses shall be not less than 30 feet in width, unless otherwise provided.

#### **FINDING NO. 20:**

*Staff finds that Lindy Lane is a dedicated public street and shall be improved to collector street standards as determined by CBMC 17.180 and June 2009 Development Provisions for Public and Private Infrastructure Design Standards. Vehicular access shall be provided to all parcels of land from a dedicated street or alley and lot frontages for residential uses shall be not less than 30 feet in width (Exhibit 1, page 20, Exhibit 2, page 12 & Atlas C-1). As a condition of approval the intersection at Lindy Lane and Ocean Boulevard will also be improved to handle the increased volume of traffic associated with the Ocean Grove project.*

#### **17.145.030 Access permit required.**

Access to a public street requires an access permit in accordance with the following procedures:

- (1) Permits for access to city streets shall be subject to review and approval by the department of community services based on the standards contained in this title. An access permit may be in the form of a letter to the applicant, attached to a land use decision notice as a condition of approval, or included in the building permit review.
- (2) Permits for access to state highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the city. In that case, the city shall determine whether access is granted based on its adopted standards.
- (3) Approval of proposed developments that require an access permit from North Bend/ODOT shall be contingent upon the city/agency issuing an access permit. The city shall impose a condition of approval that requires the developer to obtain an access permit prior to the issuance of building permits.
- (4) The city or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, control or reserve strips, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.
- (5) An access permit is tied to the specific use, not a specific lot/parcel. A new access permit is required for any change in use or expansion of an existing use in order to determine that the

access is safe and appropriate for the proposed use based on the standards contained in this title.

**FINDING NO. 21:**

*Staff finds that the applicant is proposing that the primary access to the development will be through the existing residential street, Lindy Lane, which connects to Ocean Boulevard. All existing properties that are part of this development front on the existing Lindy Lane right-of-way. Permits to access city streets shall be provided in the form of a proposed plan and supporting technical reports (if applicable) and provided subject to review and approval by the Community Development and Public Works departments (Exhibit 2, page 13). Improvements shall be performed at the Lindy Lane/Ocean Boulevard intersection and the secondary access/Ocean Boulevard intersection. Additionally, as a condition of approval the road diet will be extended along Ocean Boulevard from the existing Road Diet (approximately 700 feet south of Woodland Drive) and continue north along Ocean Boulevard. to the Radar Intersection. All improvements shall be in conformance with the conditions set forth in this report, TIS, and supplemental addendums to the TIS.*

**17.145.040 Access options.**

A development shall provide vehicular access according to one of the following methods:

- (1) From a public street or alley abutting the subject lot/parcel.
- (2) From a driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). An access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the driveway.
- (3) Residential Development on Arterial Streets. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes). An on-site turnaround so vehicles are not required to back out into an arterial street must be provided.
- (4) Number of Access Points. For multiple-family, commercial, industrial, and public/institutional developments, the number of access points shall be minimized to protect the function, safety and operation of the street(s). Shared access may be required in order to maintain the required access spacing, and minimize the number of access points.
- (5) Shared Driveways. The number of driveways onto public streets shall be minimized by the use of shared driveways with adjoining lots/parcels where feasible. When shared driveways for nonresidential uses are required, an internal access driveway shall be stubbed to adjacent developable lots/parcels to allow for future extension and access to the shared driveway.

(6) Joint and Cross Access. New commercial development shall provide cross-access driveways and pedestrian pathways to allow circulation between sites without having to access the adjacent public street. Cross-access driveways shall be improved and stubbed to adjacent developable lots/parcels to create the opportunity for future extension. As a condition of approval, the landowner shall record an access easement to grant reciprocal access to adjacent lots/parcels.

(7) Fire Access and Parking Area Turnarounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turnaround areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.

(8) Reserve Strip. The city may require the developer to establish reserve strips to control access to a street in order to prevent access to abutting property, to assure the proper extension of street patterns, and to assure the orderly development of land lying beyond the street. Control and disposal of the reserve strip shall be placed under the jurisdiction of the city. A reserve strip is a one-foot-wide strip of land contiguous to a road.

**FINDING NO. 22:**

*Staff finds that access will be provided from Lindy Lane, a dedicated public street that shall be improved to collector street standards as determined by CBMC 17.180 and June 2009 Development Provisions for Public and Private Infrastructure Design Standards (Exhibit 2, page 13).*

*(1) All lots will take access off of these new streets.*

*(2) Shared access driveways occur only at the large multiple family lots. A cross-access easement will be recorded.*

*(3) No arterial roads will be present within the development, so item 3 does not apply.*

*(4) The multiple-family parking areas have driveway access onto each of the surrounding streets. Where there is more than one driveway accessing the same street, Coos Bay access spacing requirements have been observed.*

*(5) The multiple-family parking areas make use of shared driveways to minimize the number of driveways accessing each street.*

*(6) No commercial development is proposed as part of this project, therefore item 6 does not apply.*

*(7) Parking areas have been designed to provide adequate aisles and circulation to accommodate fire equipment and deliveries. In addition, Fulton Avenue is provided with a temporary turn-around until the adjacent property builds out and constructs the connection.*

*(8) No reserve strips are needed to prevent access to adjacent properties. The development's road system is designed to allow future roads to connect with the project traffic circles and/or intersections. At the time of road dedication, the additional right-of-way needed for these*

*connections will also be dedicated. In this way there are no “stub-outs” to the property edges that could contribute to the access of the adjoining property (Exhibit 2, page 14).*

*As a condition of approval, emergency access to all buildings within the proposal will need to be shown on final engineering drawings including hammerheads for stubbed roads within the site.*

**17.145.050 Access Spacing.**

Street, alley or driveway intersections accessing onto a public street shall be separated from other street, alley, or driveway intersections according to the following (Measurement is made from the inside of curb to inside of curb):

- (1) Arterial Streets. The minimum access spacing between access points shall be 500 feet.
- (2) Collector Streets. The minimum access spacing between access points shall be 300 feet.
- (3) Arterial/Arterial Intersections. The minimum access spacing from the intersection shall be 300 feet.
- (4) Arterial/Collector Intersections. The minimum access spacing from the intersection shall be 300 feet.
- (5) Collector/Collector Intersections. The minimum access spacing from the intersection shall be 150 feet, if practicable, otherwise 100 feet.
- (6) On state highways, ODOT standards supersede city standards.
- (7) Existing undeveloped lots or parcels cannot be denied access. The maximum access spacing possible should be provided.
- (8) In cases where existing development undergoes an expansion, intensification or change of use, existing developed lots/parcels cannot be denied access to a street where there is an existing access point. The existing access point may be required to relocate in order to comply with access spacing standards or to maximize spacing to the greatest extent possible. A temporary access point may be allowed until an alternate access point, such as a shared driveway, that better meets the standard becomes available.

**FINDING NO. 23:**

*Staff finds that Lindy Lane (north of White Fir), White Fir Drive and Grove Lane are collector streets. The minimum access spacing between access points shall be 300 feet on collector streets. The minimum access spacing from the intersection shall be 150 feet, if practicable, otherwise 100 feet, on all collectors and collector intersections. Existing undeveloped lots or parcels shall not be denied access, and the maximum access spacing possible should be provided.*

*Staff finds that the applicant does not meet these standards on any of the collector streets.*

*As a condition of approval the applicant will need to meet this criteria by utilizing alleyways located directly behind the collector streets for accessing the lots or propose another mutually agreed upon alternative.*



## **Chapter 17.150**

### **YARDS**

#### **17.150.010 Conventional requirements.**

(1) Required Yards. All parcels of land shall provide yards as specified in Table 17.150.010, unless otherwise permitted or required by the provisions of each zoning district. These yards shall extend the full width or depth of the lot, and shall be open from ground to sky except as provided under Chapter 17.155 CBMC, Permitted Projections, or under exceptions listed in subsection (2) of this section. The width shall be measured between the property line and the nearest building line, lines, or intersections thereof. One foot shall be added to each required interior side and rear yard for each story or part story above the first story of any building.

(2) Exceptions.

(a) Front yard setback requirements of this title shall not apply in any residential district where the average depth of front yards of existing dwellings within the same block, within 250 feet from exterior side lot lines of the lot, and fronting on the same street is less than the minimum required front yard. In such cases the front yard requirement on the lot shall not be less than the average existing front yard.

(b) An accessory building less than 120 square feet may be located within any required side or rear yard up to the property line if it is placed at least 20 feet from the front property line and is not more than eight feet in height at its highest point above grade, and is not a visual obstruction at driveways or intersections. An accessory building less than 120 square feet may be located closer than 20 feet to the front property line and less than 10 feet to a flanking street if it is not more than eight feet in height at its highest point above grade and is not a visual obstruction at driveways or street intersections.

#### **FINDING NO. 24:**

*Staff finds that all yards of the proposed buildings shall meet all yard standards as stipulated by CBMC 17.150.010. No exceptions or deviations are required (Exhibit 2, page 15).*

#### **17.150.020 Zero lot line.**

An alternative to the yard requirements may be permitted upon planning commission approval.

(1) Pre-application. The applicant shall submit a sketch plan to the department of community services and shall discuss the general proposal with staff before filing for any special development permits.

(2) Permits Required. New construction or the replacements, additions, or major improvements of existing development shall be subject to site plan and architectural review.

(3) Standards. The general conditions of the district shall prevail in addition to the special standards listed in this subsection. (See Figure 17.150.020.)

(a) The lot(s) contiguous to the zero setback yard must be under the same ownership at the time of initial construction, or the applicant must produce written evidence that the contiguous property owner consents to this type of construction and is willing to enter into the required covenant agreement.

(b) The yard setback on the lot contiguous to the zero lot line development must comply with the requirements of the International Building Code.

(c) If dwellings are constructed against both side lot lines, access must be provided along the rear lot lines for public pedestrian or vehicular access to the rear yards and for access by protection service vehicles.

(d) When two dwellings are built against the same zero lot line, no portion of them shall project over any property line.

(e) Property owners of this kind of development and property owners of contiguous property shall sign a covenant agreement with the city which shall be recorded against the lots. The agreement shall provide that:

(i) In case of destruction of one or more units, new construction must follow the same concept of construction as previously designed.

(ii) Each owner shall carry fire and liability insurance on their portion of the building with the contiguous owner(s) also listed on the policy.

(iii) Provisions for the maintenance of the zero lot line wall, the roof and any common facilities are included.

(iv) The procedures for the resolution of disputes are specified.

**FINDING NO. 25:**

*Staff finds that the applicant owns all properties planned for zero setback duplexes. The duplex properties shall be designed to meet Coos Bay zero setback standards as stipulated by CBMC 17.150.020. Each lot must be served by a single and separate private lateral. No shared laterals will be allowed for duplexes. Property owner covenant agreements shall be developed and recorded. (Exhibit 2, page 16).*

## **Chapter 17.160**

### **FENCES AND WALLS**

#### **17.160.020 Required Fences and Walls.**

A fence or wall shall be constructed along the perimeter of all areas considered by the council and/or commission to be dangerous to the public health and safety. The height of this wall may require a permit.

#### **FINDING NO. 26:**

*Staff finds that no fences or walls shall be constructed along the perimeter of the development, except if needed to provide safety at locations where retaining walls are installed (Exhibit 2, page 16).*

#### **17.160.030 Permitted Fences and Walls.**

Fences and walls not greater than eight feet in height shall be permitted on or within all property lines which are not within any vision clearance area. For any fence greater than eight feet in height, a setback from the property line of one foot shall be provided for each additional foot or fraction of a foot.

#### **FINDING NO. 27:**

*Staff finds that no fences or walls are proposed for this development. Yards associated with individual lots that face open space area are to be included as part of a commonly managed open space (Exhibit 2, page 17).*

## **Chapter 17.165**

### **VISION CLEARANCE AREA**

#### **17.165.010 Regulations.**

The following regulations shall apply to all intersections of streets, alleys, and private driveways within all residential and professional districts in order to provide adequate visibility for vehicular traffic:

(1) There shall be no visual obstructions over 36 inches in height within the vision clearance area (see Figure 17.165.010). This requirement shall not apply if:

(a) The property subject to the vision clearance area is three or more feet above street grade; or

(b) The fence or wall will not impair visibility due to its design or material used.

(2) The vision clearance area at all intersecting and intercepting alleys, streets, or highways shall encompass all land formed by a triangle, one point being the corner of the lot at the intersection and the other two points located a distance of 20 feet from this corner point on the side, front or rear property lines as the case may be.

(3) The vision clearance area on each side of any private driveway intersecting a street or alley shall encompass all land formed by a triangle, one point located where the side of the lot intersects the street or sidewalk, and the other two points located a distance of 10 feet from this point along the driveway, sidewalk, or street as the case may be.

(4) If the above requirements do not provide for adequate visibility because of unusual or irregular lots or intersections, the vision clearance area shall be determined by the public works department.

#### **FINDING NO. 28:**

*Staff finds that no fences are proposed for this project. Planting and landscaping materials can and will be restricted within vision triangles to be no more than 36 inches in high (Exhibit 2, page 17).*

## **Chapter 17.170**

### **UTILITIES AND PUBLIC FACILITIES**

#### **17.170.010 General provisions.**

(1) Where necessary to permit future development of adjoining land, sanitary sewer and water lines, electrical lines, or other utilities shall be extended to the boundary of the development, as determined by the public works department or other appropriate agencies.

#### **FINDING NO. 29:**

*Staff finds that the undeveloped property to the west is zoned as R-2 and R-5. Proposed on-site sanitary sewer, water, electrical lines, and other utilities shall be extended to the boundary of the development and sized in such a manner that will allow for ultimate build out of the adjacent land. All proposed utilities shall be constructed within an improved public right of way or dedicated easement. If infrastructure is not built within an improved right of way, applicant must install maintenance/access road. The road must be able to withstand heavy truck loading and be a minimum of 15 feet wide.*

(2) Easements for these utilities shall be dedicated wherever necessary. The easements shall be a minimum of 10 feet in width and centered on rear or side lot lines. Easements for water lines are subject to approval by the Coos Bay/North Bend water board.

#### **FINDING NO. 30:**

*Staff finds that the minimum easement width for installations of storm and sewer with depths of cover of 5-feet or less (measured at the top of pipe) is 15 feet. For each additional 5-feet of cover over 5-feet (rounded up), the minimum easement width will be increased by 10-feet. Easements shall be centered over the utility. For easement widths that are not related to sewer and/or storm drain, project will be required to coordinate with the appropriate utility/franchise. All water lines and sewer lines shall be separated in accordance with OAR 333-061-0050 provisions and be approved by the Coos Bay-North Bend Water Board. All other utilities shall have a minimum of 18 inches of separation.*

(3) Unless otherwise provided, all utilities such as power lines, telephone lines, television cables, and the like shall be installed in underground conduits of such design as approved by the public works department.

#### **FINDING NO. 31:**

*Staff finds that unless otherwise provided, all utilities such as power lines, telephone lines, television cables, and the like shall be installed in underground conduits of such design as approved by the public works department. Utilities must have 18 inches of separation.*

## **Chapter 17.175**

### **DRAINAGE FACILITIES**

#### **17.175.010 General provisions.**

(1) If any part of a development is traversed by a watercourse, drainage way, channel, or stream, a stormwater easement or drainage right-of-way shall be provided conforming substantially with the lines of the watercourse. Other easements for stormwater drainage shall be provided as required by the public works department or other appropriate agency to a minimum width of 10 feet and centered on rear or side lot lines.

(2) Where necessary to permit future development of adjoining land, stormwater drainage lines shall be extended to the boundary of the development, as determined by the public works department.

#### **FINDING NO. 32:**

*Staff finds that if any part of a development is traversed by a watercourse, drainage way, channel, or stream, a stormwater easement or drainage right-of-way shall be provided conforming substantially to the lines of the watercourse. Minimum easement width for installations of storm drain with depths of cover of 5-feet or less (measured at the top of pipe) is 15 feet. For each additional 5-feet of cover over 5-feet (rounded up), the minimum easement width will be increased by 10-feet.*

*It shall be the sole responsibility of the applicant to coordinate and receive approvals from the appropriate resource agencies prior to commencement of construction. If a deviation from this original SPAR application is required as a result of the resource agency's assessment and coordination, the applicant shall resubmit any changes for approval. This may result in an additional SPAR application.*

*Where necessary to permit future development of adjoining land, stormwater drainage lines shall be extended to the boundary of the development, as determined by the public works department. (Exhibit 2, page 18, Atlas C-8).*

## Chapter 17.180

### TRANSPORTATION STANDARDS

#### 17.180.010 General.

(1) The location, width, and grade of streets, sidewalks, and pedestrian and bicycle pathways shall conform to the Coos Bay transportation system plan. Street and pathway location, width, and grade shall be considered in their relation to existing and planned streets and pathways, to topographical conditions, to public convenience and safety, and to proposed use of the land to be served by the streets.

#### FINDING NO. 33:

*Staff finds that the location, width, and grade of streets, sidewalks, and pedestrian and bicycle pathways shall conform to the Transportation System Plan, 2004. Staff believes that some interior streets and ROW's, as submitted, are not in conformance with CBMC Table 17.180 and June 2009 Design Standards.*

*As a condition of approval, staff requires that public interior streets shall be built in conformance to the Transportation System Plan, 2004. The following table shows which street names, classifications and improvement widths.*

**Information for the Proposed Public Streets for Ocean Grove<sup>(1)</sup>**

Street Name	Street Classification	Right of Way Width (feet)	Improvement Widths (feet)		
			Travel Lane	Bicycle Lane	Sidewalk
White Fir Drive	Collector	50	2 - 12 feet	2 - 8 feet	2 – 6 feet
Grove Lane	Collector	50	2 - 12 feet	2 - 8 feet	2 – 6 feet
Lindy Lane – Onsite <sup>(2)</sup>	Collector	50	2 - 12 feet	2 - 8 feet	2 – 6 feet
Lindy Lane - Offsite	Collector	50	2 - 12 feet	2 - 8 feet	2 – 6 feet

(1) Right of way and improvement widths were obtained from the January 6, 2004 report titled, *Coos Bay Transportation System Plan*, Figure 3-4 (2 Lane Section).

(2) Lindy Lane – Onsite refers to the portion between White Fir Drive and Grove Lane.

(2) Variances. Where existing conditions, such as the topography, the size or shape of land parcels, or constraints posed by sensitive lands (i.e., wetlands), make it otherwise impractical to meet these minimum standards, then a variance, pursuant to Chapter 17.350 CBMC, may be granted to accept a narrower right-of-way.

(a) All streets within or abutting a proposed development shall be designed to handle the amount and kind of traffic generated by the development and shall be improved to the standards contained in this title. All proposed developments must provide paved access from an existing fully improved public street which meets city specifications and is adequate in design to handle the amount and kind of traffic generated by the development. Paved access to private developments may be subject to similar requirements of CBMC 17.200.030(3)(e).

(3) The applicant may be required to dedicate adequate rights-of-way and construct street improvements consistent with functional classification of the adjacent roadway as designated in the Coos Bay transportation system plan.

(4) All state and local roadways within the city of Coos Bay have been classified in the Coos Bay transportation system plan based on their level of importance and function. These classifications serve to identify the applicable standard for individual situations.

**FINDING NO. 34:**

*Staff finds that all public roads and street improvements shall comply with the 2004 Transportation System Plan. Staff additionally finds that all interior street improvements and ROW's shall be in conformance with CBMC Table 17.180.030 and June 2009 Development Provisions for Public and Private Infrastructure Design Standards.*

(3) Turn Lanes/Medians. Turn lanes and/or center medians are required on major (five-lane) arterials and optional for secondary (three-lane) arterials.

**17.180.020 Transportation impact study (TIS) requirements.**

(1) Purpose. Each proposed development that is expected to generate 500 or more daily trip ends shall evaluate the transportation system impacts in a transportation impact study (TIS). Such evaluations shall be prepared by a professional transportation engineer and paid for by the applicant. The TIS shall evaluate the access, circulation and other transportation requirements. The scope of a TIS shall be established by the department of community services to address issues related to a specific development proposal.

(2) Projects that generate less than 500 daily trip ends may also be required to provide traffic analysis when, in the opinion of the department of community services, a capacity problem and/or safety concern is caused and/or is adversely impacted by the development. The department of community services shall determine the scope of this special analysis.



(3) Trip ends shall be defined by the Institute of Transportation Engineers (ITE), Trip Generation Manual, 6th Edition (or subsequent document updates), or trip generation studies of comparable uses prepared by an engineer and approved by the department of community services. "Trip ends" are trips that either begin or end at the proposed land use.

(4) Level of Service (LOS). The level of service standard to determine what is acceptable or unacceptable traffic flow on streets shall be based on a volume-to-capacity ratio. City streets shall maintain a LOS of "D" during the p.m. peak hour of the day. A lesser standard may be accepted for local street intersections or driveway access points that intersect with collector or arterial streets, if alternative signalized access is available and these intersections are found to operate safely.

(5) Mitigation. Where a development causes traffic impacts that bring a road below acceptable levels of service, or impacts a road that is already operating below acceptable levels of service, or impacts a road that has a documented safety problem, the TIS shall identify traffic impacts attributable to the development and appropriate mitigation measures. The developer may be required to implement mitigation measures as a condition of approval.

(6) Traffic Signals. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and the Manual of Uniform Traffic Control Devices.

**FINDING NO. 35:**

*Staff finds that the applicant's Exhibit 11 is the Transportation Impact Study for the project. The study was conducted by a registered professional engineer with expertise in transportation to comply with all the above requirements (Exhibit 2, page 19 & Exhibit 11). However there is an assumption in the TIS that a LOS E/F is sufficient for un-signalized intersections if signal warrants aren't met and that this a standard engineering practice. The City's Transportation System Plan references that study intersections cannot operate worse than LOS D and the CBMC (Section 17.180.020) identifies a level of service D standard under their TIS requirements. Therefore, the LOS standard for City un-signalized intersections is D. If impacts are shown at any un-signalized study area intersection as a result of traffic revisions then mitigation will be required.*

*Staff finds that the applicants submitted Traffic Impact Analysis (TIA) did not provide justification for the assumptions that were made for the Life Cycle 1(LC1) analysis. For instance LC1 trip generations assume that 90% of the workers will be shuttled to the work site and that 10% will drive normally. No justification was provided for how this would be insured. Additionally, it appears that LC1 workers will only be living in this development and that no family members will be joining them. Family members would drive up the number of trips generated. No mention was made in the TIA or applicant's narrative about workers families.*

*Staff finds that as these justifications were not provided that all off-site improvements will need to be completed before LC1 is constructed.*

*As a condition of approval staff finds that the following off-site traffic improvements shall be required before the issuance of building permits for LC1.*

**Offsite Traffic Improvements for Ocean Grove**

<i>Location</i>	<i>Improvement</i>
<i>Lindy Lane (from Ocean Boulevard to project site)</i>	<i>Improve Lindy Lane to a collector (50' r/w, 2-12' travel lanes, 2-8' bicycle lanes, and 2-6' sidewalks)</i>
<i>Ocean Boulevard at the Lindy Lane Intersection</i>	<i>Right turn lane</i>
<i>Ocean Boulevard at the La Clair Street Intersection</i>	<i>Right turn lane</i>
<i>Ocean Boulevard at the Knife River Driveway Intersection</i>	<i>Right turn lane</i>
<i>Ocean Boulevard</i>	<i>Restriping of 6,500 feet of Ocean Boulevard from a 4 lane road to a 2 lane road with a two way left turn lane with bicycle lanes</i>

(4) Alignment. As far as practical, all streets other than minor streets shall be in alignment with existing streets by continuations of the centerlines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction and otherwise shall not be less than 100 feet.

**17.180.030 Standards.**

(1) Dimensions. Street and alley dimensions shall conform with the requirements set forth in Table 17.180.030. The department of community services may modify these requirements to satisfy topographical conditions, public convenience and safety, and the relationship to existing streets.

In addition, the department of community services may modify the requirements set forth in Table 17.180.030 if the landowner can: (a) demonstrate the intent of CBMC 17.180.010(1) through (4) is met; and (b) provide written documentation that the proposed street design is approved by the Coos Bay fire chief. The department may refer the request to the planning commission. Any decision of staff may be appealed to the planning commission in accordance with Chapter 17.305 CBMC.

**FINDING NO. 36:**

*Staff finds that public street and alley dimensions shall conform to the requirements set forth in the 2004 TSP and Table 17.180. The department of community development may modify these requirements to satisfy topographical conditions, public convenience and safety, and the relationship to existing streets.*

*As a condition of approval the applicant shall modify any necessary street and alley dimensions to conform to the requirements set forth in the 2004 TSP and Table 17.180, where applicable.*

(2) Variances. Where existing conditions, such as the topography, the size or shape of land parcels, or constraints posed by sensitive lands (i.e., wetlands), make it otherwise impractical to meet these minimum standards, then a variance, pursuant to Chapter 17.350 CBMC, may be granted to accept a narrower right-of-way.

**FINDING NO. 37:**

*Staff finds that the applicant is not requesting any variances.*

(3) Turn Lanes/Medians. Turn lanes and/or center medians are required on major (five-lane) arterials and optional for secondary (three-lane) arterials.

**FINDING NO. 38:**

*Staff finds that the applicant is not proposing to construct any new arterials (Exhibit 2, page 20).*

(4) Alignment. As far as practical, all streets other than minor streets shall be in alignment with existing streets by continuations of the centerlines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction and otherwise shall not be less than 100 feet.

**FINDING NO. 39:**

*Staff finds that based on the submitted Maps this criteria does not apply.*

**Table 17.180.030 – Street Standards**

Type of Street	Minimum Right-of-Way Width	Minimum Paving Width Curb-to-Curb				Sidewalk Curb (b)	Maximum Grade	
		Motor Vehicle Travel Lane	Median or Center Turn Lane	On-Street Parking	Bike Lane (a)			
<b>Collector</b>	70'	12'	–	2 @ 8'	2 @ 5 – 6'	2 @ 5'	10%	
<b>Local</b>								
Residential	50'	10'	–	2 @ 8'	–	2 @ 5'	16%	
Commercial/Industrial (c)	60'	12'	–	2 @ 8'	–	2 @ 5'	16%	
<b>Dead End (d)</b>	50'	10'	–	2 @ 8'	–	2 @ 5'	16%	
<b>Cul-de-Sac (e)</b>	50'	10'	–	(d)	–	1 @ 5' (f)	16% (d)	
<b>Alley</b>								
1-way	20'	12'	–	–	–	–	–	
2-way	20'	16'	–	–	–	–	–	

(a) New construction: six feet; reconstruction: five feet.

(b) Wider sidewalks may be required in commercial areas.

(c) The minimum right-of-way width includes the option of two six-foot-wide landscape strips for arterials or two four-foot-wide strips for local commercial/industrial.

(d) A dead end must be less than 400 feet in length and terminate with a circular or hammerhead turnaround with a maximum grade of eight percent.

(e) No parking is permitted at the end of a cul-de-sac which must have adequate space for emergency equipment turnaround, usually a 45-foot unobstructed radius.

(f) At the end of the cul-de-sac, a five-foot sidewalk is required along the perimeter adjacent to the development.

**FINDING NO. 40:**

*Staff finds that the proposed public streets identified as White Fir Dr., Grove Ln., and the portion of Lindy Ln. north of White Fir Dr. are collector streets and shall conform to the 2004 TSP. The TSP allows for a 50 foot ROW for a collector. The interior private streets are being submitted as a PUD and as such can deviate from the 2004 TSP.*

(5) Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case less than 60 degrees unless there is a special intersection design. Streets shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which are not right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 20 feet.

**FINDING NO. 41:**

*Staff finds that no arterials have been proposed as a part of this application. Therefore, this criteria does not apply.*

(6) Grades. In flat areas, allowance shall be made for finished street grades having a minimum slope of one-half percent. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing area of at least 20 feet long and averaging five percent grade or less. At intersections, no part of the centerline of one street within 50 feet of the near curbline of the other street shall have a slope above the intersection in excess of six percent or below the intersection in excess of eight percent. The maximum grade of either street within an intersection shall be six percent.

**FINDING NO. 42:**

*Staff finds that in flat areas, allowance shall be made for finished street grades having a minimum slope of one-half percent. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing area of at least 20 feet long and averaging five percent grade or less. At intersections, no part of the centerline of one street within 50 feet of the near curbline of the other street shall have a slope above the intersection in excess of six percent or below the intersection in excess of eight percent. The maximum grade of either street within an intersection shall be six percent. (Exhibit 2, page 21).*

(7) Curves. Centerline radii of curves shall not be less than 300 feet on five-lane arterials, 200 feet on three-lane arterials, or 100 feet on other streets, and shall be to an even 10 feet, except where topographical conditions justify a variation.

**FINDING NO. 43:**

*Staff finds that no arterials have been proposed as a part of this application. Staff finds that the following non-arterial have a radii of curve less than 100 feet; Fulton Ave, Chinkapin Ln., Sitka Ln., and Lodge Pole Dr.*

*As a condition of approval the applicant shall redesign their proposal to meet the criteria found in 17.180.030 (7) (Curves).*

(8) Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets; that is, a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic; double frontage lots with suitable depth, screen planting contained in a non-access reservation strip along the rear or side property line; or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

**FINDING NO. 44:**

*Staff finds that no arterial streets are being proposal as a part of this application.*

(9) Alleys. Alleys shall be provided in commercial and industrial districts facilities as approved by the city. The corners of alley intersections shall have a radius of not less than 12 feet. There shall be no dead-end alleys.

**FINDING NO. 45:**

*Staff finds that the project is not a commercial or industrial project and therefore no alleys are required or proposed (Exhibit 2, page 21).*

(10) Future Extension of Streets. Streets shall be extended to the boundary of the parcel in order to give access to or permit a satisfactory future development of adjoining land. Resulting dead-end streets may be approved without a turnaround if they are less than 150 feet in length. If longer than 150 feet, then a temporary turnaround (i.e., hammerhead) shall be constructed. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

**FINDING NO. 46:**

*Staff finds that the applicant shall extend interior public streets to the boundary of the adjoining parcel. If longer than 150 feet, then a temporary turnaround (i.e., hammerhead) shall be constructed. Reserve strips and street plugs may be required to preserve the objectives of street extensions.*

(11) Street Names. No street name shall be used which will duplicate or be confused with names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the planning commission or department of community services.

**FINDING NO. 47:**

*Staff finds that no street names shall be used which will duplicate or be confused with names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the planning commission or department of community services. (Exhibit 2, page 22).*

**17.180.040 Pedestrian access and circulation.**

(1) Pedestrian Pathways. To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family housing and duplexes on individual existing lots, shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards below.

**FINDING NO. 48:**

*Staff finds that the Street Circulation Plan Atlas C-5 shows a continuous pathway system that will connect all portions of the development and fulfill the requirements stipulated by CBMC 17.180.040. (Exhibit 2, page 22 and 23 & Atlas C-5).*

(2) Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property. As a condition of approval, the developer shall record an access easement to grant access to adjacent parcels.

**FINDING NO. 49:**

*Staff finds that the Street Circulation Plan Atlas C-5 shows the pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible.*

*According to Exhibit 2, page 23, staff finds that the applicant shall extend pathways throughout the development and include paths along the periphery that may be connected with pathways on adjacent properties when they are developed. As a condition of approval, the developer shall record an access easement along White Fir Drive and Lindy Lane to grant access to adjacent parcels for their future development.*

(3) Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following standards:

- (a) Reasonably Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
- (b) Safe and Convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
- (c) For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
- (d) For residential buildings, the “primary entrance” is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling.

**FINDING NO. 50:**

*According to Atlas A-0, staff finds that pathways are available from all units to the adjacent streets. (Exhibit 2, page 23 & Atlas A-0).*

(4) Connections within Development. Pathways shall connect all building entrances to one another within a development. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

**FINDING NO. 51:**

*According to Atlas A-0, staff finds that all pathways shall connect all building entrances to one another within the development. Pathways shall connect all parking areas, storage areas, recreational facilities and common areas. According to Exhibit 2, page 23; pathways are stubbed near property lines at appropriate locations for future connection to adjacent properties upon their development.*

(5) Connections to Public Streets. Pathways shall be provided at or near mid-block where the block length exceeds the length required by Chapter 17.135 CBMC. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:



- (a) Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide and located within a 20-foot-wide right-of-way or easement that allows access for emergency vehicles;
- (b) If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted;
- (c) Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;
- (d) The city may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
- (e) The city may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of the ordinance codified in this title prohibit the pathway connection.

**FINDING NO. 52:**

*Staff finds that pathways are provided near mid-block at all blocks that exceed the length required by Chapter 17.135. They are also provided connecting the Fulton Avenue cul-de-sac to Grove Lane. See Sheet A-0 in the project Atlas. Pathways comply as follows:*

- (a) 10 foot wide multi-use paths are provided as mid-block connections. No easements are necessary as the property for emergency access as all paths are located on the common property of the development. The remainder of the paths are planned as 6 foot wide pedestrian paths.*
- (b) Only the main multi-use pathways will have low bollard lighting. See, Sheets A-13 and A-14. The remainder of the pedestrian pathways are not planned to be lit to avoid light spill into the rear of residences.*
- (c) The grade for most of the paths is gentle enough not to require stairs or switchbacks. However due to the steeper grade drop across the Phase F area, it is likely that stairs and/or switchbacks will be necessary in that area.*
- (d) Pathways/trails along perimeter are expected to be shielded from the adjacent properties by the retention of existing vegetation along the property lines rather than through the installation of fences.*
- (e) Limited trails are available in the southeast corner of the property due to the steepness of the terrain. Limited trails are anticipated in the northwest corner due to the presence of wetlands and drainage facilities.*

*As a condition of approval the applicant shall conform to Chapter 17.135 CBMC with the provision of any pathways that are constructed within the development.*

(6) Street Lights. Street lights shall be installed at the right-of-way intersection in accordance with city standards as part of the street improvement project or when the sidewalks are constructed. Street lights may also be required at the end of a cul-de-sac.

**FINDING NO. 53:**

*Staff Response: Staff finds that Atlas Sheet A-13 presents the light fixtures selected by the applicant to be used throughout the subdivision in order to provide continuity. As a condition of approval, a lighting plan must be submitted for review and approval with the site development application. (Exhibit 2, page 24 & Atlas A-13).*

(7) Sidewalks and Planter Strips. Maintenance of sidewalks and planter strips shall be the continuing obligation of the adjacent property owner.

**FINDING NO. 54:**

*Staff finds that the maintenance of sidewalks and planter strips shall be the continuing obligation of the adjacent property owner. (Exhibit 2, page 24).*

**17.180.050 Improvements.**

(1) Improvement Standards. Public streets within or adjacent to a development shall be improved in accordance with the transportation system plan.

Public streets, alleys and driveways shall be constructed and improved to standards established by the department of community services and the provisions of this title.

Public street and alley improvements shall be subject to acceptance by the department of community services.

**FINDING NO. 55:**

*Staff finds that all public streets within or adjacent to the development shall be improved to meet standards as stipulated by CBMC Table 17.180.030 and June 2009 Development Provisions for Public and Private Infrastructure Design Standards. Public streets, alleys and driveways shall be constructed and improved to standards established by the department of community services, CBMC Table 17.180.030 and June 2009 Development Provisions for Public and Private Infrastructure Design Standards. Public street and alley improvements shall be subject to acceptance by the department of community services.*

*As a condition of approval all public streets within the proposal shall meet the criteria of the 2004 TSP and June 2009 Development Provisions for Public and Private Infrastructure Design Standards, as determined by the Coos Bay Public Works Director.*

(2) Existing Streets. Whenever existing rights-of-way adjacent to or within a parcel are of less than the minimum width, additional right-of-way shall be provided as part of a land division or development permit.

**FINDING NO. 56:**

*Staff finds that Lindy Lane is an existing 50 foot right-of-way. Lindy Ln. must be upgraded to collector street specifications as stipulated by Table 3.4 of the 2004 TSP and June 2009 Development Provisions for Public and Private Infrastructure Design Standards (Exhibit 2, page 25).*

(3) Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the parcel, when in conformity with the other requirements of these regulations, and when the planning commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided or developed. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

**FINDING NO. 57:**

*Staff Response: Staff finds that half streets are unnecessary for the reasonable development of the parcel. (Exhibit 2, page 25).*

(4) Temporary Streets. The city may accept a partial improvement of a local public street that serves a residential district. The partial improvement shall include improvement (an all-weather travel surface or paving) of the vehicle travel lanes, but may defer other improvements (e.g., paving, parking, curbs, gutters, sidewalks) as long as future guarantees are provided in accordance with subsection (5) of this section. The landowners or the city may consider the formation of a local improvement district at any time pursuant to city ordinance.

**FINDING NO. 58:**

*Staff finds that any future connections shall be in conformance with the criteria of this section.*

(5) Future Guarantees. The city may accept a future improvement guarantee (e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future) which must be filed in the deed records of the county clerk, in lieu of street improvements, unless one or more of the following conditions exist:

- (a) A partial improvement may create a potential safety hazard to motorists or pedestrians;

- (b) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
- (c) The improvement would be in conflict with an adopted capital improvement plan; or
- (d) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

**FINDING NO. 59:**

*Staff finds that with the full development of the proposed plan, no future development on the site should require additional improvements (Exhibit 2, page 26).*

## **Chapter 17.185**

### **OPEN SPACE**

#### **17.185.010 Types.**

Open space may be any or a combination of the following:

- (1) Natural areas of undisturbed vegetation or areas replanted with vegetation after construction.
- (2) Natural watercourses or greenways.
- (3) Areas of steep slopes averaging greater than 20 percent.
- (4) Expanses of lawn.
- (5) Community garden plots.
- (6) Yards associated with individual lots only if aggregated into one definable unit.

#### **FINDING NO. 60:**

*Staff finds that the applicant's proposal includes open space of the following types: Natural areas of undisturbed vegetation or areas replanted with vegetation after construction, natural watercourses or greenways, expanses of lawn, and yards associated with individual lots only if aggregated into one definable unit.*

#### **17.185.020 General standards.**

- (1) Minimum Area. The minimum area will vary and is specified for each use or type of development elsewhere in this title.
- (2) Restrictions. Open space areas shall not be occupied by buildings, streets, or street rights-of-way.

#### **FINDING NO. 61:**

*Staff finds that the minimum area for recreational areas and/or open space is determined by PUD standards stipulated by CBMC 17.270. CBMC 17.270 requires a minimum of 40% recreational areas and/or open space. The applicant's proposal dedicates 42% of the total area for recreational areas and/or open space, and therefore meets the criteria. (Exhibit 2, page 26 & Atlas A-1).*

*As a condition of approval it shall be the sole responsibility of the applicant to coordinate and receive approvals from the appropriate state and federal resource agencies prior to commencement of construction. If a deviation from this original SPAR application is required as a result of the resource agency's assessment and coordination, the applicant shall resubmit any changes for approval. This may result in an additional application(s).*

## **Chapter 17.190**

### **RECREATIONAL AREA**

#### **17.190.010 Types.**

Recreational areas may be either or a combination of the following:

- (1) Places of active/passive recreation, i.e., tot lots, ballfields, picnic areas, community buildings, swimming pools, tennis courts, etc.
- (2) Expanses of lawn.

#### **FINDING NO. 62:**

*Staff finds that the recreational areas are a combination of community buildings and expanses of lawns. (Exhibit 2, page 26).*

#### **17.190.020 General standards.**

- (1) Minimum Area. The minimum area will vary and is specified for each use or type of development below or elsewhere in this title. However, areas designated as recreational shall be contiguous and shall measure at least 30 feet in each direction.
- (2) Overall Finished Grade. The grade of the area calculated for recreational areas shall not exceed 10 percent slope.
- (3) Restrictions. Recreational areas shall not be occupied by non-recreational buildings, streets, street rights-of-way, solar arrays, or wind generation devices.

#### **FINDING NO. 63:**

*Staff finds that the minimum area for recreational areas and/or open space is determined by PUD standards stipulated by CBMC 17.270. CBMC 17.270 requires a minimum of 40% recreational areas and/or open space. The applicant's proposal dedicates 42% of the total area for recreational areas and/or open space. Areas designated as recreational are contiguous and measure at least 30 feet in each direction (Exhibit 2, page 26 & Atlas A-1).*

*Staff finds that the grade of the area calculated for recreational areas shall not exceed 10 percent slope. Recreational areas shall not be occupied by non-recreational buildings, streets, street rights-of-way, solar arrays, or wind generation devices (Exhibit 2, page 27).*

#### **17.190.030 Conventional subdivision requirements.**

- (1) Minimum Area. The developer shall dedicate to the city or reserve for the residents of the development land usable for recreational area. This regulation shall apply to developments of at least six acres or greater. The amount of land to be set aside shall be 3,000 square feet for

the first six acres and shall be increased 500 square feet for every additional acre in the development. Any fractional acreage greater than one-half shall be counted as a full acre. The recreational area shall have a length-to-width ratio of not greater than 3:1.

(2) Plan. The plat or partition map shall contain the following:

- (a) Boundaries of the proposed area.
- (b) Written explanation of the purpose of the area and a description of any improvements to be made.
- (c) Description of the manner in which the area will be perpetuated, maintained, and administered.

(3) Guarantee.

- (a) Recreational areas dedicated to the city must be accepted by the city; or
- (b) The preservation and continued maintenance of property and/or structures 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.

**FINDING NO. 64:**

*Staff finds that the conventional subdivision requirements are waived and the applicant shall instead fulfill the requirements stipulated by CBMC 17.270 for a planned unit development.*

## Chapter 17.200

### OFF-STREET PARKING AND LOADING

#### 17.200.020 General provisions.

- (1) Required parking shall be available for the parking of operable vehicles of residents, customers, and employees. A required loading space shall not be used for any other purpose than the immediate loading or unloading of goods or passengers.
- (2) The off-street parking and loading requirements specified in this title shall be required of any new development or use and shall not be relinquished, reduced, or altered below the requirements established unless equivalent facilities are provided and maintained elsewhere or until the use or occupancy of the building or structure is changed, affecting the computation of the required parking.
- (3) When an existing structure is enlarged by increasing the floor space or by increasing seating capacity, or if the use changes, and any of these changes requires greater amounts of parking, the off-street parking requirements of this chapter for the use, in its entirety, shall be satisfied.
- (4) Off-street parking and loading spaces shall meet all requirements of this title before the building for which they serve is occupied, except as permitted in CBMC 17.200.030(3).
- (5) All parking spaces shall be on the same parcel of land with the main use they serve. However, parking for nonresidential structures or uses may be provided within 300 feet of the main building and in the same general type of district if there is assurance in the form of deed, lease, contract, or other similar document that the site is usable for the required parking for the duration of the use.

#### **FINDING NO. 65:**

*Staff finds that the Life Cycle 1 and Life Cycle 2 Parking Matrixes detail the required and provided off-street parking for the operable vehicles of residents. (Exhibit 2, page 31).*

*Staff finds that the off-street parking spaces provided in the applicant's proposal meet the requirements established by CBMC Table 17.200.040. Structure types 3A, 3B, and 4 do not meet the minimum parking requirements during Life Cycle 1, but equivalent facilities are provided and maintained elsewhere on site. Staff additionally finds that the applicant is proposing to use the entire site to satisfy the parking requirements of individual uses within the site.*

*Staff concludes that all parking spaces are on the same parcel of land with the main use they serve when the entire planned unit development is considered as a single parcel of land.*



*As a condition of approval the applicant shall demonstrate compliance with applicable off-street parking requirements for places of assembly prior to applying for building permits.*

*As a condition of approval the applicant shall demonstrate compliance with Table 17.200.050 in order to prove that no non-residential buildings exceed the size requiring a dedicated loading area.*

#### **17.200.030 Design requirements.**

##### **(1) Access.**

(a) All access to individual parking spaces on a nonresidential parcel or lot shall be from a street or alley directly to the parcel or lot itself. Parking spaces in a nonresidential lot and for multiple-family units of four or more shall be arranged so that ingress to or egress from a parking space does not require backing into a public street or over a sidewalk.

#### **FINDING NO. 66:**

*Staff finds that all access to individual parking spaces on a nonresidential parcel or lot shall be from a street or alley directly to the parcel or lot itself. Parking spaces for nonresidential lots and for multiple family units of four or more is arranged so that ingress to and egress from a parking space does not require backing into a public street or over a sidewalk. The Building Type 1 multiple-family residential units are the only 4-unit dwellings that back out directly onto private PUD streets. This may or may not be accurate depending on which streets are deemed public and/or private. Any streets that require backing into a street cannot become dedicated public streets (Exhibit 1, Section V, Conclusions of Law (Exhibit 2, page 28)).*

##### **(2) Dimensions.**

(a) Residential Uses. A parking space for residential uses shall have a minimum width of nine feet and a minimum length of 18 feet.

(b) Nonresidential Uses. A parking space for nonresidential uses shall have a minimum width of nine feet and a minimum length of 18 feet not including access driveways and turnarounds sufficient to permit a standard automobile to be parked in and removed from the space without the necessity of moving other vehicles. The recommended dimensions of stalls and aisles are shown in Table 17.200.030.

(c) Nonresidential Uses – Compact Car. A compact car space for nonresidential uses shall have a minimum width of eight feet and a minimum length of 16 feet not including access driveways and turnarounds sufficient to permit a compact automobile to be parked in and removed from the space without the necessity of moving other vehicles.

(3) Surfacing.

(a) General.

- (i) All off-street parking spaces, access, maneuvering areas, and driveways shall be graded and paved in accordance with the standards established by the engineering division and shall be maintained in good condition.
- (ii) If access is gained from an improved street, that portion of the access in the public right-of-way also shall be paved.
- (iii) Improvements to the parking facilities of residential uses, such as the addition of a carport or garage, shall require compliance with the surfacing requirements of the driveway and maneuvering areas if the dwelling gains access from an improved street. At a minimum, the paved access must be 10 feet in length measured from the curb face.
- (iv) Exceptions to this requirement are listed in subsection (3)(b) of this section; delays are listed in subsections (3)(c) and (d) of this section.

(b) Exceptions. The following parking areas are exempt from the surfacing requirements, but are subject to improvements in subsection (3)(e) of this section:

- (i) Separate or segregated parking areas for storage of business vehicles and equipment when in excess of the required parking.
- (ii) Separate or segregated parking areas for employees only when in excess of the required parking.
- (iii) Separate or segregated areas for the outside display of merchandise. (Example: automotive and equipment sales/rentals and construction sales and service, etc.)

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

(d) Delays – Physical Problems. The immediate surfacing of parking areas may be delayed up to one year after the date of occupancy when it is determined by the city building official that soil or climatic conditions or the availability of paving material prevents immediate paving. Soil instability shall be verified in writing by a paving contractor, qualified architect or engineer. The temporary delay shall be granted in writing by the building official. This delay is subject to improvements that may be required in subsection (3)(e) of this section.

(e) Surfacing – Improvements for Exempt Surfacing.

- (i) Provide gravel and/or durable, dustless surface.
- (ii) Pave driveways and aprons to discourage debris from entering the street right-of-way or sidewalk. At a minimum, the paved access must be 20 feet in length measured from the curb face.
- (iii) When adjacent to public sidewalks, provide a six-inch curb in accordance with standards established by the department of community services.
- (iv) Provide adequate drainage to dispose of runoff.

**FINDING NO. 67:**

*Staff finds that the applicant meets standards for parking lot dimensions as stipulated by CBMC Table 17.200.030. As a condition of approval, the applicant shall be required to meet all surfacing requirements as stipulated by CBMC 17.200.030(3) (Exhibit 2, page 29 & Atlas Sheet A-0).*

(4) Signing. Parking stalls shall be clearly marked to the full 18- or 16-foot length and access lanes marked with directional arrows to guide internal movements. Additional signs and markings shall be required if determined by the public works department to be necessary for traffic circulation or safety. Areas used for compact cars shall be clearly marked and handicapped parking spaces shall be designated in accordance with state standards.

**FINDING NO. 68:**

*Staff finds that the applicant shall clearly mark parking stalls to the full 18- or 16-foot length and clearly mark access lanes with directional arrows to guide internal movements. Additional signs and markings shall be required if determined by the public works department to be necessary for traffic circulation or safety. Areas used for compact cars shall be clearly marked and handicapped parking spaces shall be designated in accordance with state standards.*

(5) Wheel Stops. Wheel stops shall be placed so that no part of a vehicle extends over public sidewalks or rights-of-way or property lines. Parking areas directly abutting a street where no sidewalk exists shall have wheel stops placed so that at least a five-foot strip of pavement is available for pedestrian access in lieu of the sidewalk.

**FINDING NO. 69:**

*Staff finds that wheel stops will be placed as needed to assure at least five feet of any adjacent sidewalk or walkway remains open (Exhibit 2, page 30). Wheel stops shall be placed so that no part of a vehicle extends over public sidewalks or rights-of-way or property lines.*

(6) Drainage. Adequate drainage shall be provided to prevent ponding and to dispose of the runoff from the impervious surface of the parking area. Provisions shall be made for the on-site

collection of drainage waters to eliminate sheet flow of water onto sidewalks, public rights-of-way, and abutting private property, subject to approval of the public works department.

**FINDING NO. 70:**

*Staff finds that the applicant's proposed drainage design and calculations have been provided. It appears that the drainage design has addressed the prevention of ponding and allowed for the disposal of the runoff from the impervious surface of the parking area. It further appears that the design has allowed for provisions for the on-site collection of drainage waters to eliminate sheet flow of water onto sidewalks, public rights-of-way, and abutting private property. The project is proposing several detention basins. However, not all of the detention basins have been designed to detain the 2-25 year storm event. As a condition of approval the project shall be conditioned to detain the 2-25 year storm event at all outfalls. The design of the detention basins shall be in accordance with June 2009 Design Standards. Each basin shall incorporate, at a minimum, the following: maintenance access to the basin flow line, regulator controlling the outflow for the required storm events, energy dissipator at outfall, freeboard, and emergency spillway (designed for the 100-year storm event). Additionally, the drainage report did not address the capacity of the rolled curbs. Prior to issuance of permits, the drainage report shall be updated to show that the curbs have the capacity to convey the 100-year storm event and still allow for a dry travel lane.*

**(7) Landscaping.**

(a) Minimum Area. For all off-street parking and maneuvering areas with 10 or more spaces, a minimum of nine square feet of landscaping shall be provided for each parking space.

**(b) Design Requirements.**

(i) Landscaping shall consist of elements, each with a minimum area of 25 square feet and a minimum average width of three feet.

(ii) Landscaping elements must be adjacent to or within the parking lot and shall be spaced no farther than 100 feet apart.

(iii) Each element must have a major tree with a height of at least 20 feet at maturity and ground cover with a minimum height of one and one-half feet at maturity.

**FINDING NO. 71:**

*Staff finds that for all off-street parking and maneuvering areas with 10 or more spaces, a minimum of nine square feet of landscaping shall be provided for each parking space.*

*Staff finds that landscaping shall consist of elements, each with a minimum area of 25 square feet and a minimum average width of three feet. Landscaping elements must be adjacent to or within the parking lot and shall be spaced no farther than 100 feet apart. Each element must have a major tree with a height of at least 20 feet at maturity and ground cover with a minimum height of one and one-half feet at maturity (Exhibit 2, page 30 & Atlas Sheets L-1, L-4, L-6, L-8 and L-9).*

(8) Lighting. Lighting provided to illuminate parking, sales or display areas shall be hooded and arranged and controlled not to cause a nuisance either to traffic or to the living environment. The amount of light shall be provided according to the standards established by the public works department.

**FINDING NO. 72:**

*Staff Response: Lighting provided to illuminate parking, sales or display areas shall be hooded and arranged and controlled not to cause a nuisance either to traffic or to the living environment. As a condition of approval, a lighting plan must be submitted for review and approval with the site development application.*

**17.200.040 Minimum off-street parking requirements.**

(1) General.

- (a) The amount of off-street parking shall be computed according to the standards of this section and the formulas listed in Table 17.200.040.
- (b) Off-street parking requirements for a use not specifically mentioned shall be computed at the requirement for the use it most closely resembles at the discretion of the community development department.
- (c) In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately.

**FINDING NO. 73:**

*Staff finds that the amount of off-street parking provided by the applicant's proposal is computed according to the formulas listed in Table 17.200.040. Although some structure types do not meet the minimum off-street parking requirements during Life Cycle 1, the total amount of proposed off-street parking for the entire development under Life Cycle 1 still exceeds the total off-street parking required by 27 spaces (Exhibit 1, page 17; Exhibit 2, page 31; & Life Cycle 1 and Life Cycle 2 Parking Matrix Tables" & Atlas Sheet A-0).*

(2) Shared Parking. Parking for two different uses may be shared if the business can demonstrate that the hours of operation do not overlap.

**FINDING NO. 74:**

*Staff finds that the two community dining/recreation hall buildings on the site share parking with residences surrounding each building (Exhibit 2, page 3).*

*As a condition of approval the applicant shall demonstrated that the hours of operation do not overlap for the two community dining/recreation hall buildings on the site share that share parking with residences surrounding each building.*

(3) Compact Car and Handicapped Parking. A maximum of 25 percent of the required parking may be used for compact car parking. The number of parking spaces for the handicapped shall comply with state law.

**FINDING NO. 75**

*Staff finds that a maximum of 25 percent of the required parking shall be used for compact car parking. Handicapped spaces shall be provided to meet or exceed the number required by state law (Exhibit 2, page 3).*

**17.200.060 Bicycle parking.**

All uses, except for single-family dwellings and duplexes, required to provide off-street vehicle parking shall provide bicycle parking consistent with the standards in Table 17.200.060.

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

**FINDING NO. 76**

*Staff finds bicycle parking shall be provided consistent with the standards in CBMC Table 17.200.060. Bicycle parking is provided for Unit Types 1 and 2 within the provided garages, per (Table 17.200.060) footnote 1(Exhibit 2, page 33 & Atlas Sheets A-8, A-11 and A-12).*

## **Chapter 17.270**

### **PLANNED UNIT DEVELOPMENT**

#### **17.270.010 General.**

The planned unit development process is established to encourage the development of single 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...

#### **FINDING NO. 77**

*Staff finds that the applicant is proposing to development of the entire proposal as one project consistent with the objectives expressed in CBMC 17.270.010. With respect to deviation from specific standards, staff incorporates and adopts the Findings of Fact in Section IV(19)(C)(c), and based thereupon, concludes that those findings explain how sought deviations are ones that are consistent with the general intentions of this Title and are primarily driven by the nature of the Life-Cycle 1 uses or by the desire for design flexibility to create a more attractive and efficient project than would otherwise result from a base application of the code and purpose (Exhibit 1, page 27).*

*Staff herewith incorporates and adopts the Findings of Fact in Section IV(19)(C)(f) and concludes based upon those findings that the proposed PUD is compatible with surrounding uses. Staff concludes the project includes architectural and design elements that will result in an attractive environment. Staff concludes that by requiring the applicant to comply with State and Federal regulation as a condition of approval the project preserves and/or enhances on-site wetlands.*

(1) Achieve a more efficient utilization of land through shared facilities and services, thereby economizing on development costs.

#### **FINDING NO. 78**

*Staff concludes that the project will result in efficient utilization of land by creating development components in Life Cycle 1 that will have permanent project benefits in Life Cycle 2 such as the community buildings and street investments both of which are examples of shared facilities and services that will economize on development costs. The City further concludes that the site has some wetland constraints that limit development potential of some portions of the site and the PUD allows for efficient design around these constraints while still maintaining an appropriate overall level of development under the plan and zoning designations applicable to the site (Exhibit 1, page 27).*

(2) 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.

**FINDING NO. 79**

*Staff finds that the PUD ordinance affords opportunities for design freedoms to allow a desirable mix of building types and shared open space that will result in a superior design to what would have been possible with a conventional lot and block land use pattern (Exhibit 1, page 28). The applicant has made use of this opportunity throughout their proposal through the use of multiple types of residential use and the civic use structures that are being proposed as a part of their proposal.*

(3) Maximize development potential of building sites constrained by special features such as topography, shape, or size while minimizing the potential for hazardous conditions.

**FINDING NO. 80**

*Staff concludes that the site is laid out to protect wetland features and design around topographic constraints of the site. Staff also recognizes that limited development potential exists on adjacent lands on the south portion of the site and consequently the PUD ordinance has maximized the potential of the building site while minimizing the potential for hazardous conditions (Exhibit 1, page 28).*

**17.270.020 Permits required and initiation.**

When required, the right to proceed with a planned unit development shall be determined through the conditional use permit process. Development design of the site shall be reviewed through site plan and architectural review. However, depending upon the marketing of the land, this review may be replaced by subdivision or major partitioning procedures. Substantial design changes in approved plans shall be approved under the same procedure. Application for these permits can be initiated by the property owner or authorized representative.

**17.270.040 Application.**

Application requirements are specified under Chapter 17.345 CBMC, Site Plan and Architectural Review, and/or Chapter 17.335 CBMC, Land Division – Partition II and Subdivision.

**FINDING NO. 81**

*Staff finds that the PUD has been initiated by the property owner through their authorized representative. The applicant has also applied for a Site Plan and Architectural Review and Subdivision application as a part of this consolidated application (Exhibit 1, page 28).*

Staff concludes that various aspects of the project trigger both Site Plan and Architectural Review and Subdivision review. The applicant has properly filed applications and supplied



findings of fact and conclusions of law that address the relevant substantive approval criteria for each.

**17.270.050 Property development requirements.**

(1) Minimum Area. A planned unit development shall require a minimum gross area of two acres.

**FINDING NO. 82**

*Staff finds that the subject property has approximately 71.9 acres (Exhibit 1, page 8). Therefore the planned unit development minimum area requirements have been met.*

(2) Permitted Uses. Any uses permitted or conditional in any residential zone of the city may be permitted in the 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.

**FINDING NO. 83**

*Staff concludes that the uses proposed in each area are uses that are permitted or conditional within the respective zones in which they are located and the Applicant has not proposed a project that necessitates the flexibility offered under these provisions (Exhibit 1, page 29).*

(3) Density. The overall density permitted by the underlying zoning district shall govern the density of the development. However, an increase in overall density may be approved if the applicant satisfactorily demonstrates distinctiveness and excellence in siting or design, or provides specific property development improvements that surpass ordinary requirements of this title.

**FINDING NO. 84**

*Staff herewith incorporates and adopts the Findings of Fact in Section IV(19)(C)(d) wherein the density of the project is analyzed and it is demonstrated that the overall density of the project complies with densities contemplated by the underlying zones but that individual lot densities will vary from the zoning standards due to the nature and design of the PUD.*

*Staff additionally finds that if any of the lot sizes are changed before final design the applicant must demonstrate that the project meets density requirements found in this title.*

(4) Access and Roads.

(a) There shall be vehicular and pedestrian access to the development from a dedicated and improved street.

#### **FINDING NO. 85**

*Staff incorporates and adopts the Findings of Fact in Section of the applicant's narrative, and concludes based thereupon, that the project proposes to take access at two locations off of Ocean Boulevard which is an improved Arterial Roadway. The project will primary have access from Lindy Lane. This access shall be improved to collector street standards as stipulated by the 2004 TSP (Figure 3.4). Currently Lindy Lane is a residential road and will be upgraded to a collector.*

*A secondary access, which has not been secured as of the date of this report, will require the creation of a new street (White Fir Drive) and will be constructed within a 50-foot ROW. The on and off-site portions of Lindy Lane and White Fir Drive will need to be dedicated and built to City standards (Exhibit 1, page 29 & Exhibit 1, page 10). A condition of approval will be included in this report stipulating the acquisition of easements for this secondary access. The secondary access shall be constructed as part of LC 1 scope of work and before any building permits are issued for the site.*

(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.

#### **FINDING NO. 86**

*Staff finds that the project proposal includes both private and public streets. Based upon the details shown on Atlas Sheet C-6 not all of the private streets comply with - the requirements of 17.270.050 (4)(b). For example, the rolled curb on Sitka Ln. from edge of gutter to back of curb (BOC) is 2 feet. The detail for the local 20' residential roadway (sheet C-6) shows a distance of 21 feet from BOC to BOC. This results in a paving width of 17 feet and the standard requires 18 feet. Additionally, information was not provided in the land use application with respect to right of way widths for private streets. The details states that "right of way width varies". Therefore, the right of ways could not be determined for the proposed private streets.*

*The proposed private streets are Willow Road, Sitka Lane, Chickapin Lane, Lodgepole Drive, Wax Myrtle Drive, Incense Lane, Magnolia Drive, Fulton Ave. and Sequoia Drive (Exhibit 1, pages 29, 30). As a condition of approval the applicant shall demonstrate compliance with the criteria found in 17.270.050 (4)(b) (Private street Paving Standards).*

(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.

**FINDING NO. 87**

*Staff finds that the applicant proposes to have fire sprinklers within all buildings with more than two dwelling units. Additionally, a condition of approval will be for the applicant to obtain a letter from the Coos Bay Fire Chief stipulating that on-site fire protection facilities are proposed to be provided in accordance with City of Coos Bay current regulations for such developments.*

*The City further concludes that based upon Exhibit 1, page 30, Exhibit 2, page 24 & Atlas A-13 of the applicant's proposal, all street lighting can feasibly and will be provided at the specified illumination rates. The applicant shall submit a lighting plan as a condition of approval and install street lights throughout the project that meet Coos Bay light level standards for residential streets as determined by the public works department.*

(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.

#### **FINDING NO. 88**

*Staff concludes that, based upon the plan depicted on Atlas Page A-1, the total gross area of recreational areas and open space are larger than 3,000 square feet in each instance and in total constitute more than 42% percent of the site as is shown in the applicants proposal. Additionally staff concludes the boundaries of the recreation areas and open space are depicted on the plan and that the Findings of Fact Section IV (19)(C)(a) explain the purpose and description of improvements to be made to the recreational areas and open space. Staff incorporates and adopts the Findings of Fact in Section IV(19)(C)(e) wherein the Applicant describes the process to develop appropriate CC&Rs to assure the recreational areas and open space will be perpetuated, maintained and administered (Exhibit 1, page 30, Exhibit 1, page 16 & Atlas A-1).*

(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 public works and development department before occupancy of any dwelling.

#### **FINDING NO. 89**

*Staff incorporates and adopts the Findings of Fact in Section IV (19)(C)(e) wherein the Applicant describes the process to develop appropriate CC&Rs to assure the recreational areas and open space will be perpetuated, maintained and administered and Applicant can feasibly and will provide these documents to the City prior to occupancy of any dwelling (Exhibit 1, page 31, Exhibit 1, page 19). This document will also include the inspection and maintenance, into perpetuity, for all of the detention ponds that the project is proposing. The agreement will cover all aspects of the ponds including but not limited to the pond itself, maintenance road, spillway, riser, outfall, etc. A condition of approval shall be that the applicant shall file the necessary legal documents associated with the CC&R's listed in finding #89 with the public works and development department before occupancy of any dwelling.*

(7) Off-Street Parking and Loading. The provisions of Chapter 17.200 CBMC shall apply.

#### **FINDING NO. 90**

*The applicant states that the project can feasibly and will comply with all off-street parking and loading requirements during Life Cycle 2. The City further concludes that a near-term deviation allowed under the PUD ordinance provisions is appropriate for Life Cycle 1 because the nature of that use is expected to be served by shuttles for construction workers and parking demand is expected to be significantly less than the demand for standard multiple family residential and because the actual dwelling unit types are such that parking demands for studios and group residential units are unlikely to exceed one car per dwelling unit.*

*Staff concludes that the applicant proposes a deviation from off-street parking and loading requirements for Life Cycle 1 under 17.270 (planned unit development) requirements. CBMC 17.270.050(7) does not allow for variations to off-street and loading requirements however, the general purpose statement of the PUD code 17.270.010 allows for deviation from specific site standards as being allowable as long as the general purposes are achieved. Staff agrees with the applicant's conclusion.*

(8) Signs. The provisions of Chapter 17.230 CBMC shall apply.

#### **FINDING NO. 91**

*Staff finds that the applicant has not applied for any signage as a part of this application. A condition of approval shall be that the applicant must submit an application for any proposed future sign as a part of this development.*

#### **17.270.060 Fees.**

(1) Site plan and architectural review or plat filing fee.

(2) Plan Check Fee. As part of the site plan or plat review, the construction plans and specifications shall be submitted for review. At this time the applicant shall pay a plan check fee established and set by resolution of the city council. If these plans must be corrected and then rechecked, the applicant shall also pay any additional actual costs incurred.

(3) Inspection Fee. The fee for the city's ongoing inspection of street and utility improvements shall be established by resolution of the city council. This fee shall be advanced by the applicant prior to the issuance of any construction permit. Additional inspection costs incurred by the city exceeding the initial cash advance established by resolution shall be based upon actual costs and shall be paid before the city formally accepts the public improvements. Any portion of the cash advance not expended shall be refunded to the applicant after staff determines inspection is complete. The estimate of the cost of the required improvements will not be negotiable; a substantial difference of opinion may be submitted to the city council for review.

(4) Bond, Cash, or Security Deposit for Public Improvements. A surety or performance bond, cash, or negotiable security deposit approved by the council shall be filed for the public improvements in the amount established by resolution of the city council. The deposit or bond shall be paid prior to the issuance of any permits by the city. Terms of the bond or deposit are discussed further in CBMC 17.270.070(3). The estimate of the cost of the required improvements will not be negotiable; a substantial difference of opinion may be submitted to the city council for final determination.

#### **17.270.070 Requirements for improvements.**

(1) Construction Plans and Specifications. As part of the site plan or plat review, the applicant shall submit to the public works and development department construction plans, profiles, and

cross-section drawings, and specifications for the required utilities and streets, accompanied by a plan check fee. These plans will be reviewed, and the applicant will be notified in writing of compliance with city requirements or of any necessary modifications. The final drawings and specifications shall be permanently filed with the department.

A copy of water system plans shall be submitted to public works by the applicant.

(2) Contract for Improvements. Within 48 months of approval of site plan or plat review and of the improvement plans and specifications, but prior to the issuance of any construction permits, the applicant shall be required to enter into an agreement to construct and/or improve facilities to serve the development. Prior to the issuance of any construction permits, the applicant will submit the inspection fee and also post a performance bond, cash, or security deposit guaranteeing the completion of the contracted provisions. All contracted improvements shall be completed within 24 months after the bond or surety is posted. If the applicant is unable to complete the improvements within two years with good cause, a one-year extension may be granted by the public works and development department. Further extensions must be approved by the planning commission.

(3) Bond and/or Surety, Cash or Security Deposit Provisions. The assurances for completion of improvements shall be filed with the city recorder in the nonnegotiable amount established by resolution of the city council. The bond or deposit shall:

- (a) Name the city as obligee.
- (b) Be in a form approved by the city attorney.
- (c) Be conditioned upon the final approval and acceptance of the development.
- (d) Provide full warranty for the improvements for a minimum of two years from the date of final acceptance by the city.
- (e) Be forfeited to the city if the applicant does not complete the requirements within the agreed-upon time limit, or if the applicant has created a hazard causing imminent danger to the public health and safety within or adjacent to the development which the developer fails to correct.
- (f) Cover any costs, attorneys' fees, and liquidated damages resulting from delay or failure to meet the deadline.

(4) Construction. Construction of improvements may begin in accordance with the agreement. During this phase of development, the applicant shall be required to prepare record drawings of all improvements. Special attention shall be given to underground utilities.

(5) Acceptance of Improvements. Upon completion of the improvements, the applicant shall submit record drawings to the public works and development department of the street and sanitary/storm sewer plan profiles.

**17.270.080 Filing.**

An original or exact copy of the plan of the development shall be filed within seven days of the commission approval with the public works and development department. The staff shall indicate acceptance of the map and shall keep and maintain it as a permanent record.

***FINDING NO. 92***

*Staff finds that the applicant has complied with 17.270.070 up to this date. Additional application review fees may be required by the City as costs are incurred. As a condition of approval, no permits shall be issued for this project on the site until all review fees have been paid by the applicant.*

*Additionally, as a condition of approval, all applicable components of 17.270.070 - Requirements for improvements - will be required as a part of this project should any on or off-site improvements not be finalized before the issuance of building permits. A bond or surety shall, in an amount agreed upon by the Coos Bay Public Works Department and in accordance with the provisions of this chapter, be submitted to the city before the issuance of building permits.*

## **Chapter 17.335**

### **LAND DIVISION – PARTITION II AND SUBDIVISION**

#### **17.335.010 General.**

(1) The following general rules, guidelines and specific requirements, where applicable, shall govern the development of all partition II and subdivisions. The goals of these regulations are to:

- (a) Provide for a uniform process for partition II and subdivisions.
- (b) Ensure the appropriate size of building lots within the density requirements of the district.
- (c) Ensure economical, efficient, and safe circulation systems for vehicles and pedestrians.
- (d) Provide for the orderly extension of public facilities and services, such as water, drainage, sewerage, and streets.
- (e) Assure the health, safety, and welfare of the general public.

#### **FINDING NO. 93**

*Staff finds that the requirements of CBMC 17.335 do assure a uniform process for subdivisions. Staff concludes the subdivision process in conjunction with the PUD ordinance ensure an appropriate size for all proposed building lots within the density requirements of the applicable districts. Staff concludes the project included a traffic impact analysis and includes a connected network of streets for both vehicles and pedestrians. Staff finds that the application indicates that public facilities and services have been considered and can feasibly be extended in an orderly fashion as part of the final platting process. With respect to health, safety and welfare of the general public, staff concludes that the proposed land division serves the land ownership structure of the development but the ownership has less to do with the health safety and welfare of the general public than the nature and design of the project itself. To this end, staff concludes that the project as a whole can be reasonably expected to support the health, safety and welfare of the general public by providing quality multiple-family development within the City limits consistent with the Comprehensive Plan Map for the area and that the proposed land division will result in a reasonable and appropriate land ownership configuration to underlie the physical development (Exhibit 1, page 35).*

(2) An application for a Partition II and Subdivision shall be made in either of the following circumstances:

- (a) The division includes the creation of a public dedicated street; or
- (b) There are more than three lots that will be created from the parent parcel.



## **FINDING NO. 94**

*Staff finds that the application for Subdivision has been made as the project proposes to create dedicated public streets and also to create 160 new lots from the parent parcels (Exhibit 1, page 35). However, the Staff does not recommend accepting the public streets until LC 2 is built out. Furthermore, Staff does not recommend accepting the public street if they are not in conformance with the CBMC and 2009 Design Standards. Currently, the proposed public streets for dedication do not meet these requirements.*

### **17.335.050 Preliminary plat or major partition map.**

(1) Application – Preliminary Plat or Map. At least 45 days prior to the planning commission meeting, an application for a preliminary plat or map shall be filed with the public works and development department, and shall include one mylar and 14 copies of maps and written information as listed below. (Platting and mapping standards are specified in CBMC 17.335.070.)

(a) Base Map. A base map drawn at a scale of one inch equals 50 feet, unless otherwise approved by staff, containing the following information. If a different scale is necessary for the boundary survey map, a separate map may be submitted per county requirements:

- (i) Map Data. Property boundaries, lot or parcel area in acres or square feet, north point, scale and date, name of owner or authorized person, engineer or surveyor preparing the maps, subdivision name(s).
- (ii) Topography. All existing natural features including contour lines, tree groupings, low or swampy areas, streams, wetlands, or geological features, temporary bench mark based on mean sea level.
- (iii) Existing rights-of-way and improvements within.
- (iv) Utilities. Existing utilities and public facilities.
- (v) Structures. Existing structures.

## **FINDING NO. 95**

*Staff finds that the applicant submitted all required materials to satisfy the requirements of this code and to base a decision*

(b) Tentative Plan. This map shall show the following additional information proposed for the development:

- (i) Lots. Proposed lot or parcel lines, lot or parcel dimensions, proposed lot and block numbers or metes and bounds description, street dimensions, dimension and purpose of easements, street names, and development name(s).
- (ii) Grades. Proposed finished grades of the property and streets showing all cut and fill areas, general slope of the property, location of the proposed retaining walls or slope protection, and proposed storm drainage systems or drainage ways.
- (iii) Utilities. Locations, grade, and size of proposed utilities, including streets, water, and sewer, fire hydrants, storm drains, electricity and communication lines. Proposed service and utility structures and their intended use, and other impervious surfaces other than streets. All facilities shall be considered in their relation to existing and planned facilities, topographical conditions, public convenience and safety, and proposed use of the land.
- (iv) Structures. Existing structures to remain.
- (v) Hazards. Location of hazard areas, showing areas within the 100-year floodplain, landslide potential, wetlands, sinkholes, or other hazards. (Note: A full geological report may be required by the building official or planning commission.)
- (vi) Open Space. Location and area of the proposed development, open space, setbacks where applicable, buffers, screens, recreation facilities, or required landscaped areas.

#### **FINDING NO. 96**

*Staff finds that the preliminary plat submitted includes the above listed components and complies with Section 17.355.050(1)b (Exhibit 2, page 4). However, staff cannot confirm if the current Tentative Subdivision Map meets the right of way requirements for private streets. This could affect the lot sizes and configurations. Additionally, there are proposed detention ponds that do not meet the detention requirement. Furthermore, the plan currently shows a sewer section aligned under a detention basin. As a condition of approval the applicant shall meet sizing criteria for detention ponds and shall re-align the sewer line currently aligned under the detention pond to a location approved by the Coos Bay Public Works Director.*

#### **(c) Written Information.**

- (i) Name. The name of the proposed development, not duplicating the name of any other similar development within the county.
- (ii) Title Report. Indicating any taxes or assessments as a lien against the property, and ownerships of the property of proposed development and of adjacent property within 250 feet of the proposed development.

(iii) Ownerships. Description of ownership arrangement of commonly owned or commonly used property (e.g., organization bylaws, covenants or deed restrictions).

(iv) Geological Report. For slopes greater than 2:1 or where the building official or planning commission specifies a site-specific geological investigation report. This report shall be prepared by a licensed engineering geologist, soils engineer, or other qualified expert, who must carry errors and omissions insurance. Verification of the insurance must be submitted with the report. The report shall indicate the feasibility of any proposed structures, cuts of fills, recommended storm drains both on and off the site, erosion control measures and slope stabilization devices, and trees or other stabilizing vegetation to be retained.

(v) Phasing. A statement describing and explaining the rationale for the phasing of construction, sales of lots or units, and the placement of utilities and construction of streets.

#### **FINDING NO. 97**

*Staff finds that the required components of this section can be found in Exhibit 1 in the applicant's submittal. Additionally, a project phasing plan, Sheet A-2 in the Applicant's Atlas shows proposed phasing for project. Phases may be constructed in any order and be dependent upon market demand for the different types of units. As phases are constructed, streets providing access will be constructed and utilities extended simultaneously. Utilities will be stubbed out as needed to provide easy access for construction of the adjacent phase (Exhibit 2, page 5).*

*If phasing of the utilities (storm and sewer) are proposed. A phasing plan must be submitted prior to issuance of permits that demonstrates how the construction of the utilities will be phased. Any systems that are proposed to be capped shall be done so in conformance with Public Works requirements. Caps shall be sufficiently tight to prevent the escape of wastewater or the infiltration of ground water or stormwater into the wastewater system. All caps shall be approved and inspected by Public works.*

(6) Planning Commission Recommendation – Preliminary Plat or Map. The commission will review the preliminary plat or map and written material supplied by the applicant, staff and other agencies and may recommend approval, conditional approval, or denial of the application. The commission shall adopt findings of fact which substantiate the following conclusions:

(a) Development of any remainder of property under the same ownership can be accomplished in accordance with this title.

#### **FINDING NO. 98**

*Staff finds that the entire ownership is planned to be developed. Additionally, the entire consolidated application will be reviewed by a Hearings Officer with a recommendation on this application going to the City Council for final approval.*

(b) Adjoining land can be developed or is provided with public access that will allow its development in accordance with this title and state statute.

#### **FINDING NO. 99**

*Staff finds that the proposed dedicated/public streets do not meet the 2004 TSP with respect to right of way width, sidewalks, and bike lanes. A condition of approval will be that all necessary easements be acquired by the applicant before the issuance of building permits.*

(c) The plan complies with the requirements for its submittal, and with the policies and objectives of the comprehensive plan and other city ordinances.

#### **FINDING NO. 100**

*Staff herewith incorporates and adopts the demonstration of compliance with applicable standards in Exhibit 2 and based thereupon concludes the plan complies with the requirements of submittal and is consistent with all City ordinances except for those standards where a deviation has specifically been requested through the PUD ordinance. With respect to policies and objectives of the Comprehensive Plan, staff concludes that it has reviewed the Comprehensive Plan policies and objectives and found none of those policies or objectives are intended to function as approval criteria for the subject application.*

The planning commission may recommend conditional approval if there are deficiencies or other circumstances associated with the proposal. These substantive conditions shall be stated in terms that are specific and measurable so that the applicant is fully aware of the intent and justification of the condition and how and when implementation is to be accomplished. Conditions which the commission may recommend would be similar to those permissible under a conditional use permit.

#### **FINDING NO. 101**

*Staff is recommending appropriate conditions can as a part of this staff report. The Hearings Officer/City Council may modify these conditions as she/they see fit.*

(7) City Council Decision – Preliminary Plat or Map. The recommendation of the planning commission shall be forwarded to the city council as soon as possible but within 60 days of the hearing. Final decision by the city council is based upon recommendations by the planning commission, the record and evidence presented at the time of the public hearing. The council

may affirm, modify, or reverse the recommendation of the commission, but shall adopt findings to support the required conclusions per subsection (6) of this section.

#### **FINDING NO. 102**

*Staff finds that the recommendation of the planning commission shall be forwarded to the city council as soon as possible but within 60 days of the hearing.*

#### **17.335.060 Public improvements and monumentation.**

No site preparation work may take place until all public improvement agreements have been executed, except as may be permitted in writing by the public works and development director.

(1) Required Public Improvements. The applicant shall be required to construct or to provide the following improvements according to the specifications of the public works and development department and to other regulations of this title:

- (a) Streets.
- (b) Sidewalks along collector and arterial streets as referenced in the comprehensive plan or as may be modified by the public works and development department.
- (c) Sanitary sewers and facilities.
- (d) Surface drainage control.
- (e) Water lines and facilities.
- (f) Fire hydrants.
- (g) Street lighting.
- (h) Underground public, private, or franchised utilities.
- (i) Street and traffic control signs and barricades as required.
- (j) Other items required by the commission, council, or public works and development department as a condition of development approval.

#### **FINDING NO. 103**

*Staff finds that no site preparation work may take place until all public improvement agreements have been executed, except as may be permitted in writing by the public works and development director as outlined in 17.335.060.*

*Staff finds that per the City's adopted Sewer Master Plan, the system that this project is proposing to tie into (gravity lines, force mains, and pump stations) is deficient at this time. Additionally, the City's Master Plan is approximately 8 years old and was completed from a master planning level rather than a high level of detail. Based upon this knowledge the City contracted with The Dyer Partnership to analyze the downstream system from the point at which the project is proposing to tie into the public system (the old K-Mart parking lot) to Treatment Plant 1 (1420 Ivy Avenue). The Dyer Partnership's January 2014 detailed analysis titled, "Draft Regional Sewer Study", determined that approximately 8,860 feet of gravity line,*

5,060 feet of force main, and 4 pump stations will need to be upgraded to adequately handle the sanitary sewer flows generated by Ocean Grove project. The Table below is an excerpt from Draft Regional Study that itemizes the improvements that must be constructed prior to issuance of any building permits as a condition of approval.

**Table 7.2.1**  
**Existing System & Ocean Grove Improvement Projects**

Manhole or Pump Station #	Deficiency Noted	Existing Pipe Dia. (in)	Req'd Pipe Dia. (in)	Description of Improvement Project	Total Project Cost
MH I-9 TO MH I-5	Surcharged Line	8	10	Replace 850 LF of Piping	\$264,037
I-5 TO PS 12	Surcharged Line	8	12	Replace 335 LF of Piping	\$124,370
PS 12 TO MH K-18	Force Main Velocity Exceeded	6	8	Replace 870 LF of Piping	\$254,204
MH K-18 TO MH K-2	Surcharged Line	8	10	Replace 1,250 LF of Piping	\$546,717
MH K-2 TO PS 13	Surcharged Line	10	15	Replace 245 LF of Piping	\$77,281
PS 13 TO MH L-1	Force Main Velocity Exceeded	6	8	Replace 460 LF of Piping	\$76,371
MH L-1 TO MH L-7	Surcharged Line	8	15	Replace 1,950 LF of Piping	\$803,699
MH L-7 TO L-9	Surcharged Line	12	15	Replace 220 LF of Piping	\$100,571
PS 10 TO MH N-1	Force Main Velocity Exceeded	10	12	Replace 3,660 LF of Piping	\$969,364
MH N-1 TO MH N-13	Surcharged Line	10	12	Replace 1,110 LF of Piping	\$382,691
MH N-13 TO N-20	Surcharged Line	10 & 12	15	Replace 720 LF of Piping	\$249,632
MH N-20 TO T-3	Surcharged Line	10 & 12	18	Replace 2250 LF of Piping	\$803,353
Pump Station #	Deficiency Noted	Existing Capacity (GPM)	Req'd Capacity (GPM)	Description of Improvement Project	Total Project Cost
3	Wet Well Flooded	2200	2,600	Replace/Upgrade P.S.	\$331,000
10	Wet Well Flooded	752	2,350	Replace/Upgrade P.S.	\$1,103,760
12	Wet Well Flooded	300	1,225	Replace/Upgrade P.S.	\$1,013,620
13	Wet Well Flooded	480	1,560	Replace/Upgrade P.S.	\$1,013,313
<b>TOTAL</b>					<b>\$8,113,983</b>

(2) Optional Public Improvements. Other public improvements may be appropriate to the development and can be required at the discretion of the planning commission and/or city council as a condition of development approval. Such improvements are:

- (a) Bicycle lanes.
- (b) Pedestrian and/or bicycle paths.

#### **FINDING NO. 104**

*Staff finds that the applicant is proposing to construct pedestrian and bicycle paths shall be provided per (Exhibit 1, page 16). Staff finds that the private roads are not proposing bike lanes and that the public roads do not meet the bike lane standards per CBMC.*

(3) Construction Plans and Specifications. After approval of the preliminary plat or partition map, the applicant shall submit to the public works and development department construction plans, profile and cross-section drawings, and specifications for the required public utilities and streets, accompanied by a plan check fee. The plans will be reviewed and the applicant will be notified in writing of compliance with city requirements, or of any necessary modifications. The final drawings and specifications shall be permanently filed with the department.

A copy of the water system plans shall be submitted to the public works and development department by the applicant.

#### **FINDING NO. 105**

*Staff finds that after approval of the preliminary plat map, the applicant shall submit to the public works and development department construction plans, profile and cross-section drawings, and specifications for the required public utilities and streets, accompanied by a plan check fee. The plans will be reviewed and the applicant will be notified in writing of compliance with city requirements, or of any necessary modifications. The plan will also be provided to the Coos Bay North Bend Water Board for their review and approval. The final drawings and specifications shall be permanently filed with the department.*

A copy of the water system plans shall be submitted to the public works and development department by the applicant.

(4) Contract for Public Improvements. After approval of the plans and specifications, and within 48 months of preliminary approval, the applicant shall be required to enter into an agreement to construct and/or improve public facilities to serve the development within 24 months. Prior to the issuance of any construction permits, the applicant will submit the inspection fee and also post a performance bond, cash, or security deposit guaranteeing the completion of the contractual provisions. If the applicant is unable to complete the improvements within the two-year time period with good cause, a one-year extension may be granted by the public works and development department. Further extension must be approved by the council. No other development permits shall be issued until the contract is executed and all fees and bonds paid.

Contract for providing a water system shall be negotiated with the Coos Bay/North Bend water board. A copy of the executed agreement shall be submitted to the public works and development department with the contract.

#### **FINDING NO. 106**

*The developer shall coordinate with the Water Board on the following items.*

- 1. Water distribution system planning and design. This is typical with any development and involves mapping of project area topography with proposed*

*streets and new water main layout; water main sizing (usually dictated by fire flow requirements) and fire hydrant locations (requires input from the CB Fire Dept.); and finally detailed design review. The design review may include development impacts on the existing distribution system as well.*

- 2. The potential impact of the proposed development on the Pony Creek Watershed. The Watershed is, of course, the primary source of drinking water for the entire community, and any proposed impact must be carefully evaluated. The potential impacts to the drinking water supply are (1) erosion of sediments into Merritt Lake, typically from a major storm event, creating a turbid plume at the intake and, (2) conveyance of other contaminants into Merritt Lake, with or without a major storm event and plume that could affect long term water quality.*
- 3. Prior to the preparation of final design, the Water Board and developer shall enter into a contract. The developer shall agree to certain conditions and pay costs incurred by the Water Board. Costs will include design review, construction inspection, WB contract administration, some construction work by our crew, service tap fees and system development charges.*
- 4. All water line and sewer line shall be separated in accordance with OAR 333-061-0050 provisions.*

(5) Monumentation. The applicant shall set monuments and furnish a map depicting the monumentation of the exterior boundaries of the tract of land and of the right-of-way lines within the subdivision in accordance with ORS 92.060.

When the improvements contract is executed, the applicant for a subdivision plat shall also enter into a contract to complete the interior monumentation within 24 months, and subsequently present a certified post-monumentation plan. Contract extensions will be handled in the same manner as improvement contracts (subsection (4) of this section). This contract shall be secured with a performance bond and/or surety, cash, or security deposit.

(6) Bond and/or Surety, Cash, or Security Deposit Provisions. The assurances for completion of public improvements and/or for proper monumentation shall be filed with the city recorder in the nonnegotiable amount as established by resolution of the city council. The bond or deposit shall:

- (a) Name the city as obligee.
- (b) Be in a form approved by the city attorney.
- (c) Be conditioned upon the final approval and acceptance of the development.
- (d) Provide for full warranty for improvements for a minimum of two years from the date of final acceptance by the city.
- (e) Be forfeited to the city if the applicant does not complete the requirements within the agreed-upon time limit, or if the applicant has created a hazard causing imminent



danger to the public health and safety within or adjacent to the development which the developer fails to correct.

(f) Cover any costs, attorneys' fees, and liquidated damages resulting from delay or failure to meet the deadline.

(g) Remain in the custody of the city until the obligation is completed or the bond or deposit is forfeited, or shall be placed in an escrow account subject to city control.

(7) Construction. Construction of improvements may begin in accordance with the agreement. During this phase of development, the applicant shall be required to prepare record drawings of all improvements. Special attention shall be given to underground utilities.

#### **17.335.070 Final plat or map.**

(1) Application – Final Plat or Map. A final plat or map, conforming to the approved preliminary plat or map, shall be filed with the public works and development department within 12 months after the improvement contract is executed. The plat or map shall include an exact mylar copy of the plat or map as filed with the county clerk's office and 14 prints of the drawings. The mapping, drafting, and lettering will be done in a neat and legible fashion as determined by staff and will conform with ORS 92.080.

Final plat or map application shall include the information listed below:

(a) Final Plan. All required information shall be clearly and legibly shown on the plat or map.

(i) Map Specifications. Date, north point, legend, topography (bluffs, watercourses, etc.), existing cultural features (highways, railroads, etc.), and scale no less than one inch equals 100 feet unless otherwise approved by staff.

(ii) Boundaries. Legal description; dimensions of tract, block, and lot boundary lines or parcel boundary lines.

(iii) Blocks. Numbered consecutively.

(iv) Lots. Numbered beginning with one and then consecutively.

(v) Parcels. Metes and bounds description.

(vi) Easements. Denoted with fine dotted lines, clearly identified and, if already of record, the recorded reference. If any easement is not recorded, the widths of the easement and the lengths and bearings of the lines and sufficient ties to definitely locate the easement with respect to the development must be shown.

If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

(vii) Dedications. Land parcels to be dedicated for any public or private purpose to be distinguished from lots intended for sale; may include recreational or open space areas.

(viii) Street Data. Right-of-way boundaries, widths and centerlines. For rights-of-way on curvatures, dimensions of the delta angle, arc, length, and tangent shall be shown.

(ix) Survey Data. The length of bearings, delta angles, radii, arcs, points of curvature, and length and bearings of tangents. Bearings shall be to the nearest 10 seconds, except for lot line bearings to the nearest 30 seconds. All distances to the nearest hundredth foot, the error of closure to be one foot in 10,000 feet.

(b) Certificates.

(i) Dedication Certificate. A certificate signed and acknowledged by all parties having any recorded title interest in the land consenting to the preparation and recording of the plat or map, and/or a certificate signed and acknowledged as above, dedicating all areas of land shown on the final plat and intended for any public use, except those lands which are intended for the exclusive use of the lot owners in the development, their licenses, visitors, tenants, or servants.

(ii) Surveyors Affidavit. A certificate signed and sealed by the licensed surveyor responsible for the survey and the final plat or map.

(iii) Post-Monumentation Affidavit. A certificate signed by the public works and development director verifying the monumentation. This certificate will be executed only upon completion of all public improvements.

(iv) Other. All other certificates now or hereafter required by law.

(c) Supplementary Material Accompanying Plat.

(i) Plat or Map Preparation. Name and address of owner(s), developer, engineer, or surveyor and land planner or landscape architect.

(ii) Title Report. A preliminary title report issued by a title insurance company in the name of the owner of the land showing all parties whose consent is necessary and their interest in the premises.

(iii) Deed Restrictions. Five copies of any deed restrictions applicable to the development.

(iv) Taxes. Written proof that all taxes and assessments on the tract are paid to date.

(v) Public Improvements. Written certification from the public works and development department and the water board that either all improvements have been made or that an agreement has been executed.

(vi) Survey Calculations. Calculations should be properly indexed and should measure eight inches by 11 inches or eight inches by 14 inches. No unnecessary printed, lettered, or written information shall appear on calculation sheets except that which relates to the survey of the development. One set of coordinates shall

be used throughout; minus coordinates are not acceptable. Traverse sheets shall contain the following order: point number or lot corner, angle, bearing, horizontal distance, latitude, departure, north coordinate, and east coordinate. Vertical datum benchmark shall be measured from mean sea level. Computed sheets or tapes will be accepted if properly indexed, labeled, and explained.

(2) Application Filing – Final Plat or Map. The final maps and supplemental information shall be presented at least 30 days prior to review by the council.

If the applicant is not prepared to file the final plat or map as required in this section, a preliminary extension of up to six months may be granted by the public works and development department. A request for an extension shall be made in writing and shall include reasons the extension is necessary. Extensions beyond the initial six months shall require the approval of the city council.

If the final material is not presented and there is no request for an extension, the development will be automatically reviewed by the city council. The applicant will be notified to show cause for failure to meet the ordinance provisions.

(3) Staff Review – Final Plat or Map. The final map and other data shall be reviewed by the public works and development department to determine: (a) that the development is substantially the same as approved on the preliminary plat or map, (b) that there has been compliance with provisions of the law and of this title, and (c) that the plat or map is technically correct.

The city will make field checks to verify that the mapping is sufficiently correct and will enter the property without notice for this purpose. If it is determined that there has not been full conformity, the applicant shall be advised in writing of the changes or additions that must be made to bring the plat or map into conformance and an opportunity to make these changes must be given.

#### **17.335.080 Structural permits.**

Upon filing the final plat or map, building and structural permits may be issued by the public works and development department. The applicant shall be required, however, to present written verification from the public works and development department and from the water board that sewer and water service is available to the subject lot(s). [Ord. 93 § 5.16.8, 1987].

#### **17.335.090 Acceptance of improvements.**

Approval of the final plat or map shall not constitute an offer by the applicant or acceptance by the city of any public improvements or monumentation. Upon completion of the improvements and post-monumentation (CBMC 17.335.060), the applicant shall submit the following record drawings to the public works and development department:

(1) One copy of street and sanitary/storm sewer plan profiles.

(2) One mylar of the certified post-monumentation plan.

Public works and development shall review the material, indicate approval of the post-monumentation by signing the affidavit on the final plat or map, and recommend to the city council that a resolution be passed confirming final acceptance of all public improvements.

**FINDING NO. 107**

Staff finds that the applicant shall comply with all applicable criteria contained in 17.335.060 – 090 or as otherwise agreed upon as condition of approval's found in this report and in the Final Order.

## **Chapter 17.345**

### **SITE PLAN AND ARCHITECTURAL REVIEW**

#### **17.345.030 Application.**

An applicant for a general or special development permit for a development which is subject to site plan and architectural review shall submit a plan or plans drawn to scale showing the following as applicable:

- (1) Contour lines related to some established bench mark or other datum approved by the public works and development director and having a minimum interval of five feet.
- (2) The location and direction of all watercourses and areas subject to flooding.
- (3) Natural features, such as rock outcroppings, marshes, wooded areas, indicating those to be preserved and/or removed.
- (4) Location of all structures and improvements.
- (5) Property lines of the subject site.
- (6) Location and size of any areas to be conveyed, dedicated, or reserved as common open spaces, recreational areas, and similar uses.
- (7) Existing and proposed vehicular and pedestrian circulation system including bike paths, off-street parking areas, service loading areas, and major points of access to public rights-of-way.
- (8) Location and type of irrigation.
- (9) Existing and proposed utility systems, including sanitary sewer, storm sewer, drainageways, water and fire hydrants.
- (10) General location of and type of trees to be retained on site having a trunk diameter of six inches or more at a point of 24 inches above natural grade.
- (11) Precise location or pattern and spacing of all proposed plant materials by size and common name, acceptable alternatives, expected mature appearance, estimated time of maturity, and the purpose intended to be achieved by the landscaping.
- (12) Other elements and material type used in site treatment such as fences, walls, paving materials, planter boxes, screening, and ground control.
- (13) Architectural drawings or sketches, drawn to scale, showing all elevations and exterior materials of the proposed structures and other improvements and floor plans.
- (14) Proposed exterior lighting showing type, height, and area of illumination.
- (15) Size, location, material, and illumination of signs.
- (16) Time schedule for completion.

#### **FINDING NO. 108**

*Staff finds that the applicant has submitted the required components of this chapter and complies with section 17.390.010 (Exhibit 2, page 2) or as otherwise agreed upon as condition of approval's found in this report and in the Final Order.*

**17.345.050 Decision.**

No general development permits shall be issued for new construction or major remodeling until the plans have been reviewed and approved by the commission. The site plan and architectural review process shall be used to establish how, not whether, a development may occur, and shall not affect dwelling unit densities, although conditions may be imposed which are necessary for a development to achieve the minimum requirements of this title. The planning commission may approve, or conditionally approve, the proposed site plan after addressing the following criteria:

(1) The location, size, shape, height, spatial and visual impacts and arrangements of the uses and structures are compatible with the site and surroundings.

**FINDING NO. 109**

*Staff finds the following about the applicant's proposal:*

*a) The project is a multiple-family and group residential project located within an area planned for such development under the comprehensive plan and zoning maps of the City and are therefore compatible.*

*b) The size of the project is dictated by the size of the parcel(s) and is limited by environmental constraints such as wetlands to be preserved and the need to satisfy the 40 percent open space requirement for the PUD request. Urban residential zoning within Urban Growth Boundaries is properly interpreted to require full utilization of lands available for needed housing and a project that proposes the same is thus compatible by operation of the Comprehensive Plan. The size of individual buildings are typical for multiple-family development and the project proposes to locate the largest buildings and community recreation buildings near the center of the site. This design reduces potential impacts because this portion of the site has less topographic relief and the larger buildings are buffered from surrounding lands with smaller buildings and separated by over 400 feet in all directions. When considered together, the size of the project generally and the individual buildings specifically are compatible with the site and surroundings.*

*c) With respect to height, all structures meet the height restrictions of the zoning code and are therefore compatible by operation of the zoning code standards themselves and can further be found to be compatible by virtue of the site plan that proposes the tallest buildings near the center of the project to minimize impacts on surrounding lands.*

*d) With respect to visual impacts, the project design and proposed materials are of a quality that meets or exceeds the quality of development that exists on surrounding lands and is at least as good as or better than other typical multiple-family development found elsewhere in the City of Coos Bay and for this reason the visual impacts are compatible. Moreover, most of the project is located such that visual impact to other residential areas will be minimal because of existing tree stands, topography and physical separation.*

*e) The arrangement of uses and structures are arrayed to maximize compatibility by locating the most intensive uses and largest structures near the center of the site away from the largest wetlands area on the site (Exhibit 1, page 24).*

(2) The public and private sewerage and water facilities provided by the development are adequate in location, size, design, and timing of construction to serve the residents or establishments. These facilities meet city standards and relevant policies of the comprehensive plan and provide adequate fire protection.

#### **FINDING NO. 110**

*Staff concludes that the sewer system is or can and will be made adequate based on the Conditions of Approval and the offsite improvements. Therefore, the City concludes that the public and private sewerage to be provided by this development are adequate in location, size, design, and timing of construction to serve residents and establishments intended to occupy the subject property. The City also concludes from the evidence that the facilities to serve this property will be constructed to meet city standards and relevant policies of the comprehensive plan and doing so will ensure appropriate levels of public sanitary sewer service and public water service, including adequate water for fire protection. Pursuant to the CBMC, Applicant's engineering plans for sanitary sewer and public water will be reviewed and approved by the Public Works Department and the same will assure that sewer facilities will be designed and provided in a way that meets all municipal standards. Based upon the foregoing findings of fact and conclusions of law, the City concludes that the application is consistent with the requirements of this criterion (Exhibit 1, page 24).*

*The City of Coos Bay does not regulate the water facilities. The applicant must coordinate with the Coos Bay-North Bend Water Board to obtain approvals for all proposed water facilities associated with this project.*

(3) The grading and contouring of the site, and how site surface drainage and/or on-site surface water storage facilities are constructed to ensure that there is no adverse effect on neighboring properties, public right-of-way, or the public storm drainage system; and that the site development work will take place in accordance with city policies and practices.

#### **FINDING NO. 110**

*Staff finds that the applicant's proposed drainage design and calculations have been provided. It appears that the drainage design has addressed the prevention of ponding and allowed for the disposal of the runoff from the impervious surface of the parking area. It further appears that the design has allowed for Provisions for the on-site collection of drainage waters to eliminate sheet flow of water onto sidewalks, public rights-of-way, and abutting private property. However the drainage report did not address the capacity of the rolled curbs. Prior to issuance of permits, the drainage report shall be updated to show that the curbs have the capacity to convey the 100-year storm event and still allow for a dry travel lane.*

*The project is proposing several detention basins. However not all of the detention basins have been designed to detain the 2-25 year storm event. The project shall be conditioned to detain the 2-25 year storm event at all outfalls. The design of the detention basins shall be in accordance with June 2009 Design Standards. Each basin shall incorporate, at a minimum, the following: maintenance access to the basin flow line, regulator controlling the outflow for the required storm events, energy dissipator at outfall, freeboard, and emergency spillway (designed for the 100-year storm event).*

(4) Based on anticipated vehicular and pedestrian traffic generation, adequate rights-of-way and improvements to streets, pedestrian ways, bikeways, and other ways are provided to promote safety, reduce congestion, and provide emergency equipment access.

#### **FINDING NO. 111**

*Staff finds the following:*

*a) The City's Level of Service Standards for City streets is LOS D and the project will maintain LOS D under Life Cycle One for all study area intersections in 2028. The traffic analysis indicates that with relatively minor mitigations to the intersections of Lindy Lane and Ocean Boulevard and LaClair Street and Ocean Boulevard the project will meet LOS D in 2028 with the addition of project traffic from full build-out of Life Cycle Two. The City concludes that, with the identified mitigations, the project will promote vehicular safety, reduce congestion and will provide emergency access.*

*b) The City concludes that the project will add a sidewalk to Lindy Lane and will add a combination of sidewalks and separated pathways throughout the development that will result in improvements to pedestrian ways in this portion of the City. The City concludes that the pedestrian components will promote safety and reduce congestion.*

*c) The City concludes that bikeways will be improved by the addition of City streets and that the local nature of the streets support shared use of streets between bike and vehicles. The City concludes the bikeway components of the project will promote safety and reduce congestion (Exhibit 1, page 25).*

*d) The City concludes that the project will incorporate a road diet to mitigate for the increase in traffic. The road diet will be approximately 6,500 feet in length and may extend from Radar Rd. to 700 feet south of Woodland Drive. Additional improvements at the Lindy Lane/Ocean Boulevard, LaClair/Ocean, and secondary access/Ocean. These improvements are discussed in the TIS and supporting addendum.*

(5) There are adequate off-street parking and loading facilities provided in a safe, well-designed, and efficient manner.



#### **FINDING NO. 112**

*Staff finds that the submitted parking informational materials in the Applicant's Exhibit 2 and shows that the project as a whole complies with required parking supplies in both Life Cycle 1 and Life Cycle 2. There are specific structure types that do not meet the CBMC standards for off-street parking under Life Cycle 1. The City herewith incorporates and adopts the Findings of Fact in Section IV(19)(C)(c) and based thereupon conclude that a deviation to the off-street parking standards under Life Cycle 1 is appropriate as proposed and the City concludes this deviation can and is appropriately taken under the City's PUD ordinance (Exhibit 1, page 25).*

(6) Adequate dedication or reservation of real property for public use, as well as for easements and right of entry for construction, maintenance, and future expansion of public facilities are addressed.

#### **FINDING NO. 113**

*Staff finds that the proposed public roads do not meet the minimum requirements set forth in the 2004 TSP. The City further concludes that the proposed street dedications will result in collector street connections identified in the Transportation System Plan and will also include easement for future public use and facilities on any future roads to be extended. No other needed public dedications or reservations were identified in the application process (Exhibit 1, page 26).*

(7) The structural design, location, size, and materials used for buildings, walls, fences, berms, traffic islands, median areas, and signs serve their intended purposes.

#### **FINDING NO. 114**

*Staff finds that the intended purpose of the project in Life Cycle 1 is to serve the needs of construction workers on the Jordan Cove project and to supply typical market rate multiple-family development housing during Life Cycle 2. Utilizing the longer-time frame design requirements of Life Cycle 2 to govern the design will result in enduring improvements that will serve the longer term use of the area. Staff concludes that the proposed design has been prepared by qualified professionals so that the structural design, location, size and materials of buildings, walls, fences, berms, traffic islands, median areas and signs will serve their intended purpose and the City correspondingly concludes they will (Exhibit 1, page 26).*

(8) Other property development requirements of the zoning district are satisfied.

## **FINDING NO. 115**

*Staff incorporates and adopts Exhibit 2 wherein compliance with all City standards is explained or flexibility under the PUD ordinance has specifically been identified and the same is sought and is approved pursuant to the conclusions of law herein below under the PUD ordinance (Exhibit 1, page 26).*

### **17.345.060 Conditions.**

The planning commission may impose other reasonable conditions deemed to be necessary if it is determined the development may have an impact on the site or surrounding property. 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. These conditions may include but not be limited to those listed in Chapter 17.355 CBMC and below:

- (1) Refine the landscaping plan to specify the size, type by common name, and spacing of trees, shrubbery, ground cover, and other plantings and where this landscaping shall occur. Include, as part of the landscaped plan, clearances from specified trees, rocks, water ponds or watercourses, or other natural features. Require that the landscape plan be prepared by a licensed landscape architect, contractor, or nursery proprietor.
- (2) Obtain city engineer's approval of a grading, drainage, erosion control, and ground stabilization plan for the collection and transmission of storm or ground water.
- (3) Establish vehicle and pedestrian access facilities, including sidewalks.
- (4) Limit the height of a building that is proposed to be constructed over 35 feet or increase a building setback up to an additional 20 feet.
- (5) In the case of commercial or industrial development, provide access by a frontage road having limited and controlled access onto an arterial street by means of traffic signals, traffic control islands, or other means that will preserve the traffic-carrying capacity and safety of the arterial street and that will avoid the cumulative effect of individual access points directly onto the arterial street.
- (6) In the case of a development that is not required to provide a frontage road, provide access to a street that intersects an arterial street instead of taking access directly from the arterial street.
- (7) Special studies, investigations, or reports to verify that any aspect of the development will not create hazardous conditions for persons or property, for such impacts as geologic or soils conditions, noise, traffic, or landscaping.
- (8) Modify the design to provide energy conservation and protect solar or wind access.

## **FINDING NO. 116**

*Staff herein incorporates the conditions of approval that are found in Section V of this report.*

## **Chapter 17.355**

### **CONDITIONAL USE**

#### **17.355.040 Decision.**

A decision to approve or conditionally approve an administrative or quasi-judicial conditional use permit shall be made only after preparing findings or statements of fact which substantiate all of the following criteria:

(1) The site for the proposed use will satisfy the specific conditions and intent set forth in Division IV of this title, if applicable.

#### **FINDING NO. 117**

*Staff finds that Planned Unit Developments are listed as a Special Site Development in Division IV of the City's Development Code Title. Staff incorporates and adopts the conclusions of law herein above demonstrating satisfaction of the specific conditions and overall intent for Planned Unit Development set forth in CBMC 17.270.*

(2) The site for the proposed use is adequate in size and shape to satisfy any other property development requirements of the district in which it is located, in addition to any requirements that may be imposed by Division IV of this title.

#### **FINDING NO. 118**

*Staff incorporates and adopts Exhibit 2 wherein compliance with development requirements of the district are explained except for those specific standards to which deviation is requested and may be approved under the PUD ordinance. Staff concludes that all of the sought deviations relate to specific design objectives rather than the size and shape of the property. Staff further concludes that the R-3 areas proposed for duplex lots are adequate in size and shape to accommodate the proposed duplexes (with the zero-lot line configuration allowed under the CBMC so that each dwelling unit can be located on an individual parcel). Staff further concludes that the overall density of the project is such that duplexes in the R-3 areas will result in the overall project being a density appropriate for an R-3 zoned property of this size and shape (Exhibit 1, page 32).*

(3) The site for the proposed use is served by streets and highways which are adequate in width, construction, and placement to safely carry the quantity and kind of traffic generated by the proposed use.

#### **FINDING NO. 119**

*Staff herewith incorporates the Findings of Fact in Section IV and the Applicant's Traffic Impact Analysis in the submitted Exhibit 11. The applicant states and shows that primary site access to the project will be from Ocean Boulevard which is a fully improved arterial street which is*

adequate in width, construction and placement to safely carry the quantity of residential and group residential traffic that will be generated by the proposed development with the following improvements:

#### **Offsite Traffic Improvements for Ocean Grove**

<i>Location</i>	<i>Improvement</i>
<i>Lindy Lane (from Ocean Boulevard to project site)</i>	<i>Improve Lindy Lane to a collector (50' r/w, 2-12' travel lanes, 2-8' bicycle lanes, and 2-6' sidewalks)</i>
<i>Ocean Boulevard at the Lindy Lane Intersection</i>	<i>Right turn lane</i>
<i>Ocean Boulevard at the La Clair Street Intersection</i>	<i>Right turn lane</i>
<i>Ocean Boulevard at the Knife River Driveway Intersection</i>	<i>Right turn lane</i>
<i>Ocean Boulevard</i>	<i>Restriping of 6,500 feet of Ocean Boulevard from a 4 lane road to a 2 lane road with a two way left turn lane with bicycle lanes</i>

*Staff finds that with the recommended improvements that the site for the proposed use is served by streets and highways which are adequate in width, construction, and placement to safely carry the quantity and kind of traffic generated by the proposed use.*

(4) The proposed use will not have an adverse physical effect on the development or use of abutting property.

#### **FINDING NO. 120**

*Staff finds that an adverse physical affect is an effect that is both significant in intensity and results in some type of physical impact such as light impacts, noise impacts, or similar impacts that have a physical manifestation. Staff finds that this criterion is appropriately applied as a relative criterion in comparison to uses not classified as conditional; for example, all multiple-family development requires lighting under the CBMC and therefore any lighting effect under this conditional use permit criterion must not be adverse when compared to lighting effects that would otherwise occur through standard application of the CBMC for development that is outright permitted. Consistent with these conclusions, the City herewith incorporates and adopts the Findings of Fact in Section IV(19)(C)(f) and concludes based thereupon as follows with respect to the PUD:*

**A.** *To the northwest is the Shore Pines Certified Manufactured Home Park. The standard lot configurations under CBMC 17.45.050 requires the northwest portion of the site to be developed with typical lots that would impact wetlands that would need to be mitigated and would place dwelling units near this property line. By proceeding as a PUD, the designers have been able to keep this area in a natural and replanted state that will minimize impacts to nearby lands while*

*stubbing a street to the area for future connectivity in the event the undeveloped portion of that property zoned R-5 is developed in the future. This configuration will reduce physical effects on lands to the northwest below levels that would otherwise be anticipated as a result of non-PUD development that is not classified as conditional (Exhibit 1, page 33).*

**B.** *Development adjacent to Tax Lot 901's south boundary is similar to standard multiple-family development. For this reason the development should be similarly compatible and have similar levels of impact to conventional (non PUD development). The designs of these structure types are not especially large for multiple-family housing, being just two-story two-bedroom four-plexes in Life Cycle 1 and 2. These Type 1 Structures will be well landscaped and there is an approximate 100-foot separation from the property line and the dwelling on Tax Lot 800. This configuration will not result in physical effects on Tax Lots 901 and 800 that are that adverse in comparison to non-PUD development that is not classified as conditional (Exhibit 1, page 33).*

**C.** *Lindy Lane will be improved to be in conformance with CBMC and 2009 standards. Noise and lighting impacts along the improved Lindy Lane from the proposed PUD will be no greater than if multiple family housing were proposed under the City's base zoning standards (Exhibit 1, page 33).*

**D.** *The potential for adverse physical effects on lands to the northeast will be minimal as these lands are zoned for commercial use. This project's physical improvements and the associated off-site infrastructure improvements it will deliver are expected to aid in the establishment of new commercial uses in the area and will not have adverse effects on existing commercial uses. The City concludes generally that multifamily development is compatible with commercial development and serves to place the greatest number of people in convenient proximity to the goods and services provided by commercial uses (Exhibit 1, page 33).*

**E.** *Lands to the east, south and west of Tax Lot 600 are owned by the City of Coos Bay. The City Transportation System Plan (TSP) identifies the need for a local street connection to Ocean Boulevard in this area. This project will advance this transportation objective by establishing a portion of the local street network in a location that is neither planned nor zoned for watershed protection; most of the other areas to the south are planned and zoned for watershed protection. There is nothing inherently incompatible about multifamily development adjacent to a watershed protection area from a land use standpoint. The potential for adverse physical effects to the watershed from the PUD design are not expected to be appreciably greater than would occur from standard multifamily development that is otherwise permitted (Exhibit 1, page 33).*

*With respect to the Duplexes in the R-3 zone, the City concludes that duplexes have a smaller profile and footprint than larger multiple-family structures that are otherwise allowed and therefore the potential for adverse physical effects is no greater, if not less, than what would be anticipated from larger multiple-family structures that are outright permitted. The City further concludes that many of the Duplexes proposed in the R-3 area are located near the watershed protection areas that surround the southern portion of the project and there is no inherent*

*likelihood that duplexes would be more likely to result in adverse physical effects on the watershed than other types of multiple-family development (Exhibit 1, page 34).*

**17.355.050 Conditions.**

The decision maker may impose conditions when it is determined that the proposed use may have an impact on the site itself or surrounding property by the nature of the proposed use or proposed site. These conditions shall be stated in terms that are specific and measurable so that the applicant is fully aware of the intent and justification of the condition and how and when implementation is to be accomplished. The decision maker has authority to impose conditions which would:

- (1) Alter yards, spaces, open space and building placement requirements in order to provide buffering for visual or safety purposes, or to abate other potential impacts.
- (2) Prescribe additional fences, walls, and/or landscaping for visual or safety purposes, or to abate other potential impacts.
- (3) Require surfacing of parking areas to preserve the quality of improved streets and assure safety of users.
- (4) Require the dedication and/or improvement of streets, alleys, or service roads which are within the proposed site, and those thoroughfares which may provide access when the access is essential to the development of the proposed use or when the access will be impaired by the proposed use.
- (5) Regulate points of vehicular ingress and egress in order to promote public safety.
- (6) Regulate signs and lights in order to preserve value of nearby property, protect them from glare and other distractions, and protect the aesthetic character of the neighborhood.
- (7) Require landscaping and maintenance or the retention of trees or other natural features to preserve the environmental quality of the site, protect against natural hazards, and visually screen the proposed site from surrounding uses.
- (8) Regulate levels of noise, vibration, odors, and other noxious impacts associated with commercial and industrial uses.
- (9) Regulate the operation time of certain activities to conform with the general activity time of the majority of the surrounding property.
- (10) Require site plan and architectural review if it would assist in minimizing the conflict between the proposed and existing uses.
- (11) Require a time period within which the proposed use shall be developed to ensure full compliance with the permit and conditions.
- (12) Require a bond for removal of the use within a specified period of time when the cost of removing the conditional use would be substantial.
- (13) Require screening of unsightly development such as trash receptacles, mechanical apparatus, storage areas, or windowless walls.

- (14) Require non-remonstrance against an improvement district through a deed covenant to ensure provision of basic services, parks or streets and sidewalks directly benefitting the proposed development.
- (15) Require areas set aside for recreation or open space to benefit the proposed development.
- (16) Require the placement of fire hydrants or alteration of streets to ensure adequate fire protection.
- (17) Require easements for the provision of utilities or to ensure health, safety, and welfare.
- (18) Any other requirement deemed necessary for public health, safety, and welfare.

**FINDING NO. 121**

Staff herein incorporates the conditions of approval that are found in Section V of this report.

## CONDITIONS OF APPROVAL

Staff recommends approval of the proposed project subject to the following conditions of approval:

### General Conditions

1. The project will be undertaken and completed consistent with the plans submitted, except as altered by conditions attached to the approvals.
2. It shall be the sole responsibility of the applicant to coordinate and receive approvals from the appropriate state and federal resource agencies prior to commencement of construction. If a deviation from this original SPAR application is required as a result of the resource agency's assessment and coordination, the applicant shall resubmit any changes for approval. This may result in an additional application(s).
3. The applicant shall obtain a letter from the Coos Bay Fire Chief stipulating that on-site fire protection facilities are proposed to be provided in accordance with City of Coos Bay current regulations for such developments.
4. The applicant shall file the necessary legal documents associated with the CC&R's listed in finding #89 with the Public Works Department before occupancy of any dwelling.
5. No permits shall be issued for this project on the site until all review fees have been paid by the applicant.
6. All applicable components of 17.270.070 - Requirements for improvements - will be required as a part of this project should any on or off-site improvements not be finalized before the issuance of building permits. A bond or surety shall, in an amount agreed upon by the Coos Bay Public Works Department and in accordance with the provisions of this chapter, be submitted to the city before the issuance of building permits. Any required traffic improvements shall not be bonded for but completed prior to the issuance of building permits being issued.
7. All grading, sewer, storm drain, and traffic design shall be in conformance with June 2009 Design Standards.
8. All proposed utilities shall be constructed within an improved public right of way or dedicated easement. Minimum easement width is 15 feet. If infrastructure is not built within an improved right of way, applicant must install maintenance/access road within the deeded easement to the City. The road must be able to withstand heavy truck loading and be a minimum of 15 feet wide.
9. All technical studies that the applicant submitted shall be updated to reflect the change in housing units as modified by the applicant after application submittal.
10. All infrastructure that is proposed to be public infrastructure (sewer, storm, and roads) shall be inspected during the construction phase. The applicant will bear the cost of this third party inspection.



### On – Site Conditions

11. The City requires the applicant to meet the criteria found in 17.135.010 (Blocks) on all public blocks including White Fir Drive.
12. Emergency access to all buildings within the proposal will need to be shown on final engineering drawings including required hammerheads for stubbed roads within the site.
13. The applicant will need to meet this criteria by utilizing alleyway located directly behind the collector streets for accessing the lots or propose another mutually agreed upon alternative.

#### **Information for the Proposed Public Streets for Ocean Grove<sup>(1)</sup>**

Street Name	Street Classification	Right of Way Width (feet)	Improvement Widths (feet)		
			Travel Lane	Bicycle Lane	Sidewalk
White Fir Drive	Collector	50	2 - 12 feet	2 - 8 feet	2 – 6 feet
Grove Lane	Collector	50	2 - 12 feet	2 - 8 feet	2 – 6 feet
Lindy Lane – Onsite <sup>(2)</sup>	Collector	50	2 - 12 feet	2 - 8 feet	2 – 6 feet
Lindy Lane - Offsite	Collector	50	2 - 12 feet	2 - 8 feet	2 – 6 feet

(1) Right of way and improvement widths were obtained from the January 6, 2004 report titled, *Coos Bay Transportation System Plan*, Figure 3-4 (2 Lane Section).

(2) Lindy Lane – Onsite refers to the portion between White Fir Drive and Grove Lane.

14. It is required that public interior streets shall be built in conformance to the Transportation System Plan, 2004. The following table shows which street names, classifications and improvement widths.
15. The applicant shall modify any necessary street and alley dimensions to conform to the requirements set forth in the 2004 TSP and Table 17.180, where applicable.
16. The applicant shall redesign their proposal to meet the criteria found in 17.180.030 (7) (Curves).
17. The applicant shall record an access easement along White Fir Lane and Lindy Lane to grant access to adjacent parcels for their future development.
18. The applicant shall conform to Chapter 17.135 CBMC with the provision of any pathways that are constructed within the development.

19. A lighting plan must be submitted for review and approval with the site development application.
20. All public streets within the proposal shall meet the criteria of the 2004 TSP and June 2009 Development Provisions for Public and Private Infrastructure Design Standards, as determined by the Coos Bay Public Works Director.
21. The applicant shall demonstrate compliance with the criteria found in 17.270.050 (4)(b) (Private Street Paving Standards) and the June 2009 City adopted Design Standards.
22. The applicant shall submit an application for any proposed future sign as a part of this development.
23. The applicant shall meet sizing criteria for detention ponds and shall re-align the sewer line currently proposed under the detention pond to a location approved by the Coos Bay Public Works Director.
24. The applicant must obtain a notarized letter of permission from offsite property owner(s) for any additional off-site grading prior to issuance of permits.

#### Off – Site Conditions

25. The road diet will be extended along Ocean Boulevard from the existing Road Diet (approximately 700 feet south of Woodland Drive) and continue north along Ocean Blvd. to the Radar Intersection. The entire extent equals 6,500 linear feet per finding #35. All improvements shall be in conformance with the conditions set forth in this report, TIS, and supplemental addendums to the TIS.
26. Staff finds that the following off-site traffic improvements shall be required before the issuance of building permits for Life Cycle One.

#### **Offsite Traffic Improvements for Ocean Grove**

Location	Improvement
Lindy Lane (from Ocean Boulevard to project site)	Improve Lindy Lane to a collector (50' r/w, 2-12' travel lanes, 2-8' bicycle lanes, and 2-6' sidewalks)
Ocean Boulevard at the Lindy Lane Intersection	Right turn lane
Ocean Boulevard at the La Clair Street Intersection	Right turn lane
Ocean Boulevard at the Knife River Driveway Intersection	Right turn lane
Ocean Boulevard	Restriping of 6,500 feet of Ocean Boulevard from a 4 lane road to a 2 lane road with a two way left turn lane with bicycle lanes

27. The applicant shall acquire the necessary easements for a secondary access. The secondary access shall be constructed as part of Life Cycle One scope of work and before any building permits are issued for the site.

#### Parking/Loading

28. The applicant shall demonstrate compliance with applicable off-street parking requirements for places of assembly prior to applying for building permits.
29. The applicant shall demonstrate compliance with Table 17.200.050 in order to prove that no non-residential buildings exceed the size requiring a dedicated loading area.
30. The applicant shall demonstrate that the hours of operation do not overlap for the two community dining/recreation hall buildings on the site share that share parking with residences surrounding each building.

#### Storm Sewer

31. All proposed detention basins shall attenuate the post-project 2 through the 25 year storm events to pre-project conditions. In addition, the detention basins shall include 1 foot of freeboard. The outfall for the detention basin shall have an energy dissipator and headwall. The velocity exiting the dissipator must not be erosive. The detention basin shall have an emergency spillway that will convey the 100-year storm event. The emergency spillway must be hardened/protected to prevent erosion. Each basin shall have an access road for maintenance and be fenced around the perimeter. Detention ponds must be designed such that they will not adversely impact the downstream areas.
32. Applicant proposes rolled curb. Project's engineer must prove that rolled curb has capacity to convey 100-year storm event and still allow a dry travel lane.
33. All detention basins shall be inspected and maintained privately into perpetuity. Applicant must show the City how this private inspection and maintenance will be implemented.
34. Applicant must provide documents which outline inspection and maintenance procedures for detention facilities. This document will be recorded with the property and included with the CCRs.

#### Sanitary Sewer

35. The sewer study calculations shall include all facilities such as the proposed Community Center and Cafeteria. Sufficient plans or details were not submitted for the Community Center or Cafeteria for our review. The study needs to evaluate Life Cycle 1 assuming that Life Cycle 2 never occurs.
36. Prior to issuance of building permits, the applicant's sewer report must be updated to incorporate the findings located in the January 2014 draft regional Sewer Study performed by Dyer Partnership.

37. The applicant must construct the necessary offsite improvements as determined by the January 2014 Draft Regional Sewer Study, Table 7.2.1 found in finding # 103 of this report prior to the issuance of any building permits.