

Not enacted.

ORDINANCE NO. 283

AN ORDINANCE AMENDING COOS BAY LAND DEVELOPMENT ORDINANCE NO. 93, AS AMENDED, ADOPTING PROPERTY DEVELOPMENT REQUIREMENTS FOR THE RIPARIAN AREA THEREFOR

The City of Coos Bay ordains as follows:

Section 1. Chapter 3.5, Section 1, Conventional Requirements, is amended to include the following subsection 3:

The intent of the following provision is to protect habitat for wildlife, fish and other aquatic life, to protect water quality for human uses and for aquatic life, to control erosion and limit sedimentation and reduce the effects of flooding.

In order to maintain water quality and temperature control, riparian vegetation surrounding urban fish-bearing stream corridors shall be protected by maintaining 50 feet of vegetation measured horizontally from the shoreline, which is the line of non-aquatic vegetation.

All development shall be designed to minimize intrusion into the riparian area.

- A. The permanent alteration of the riparian area by removal of vegetation, grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses, provided such uses are designed to minimize intrusion into the riparian area, and no other options or locations are feasible:
 - 1. Streets, roads and paths;
 - 2. Drainage facilities, utilities, and irrigation pumps;
 - 3. Water-related and water-dependent uses or the development of water-related or water-dependent uses as otherwise allowed by this Ordinance;
 - 4. Notwithstanding any other provision in this section, where it can be verified that any legally established structure was located within the riparian area and destroyed after March 1, 1998, the structure may be replaced in the same footprint, where appropriate, when building commences prior to September 1, 2000, unless an extension of time is granted by the Planning Commission for extenuating circumstances.
 - 5. Existing lawn within the riparian area may be maintained, but not expanded within the riparian area; however, for maximum protection of the riparian area, it is recommended that native plant species specifically for riparian areas be used for any future plantings.

6. Existing shoreline stabilization and flood control structures may be maintained. Expansion of these structures or development of new structures may be evaluated administratively in conjunction with the appropriate natural resource agency staff. Such alteration shall be approved only if less-invasive or non-structural methods will not adequately meet the stabilization or flood control needs.
7. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation from the City. If no hazard will be created, the City may require the trees once felled, to be left in place in the riparian area.

Commercial forest practices regulated by the Oregon Forest Practices Act are not required to meet the standards of this section.

- B. At the time of staff verification of compliance with this subsection, the riparian vegetation setback of 50 feet may be reduced by up to half (25 feet) the distance in order to make an area available for development equal to the maximum allowable lot coverage permitted by the specific zone. If there is no lot coverage allowance in the zone, the setback may be reduced by up to half (25 feet). The setbacks may be reduced only when there are no other options or locations available for the proposed development on the subject property.
- C.
 1. A property owner/applicant may request a Variance to the riparian setback pursuant to Chapter 5.12. In addition, granting a Variance requires findings that:
 - a. The proposed development requires deviation from the riparian standards; and
 - b. Strict adherence to the riparian setback and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.
 2. A Variance may also be granted if the property owner can demonstrate that the proposed development would not negatively impact habitat for wildlife, fish and other aquatic life, would not negatively impact water quality for human uses and for aquatic life and would not cause erosion, produce sedimentation or increase the effects of flooding.

An application for a Variance pursuant to this paragraph shall be accompanied by an opinion by a qualified professional on the resource values and features associated with the riparian areas.

Economic, social, environmental and energy consequences of allowing a proposed development, both positive and negative, must be addressed.

Section 2. Amend Chapter 2.13, Section 5(3) to include the following

Riparian Vegetation: The standards of Chapter 3.5, Section 1(3) shall apply to all land and structures in the QP-1 zoning district except as specifically regulated in this section.

Empire Lakes:

- A. Riparian vegetation surrounding Empire Lakes is considered significant habitat in the comprehensive plan. This habitat shall be protected by leaving the existing vegetation undisturbed to its full width if possible, but at least to a width of fifty (50) feet measured horizontally from the shoreline. If there is less than fifty (50) feet of vegetation, all of it shall be protected. The shoreline shall be the line of non-aquatic vegetation.
- B. Water access, trails/paths, picnicking areas, or other recreation uses may be permitted if the activities are part of a master plan for the park, and if they constitute no more than a 20% cumulative reduction in the total vegetation surrounding the lake within the zoning designation.

Section 3. Chapter 2.15, Section 5(3) is amended to read as follows

Riparian Vegetation: The standards of Chapter 3.5, Section 1(3) shall apply to all land and structures in the QP-3 zoning district except as specifically regulated in this section.

Empire Lakes:

- A. Riparian vegetation surrounding Empire Lakes is considered significant habitat in the comprehensive plan. This habitat shall be protected by leaving the existing vegetation undisturbed to its full width if possible, but at least to a width of fifty (50) feet measured horizontally from the shoreline. If there is less than fifty (50) feet of vegetation, all of it shall be protected. The shoreline shall be the line of non-aquatic vegetation.
- B. Water access, trails/paths, picnicking areas, or other recreation uses may be permitted if the activities are part of a master plan for the park, and if they constitute no more than a 20% cumulative reduction in the total vegetation surrounding the lake within the zoning designation.

Section 4. Chapter 2.8, Section 5(4); Chapter 2.9, Section 5(4); Chapter 2.11, Section 5(6) and Chapter 2.17, Section 6(4), are amended to read as follows:

Yards: Chapter 3.5, Section 1(3) is applicable along with any requirements imposed by Building Codes.

Section 5. Chapter 2.10, Section 5(5), Property Development Requirements, is amended to include the following provision and renumber the remainder of the Section:

Yards: Chapter 3.5, Section 1(3) is applicable along with any requirements imposed by Building Codes.

Section 6. Chapter 1.8, Definitions, is amended to read as follows:

Riparian Area: Area adjacent to a river, lake, stream, or slough consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

Section 7. Emergency Declared. Because the prompt and continuous administration and enforcement of Ordinance No. 93 is necessary for the peace, health, and safety of the people of the City of Coos Bay, an emergency is declared to exist, and this Ordinance shall be effective upon its passage.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay the ____ day of _____, 1999, by the following vote:

Yes:

No:

Absent:

Joanne Verger
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Joyce Jansen
Deputy Recorder of the City of Coos Bay
Coos County, Oregon