



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

6/28/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Coos Bay Plan Amendment
DLCD File Number 003-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, July 09, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Laura Barron, City of Coos Bay
Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Thomas Hogue, DLCD Regional Representative

<paa> YA/I



FORM

2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE
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DEPT OF

JUN 21 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: *City of Coos Bay*

Local file number: *ZON2010-00015*

Date of Adoption: *June 15, 2010*

Date Mailed: ~~MARCH 12, 2010~~ *JUNE 18, 2010*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: *MARCH 12, 2010*

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

"Hollering Place" - the creation of a new zoning district + elimination of "water-dependent" designation on a portion of the property. Based on master plan adopted Dec. 2008.

Does the Adoption differ from proposal? Please select one

Same

Plan Map Changed from: *Industrial (I)* to: *Commercial (C)*

Zone Map Changed from: *Waterfront Ind* to: *Hollering Place (HP)*

Location: *25-13-19AA/20BB + General Commercial*

Acres Involved: *2.95 acres*

Specify Density: Previous: *Tax lots 300, 301/6000, 6700*

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 003-10 (18176) [16175]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT, Coos County, City of North, Confederated Tribes

Local Contact: LAURA BARRON Phone: (541) 269-8918 Extension:
Address: 500 CENTRAL AVE Fax Number: 541-269-8916
City: Coos Bay Zip: 97420 E-mail Address: lbarron@coosbay.org

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

ORDINANCE NO. 430

AN ORDINANCE AMENDING COOS BAY COMPREHENSIVE PLAN 2000, VOLUME I, PLAN POLICIES, FOR THE DEVELOPMENT OF HOLLERING PLACE

WHEREAS, the City of Coos Bay, has filed an application, hereinafter referred to as the Application, to legislatively amend Coos Bay Comprehensive Plan 2000, Volume I, to facilitate the development of Hollering Place.

WHEREAS, notice that public hearing would be held before the City of Coos Bay Planning Commission (the Commission) on May 11, 2010 and public hearing would be held before the Coos Bay City Council on June 15, 2010 was published in "The World," a newspaper of general circulation within Coos County, Oregon on April 28, 2010;

WHEREAS, notice of public hearings was mailed on April 16, 2010 to all landowners within 250 feet of the designated area;

WHEREAS, provisions in the Coos Bay Municipal Code relating to notice have been complied with; and,

WHEREAS, public hearing was held on the Application on May 11, 2010, and after receiving evidence and hearing testimony, the Commission recommended approval of the Application.

NOW THEREFORE, the City Council of City of Coos Bay ordains as follows:

Section 1. Coos Bay Comprehensive Plan 2000, Volume I, Plan Policies, Chapter 9.1, Plan Objectives, Commercial Areas, Objective 2, is amended to read as follows:

Objective 2 – It is important that the Central Business District (CBD) and its supportive commercial sub-districts remain efficient, prosperous, and easily accessible since commerce is a major source of revenue and is a necessity to the economic stability and future growth of the city. Efforts toward redevelopment of older, underutilized commercial areas will be encouraged.

Rationale – Commercial trade and service activities are the foundation of the economic system of the city. Supporting these activities by zoning sufficient lands for them will keep them viable and will prevent a dollar drain to other communities (ED. 5, 6, 7, 8, 10, 11, 12).

Implementation – This objective will be realized by the following commercial zones: Central Commercial (C-1), General Commercial (C-2), Waterfront Heritage (W-H), Hollering Place (HP) and Industrial/Commercial (I-C) zoning designations of the Coos Bay Municipal Code.

[ORD 304 5/1/01]

1. Central Commercial....(no change)
2. General Commercial(no change)

3. Industrial/Commercial.....(no change)
4. Waterfront Heritage.... (no change)
5. Hollering Place. The focus of this district is to provide a mix of uses and activities that will complement and connect with the existing business district to the east and act as a catalyst to help spur additional development and investment in the Empire area. The area is intended to increase the pedestrian connection to the water and create the Story Trail as laid out in the Hollering Place Master Plan, adopted December 2, 2008, which presents the unique history of the Hollering Place.

Section 2. The Commission's Findings and Conclusions supporting its recommended approval of the Application are attached hereto as "Exhibit A" and incorporated herein by reference.

Section 3. The City Council of the City of Coos Bay, after considering the Commission's Findings and Conclusions, hereby adopts the Findings and Conclusions, and finds the changes should be granted.

Section 4. The City of Coos Bay does hereby amend the Coos Bay Comprehensive Plan with the changes in Section 1.

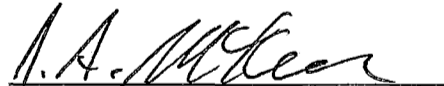
Section 5. The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.


The foregoing ordinance was enacted by the City Council of the City of Coos Bay the 15th day of June 2010.

Yes: Mayor Jeff McKeown and Councilors Mark Daily, Jon Eck, Joanie Johnson, and Gene Melton

No: None

Absent: Councilors Stephanie Kramer and John Pundt


Jeff McKeown
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST: 

Rae Lea Cousens
City Recorder of the City of Coos Bay
Coos County, Oregon

FINDINGS AND CONCLUSIONS

EXHIBIT A

I. BACKGROUND

The subject property, the Hollering Place, is located west of Empire Boulevard, south of Newmark Avenue, east of the bay and north of Holland Avenue. The Hollering Place was the center for transportation, commerce and communication before the first Europeans sailed into the Coos Bay estuary.

Hollering Place, or Ellekatitch as the Coos Indians called it, was on the North Spit directly across the bay from their villages at present Empire. People traveling south along the beach route would holler over to the villages for someone to paddle over and provide passage.

The City purchased the subject property in 2001. The Hollering Place Master Plan has been created to provide a vision which will encourage economic diversification while providing an opportunity for local citizens and visitors to connect with and enjoy this section of the waterfront which has played a historical role in the region's past.

The Coos Bay City Council recognizes that a sense of community pride and identity, and a healthy visitor industry are important for the future health and vitality of the City. Development of the Hollering Place will encourage economic revitalization of the Empire business district.

II. PURPOSE

The city initiated the proposed comprehensive plan, rezone and Code amendments with the intent of facilitating the revitalization of the Empire business district. The Hollering Place Master Plan is the culmination of the vision for realistic redevelopment opportunities for the Hollering Place site and still connects with the history of the site. The master plan is intended to be flexible, to provide guidelines for development, but not to control all aspects of potential development. The City's objectives are:

- To create a public activity area on the waterfront that serves residents and visitors;
- To complement surrounding properties and connect with the existing business district; and
- To provide an active mix of public, commercial, residential, and experiential uses.

III. SITE

The subject property is located at the junction of Newmark Avenue and Empire Boulevard (Cape Arago Highway) and contains a total of 2.95 acres. The upper bluff contains .84 acre and the lower bench contains 2.11 acres. The upper bluff is the terminating vista heading west through Empire before making a left turn to continue south. The site is identified as follows:

The upper bluff (T. 25, R. 13, S. 20BB):

Block 25, Lots 5-8, Plat of Empire City, also described as Tax Lot 6000, except for the west 30 feet of Lot 8; and,
Block 25, Lots 2-4, a portion of vacated Holland Avenue, Plat of Empire City, also described as Tax Lot 6700.

The lower bench (T. 25, R. 13, S. 19AA): Block 12, Lots 1-3 and 5-8, and the area above the mean high water line described as Block 7, Lots 6-14, Belt Line Railroad Addition to Empire City), also described as Tax Lot 300; Block 12, Lot 4, Plat of Empire City, also described as Tax Lot 301; also, S. 19AA, Block 25, approximately the west 30 feet of Lot 8, Plat of Empire City.

Currently, the upper bluff area is zoned "General Commercial (C-2)." The plan designation is "Commercial (C)." The lower bench, except for the area east of Mill Street, is zoned "Waterfront Industrial (W-I)" and Coos Bay Estuary Management Plan (CBEMP) 54-UW (Urban Water-dependent). The plan designation is "Industrial (I)."

The area west of Mill Street is zoned "C-2" and is designated "Commercial (C)" by the Plan.

The area below the mean high water line is designated CBEMP 54DA (Development Aquatic).

The site's physical condition varies. The bluff portion is relatively flat and open. Currently, thick vegetation keep people away from the bluff's sharp drop off. Newmark Avenue, as it continues down the hill from Empire Boulevard, is a narrow cut with the property's steep slope adjacent to the roadway. The grade change between the upper bluff and lower portion, or bench, is approximately 30 feet. Both the upper bluff and the lower bench are vacant.

A large dock lies in ruins from the site into the bay. Directly south of the lower bench, are a public boat launch, tie-up, fishing pier and public parking lot with a cleaning station and public restrooms. Nearby are Coast Guard offices, residential and industrial uses and vacant lots.

IV. ELEMENTS OF THE PROPOSED AMENDMENTS

- A. Comprehensive Plan Text Amendments
 - 1. Volume I, Part 1, Plan Policies, amend Chapter 9.1, Plan Objectives, Commercial Areas, Objective 2, Implementation, to add the new Hollering Place (HP) zoning designation and to add an explanation for the purpose of the new designation.
 - 2. Volume III, Part 1, Coos Bay Estuary Management Plan (CBEMP), Plan Provisions
 - a. Amend shoreland unit 54-UW (urban water-dependent) to allow the uses set forth by newly created zoning district Hollering Place (HP).
 - b. Revise Bay-wide Policy 16a to reflect the change in acreage available for removal from the water-dependent designation.
 - 3. Volume III, Part 2, Inventories and Factual Base, amend 5.0, Social and Economic Resources Characteristics, to reference Policy 16a for the amount of water-dependent shorelands available for removal from the inventory.

B. Comprehensive Plan Map Amendment Apply the "Commercial" plan map designation to the shoreland portion of the subject property that is currently designated "Industrial."

C. Coos Bay Municipal Code (CBMC) Text Amendment

1. Create a "Hollering Place" (HP) zoning district. The focus of this district is to provide a tool to strengthen the identity of Empire, ensure compatible development, and communicate the Hollering Place's unique story. The mixed use area includes upper floor residential with retail or workshop uses on the bottom floor, hands-on learning and amenities and attractions which encourage public access to and enjoyment of the waterfront.

This zoning district, which establishes standards and procedures for review and development, is intended to reclaim the area's waterfront heritage and express pride in its past and present by developing Hollering Place as a vital and sustainable mixed use area which includes interpretation of local history and reconnection to the water.

Two subdistricts are proposed within the zoning district:

Upper Bluff Area (HP-1), and,
Lower Bench Area (HP-2).

The intended use of each subdistrict is as follows:

The HP-1 subdistrict is set aside for a wayside and structure(s) to act as a visitor overlook and may include some retail or dining use;

The HP-2 subdistrict is intended for a mixed use development with retail/workshops on the bottom floor and living quarters on the upper floor and an inn/restaurant.

2. Amend the CBMC text to maintain internal consistency. Amend Chapter 17.280 to add limited manufacturing as a conditional use in the HP-2 subdistrict.

D. Zoning Map Amendment

Apply the HP zone to the subject property.

V. APPLICABLE STANDARDS AND CRITERIA

This application involves amendments to acknowledged comprehensive plan provisions and acknowledged land use regulations. Under Oregon's land use statutes, these amendments must be shown to comply with a wide range of standards and criteria, including the following:

- A. Statewide Planning Goals
 - B. State Agency Rules
 - C. Comprehensive Plan Policies
- Procedures and requirements governing amendments to the Coos Bay Comprehensive Plan are set forth in Volume I, Part 1, Chapter 8. These

requirements address notice, citizen participation, and agency coordination. Chapter 8.3 imposes the following requirements for an amendment to the Plan.

1. Identification of new planning problems and issues.
2. Collection and analysis of inventories and other pertinent factual information.
3. Evaluation of alternative courses of action and ultimate policy choices.
4. Selection of appropriate policy directives based upon consideration of social, economic, energy and environmental needs.

D. Coos Bay Municipal Code Provisions

1. Chapter 17.360, Change in Zone Designation
 - a. The change in zone will conform to the policies and objectives of the comprehensive plan.
 - b. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.
 - c. The change will not prevent the use of other land in the vicinity.
 - d. It is appropriate at this time to permit the specific type of development or change in zone into the area which had not previously existed.
 - e. The change will be consistent with the function, capacities and levels of service of facilities identified in the adopted Coos Bay Transportation System Plan.

E. Industrial Lands Agreement

This intergovernmental agreement between Coos County, the cities of Coos Bay and North Bend and the Oregon International Port of Coos Bay was created as a result of the Bay Area Comprehensive Economic Analysis (David Evans & Assoc., 1998) which was adopted into the Coos Bay Comprehensive Plan. The purpose of the agreement is to ensure the timely exchange of information for the maintenance of an adequate supply of industrially zoned, developable lands in the Bay Area. The Bay Area includes the communities of Coos Bay, North Bend and Charleston.

VI. STATEWIDE PLANNING GOALS

A. Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

In 2002 a three-day charrette was held to develop a conceptual plan for the subject property. A broad range of stakeholders and the general public took part. In 2005 the city hired Shoji Planning and Development, LLC, to facilitate a public

process to discuss the Empire Waterfront Concept Vision and to help organize the concept that was developed in 2002. In the summer of 2008, a team was assembled including the Oregon Downtown Development Association, to develop a master plan for the Hollering Place with the intent that development on the subject property complement and connect with the existing business district. Development options were presented to the community as the master plan for the site evolved. Public feedback enabled the master plan to be refined. The final plan was presented and well-received at a public meeting on September 22, 2008. The plan was later adopted by the City Council on December 2, 2008.

B. Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Coos Bay has an acknowledged comprehensive plan and implementing ordinances. Volume I, Chapter 8.3, sets forth the requirements of Goal 2 for an amendment to the comprehensive plan. Chapter 8.3 is addressed below.

The state requirement of land use planning is based upon coordinating the needs of local government with counties, other state and federal agencies, special districts and community organizations. The City will be taking the lead in updating the Intergovernmental Agreement as set forth by the Bay Area Comprehensive Economic Analysis which required written notice of our proposed application to the city of North Bend, Coos County and the Oregon International Port of Coos Bay.

C. Goal 3 – Agricultural Lands

The subject property lies wholly within the city limits of Coos Bay. Agricultural lands are not affected.

D. Goal 4 – Forest Lands

The subject property lies wholly within the city limits of Coos Bay. Forest lands are not affected.

E. Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

It is the intent of the comprehensive plan to inventory, assess and where appropriate, protect those sites, structures or areas within the city of Coos Bay which have local, state or national historic or archaeological significance.

The history of the site is recognized by the "Hollering Place" designation. The Hollering Place was the center for transportation, commerce and communication. A village named Hanisitch (place of the Hanis) was established

on the narrowest crossing of the Coos Bay estuary; the area's original inhabitants recognized the value of this location for anyone traveling along the coast. Southbound travelers would holler across to the village and someone would paddle over to provide passage.

F. Goal 6 – Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

No foreseeable activities associated with the master plan development of the site will invoke the need for state or federal air quality permits. City utilities will be utilized for wastewater and sewage and the Coos Bay North Bend Water Board will provide water for the project.

An environmental cleanup was completed on the subject property in 1997 for Crowley Marine Services, Inc. The property, which is currently vacant, was used as a fuel facility.

Therefore, there are no foreseeable solid waste or other contaminants which will require any sort of environmental permits for the proposed mixed use development.

G. Goal 7 – Areas Subject to Natural Disasters and Hazards.

To protect life and property from natural disasters and hazards.

The entire subject property has been identified on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency as being in the floodplain. The Comprehensive Plan states in Chapter 4.4 that the City participates in the Federal Flood Insurance Program sponsored by HUD, and also exercises sound building code practices to safeguard from unnecessary flood damage.

The entire subject property also lies in the tsunami area as identified by the Tsunami Hazard Map of the Coos Bay Area, Coos County, Oregon, 2002, by the Oregon Department of Geology and Mineral Industries. Comprehensive Plan Chapter 7.1 sets forth Policy NRH.12 which states: Coos Bay recognizes that local and state building codes agencies require building standards that are intended to prevent collapse of structures when they are subjected to earthquake or tsunami forces. [ORD 284 10/19/1999]

These protective measures will be applicable to the subject property. There are no other natural hazards affecting the subject property known at this time.

H. Goal 8 – Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate to provide for the siting of necessary recreational facilities including destination resorts.

There are no recreational activities or uses in the subject area at this time except for the public boat ramp, parking and fish cleaning facilities to the south of the subject property.

I. Goal 9 – Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

When the Coos Bay Estuary Management Plan (CBEMP) was developed, there was an assumption the subject property would develop as an industrial area. While development in this direction seemed logical twenty years ago, increased industrial development in the communities surrounding the Coos Bay Estuary has not occurred.

The 2.11 acres lower bench portion of the subject property would not accommodate today's needs for industrial land or land for back-up requirements. The property to the north is also designated by the CBEMP for water-dependent uses. Newmark Avenue, a 60-foot-wide right of way, separates the property to the north from the subject property. This prevents using the two properties together which would also interfere with public access to the bay.

The Hollering Place Master Plan was adopted by the Coos Bay City Council on December 2, 2008. The Plan includes, not only the property on the lower bench, but also the adjacent property at the southwest corner of Newmark Avenue and Empire Boulevard. The area at the top of the bluff is intended for an overlook and maybe a small retail use.

The Master Plan was developed as a catalyst project to help spur additional development and investment in the Empire District. The Master Plan includes, besides the overlook from Empire Boulevard, retail/cottage clusters, inn/restaurant, facilities for experiential (hands-on) learning (boat building, glass blowing) and a Story Trail to encourage people to learn about the history of the site. There is great interest in rebuilding/replacing the ruined dock in the future and in promoting more water-related activities. The proposed zoning district will allow water-related uses as long as the use meets the intent of the Master Plan.

The existing public boat launch, tie-up, fishing pier, fish cleaning station and restrooms are located south of the subject property. Holland Avenue, which lies adjacent to the south property line of the subject property, is a one-way street heading east to accommodate boat launching. This is not expected to change. The boat launch and docks are very popular and patrons use both Newmark and Mill, and Michigan Avenues to reach the boat launch area.

To the north of the subject property is the newly formed boat building center. The center is in the process of getting up and running and is occupying the old Eureka Fisheries building. The building was leased because the owner stated he would not be using that facility for seafood processing in the future. If the need

arose he would go to Charleston for any processing. The center is expected to have its first building session this spring/summer.

To the east of the subject property are a few existing residences that have been in place for many years. The boat ramp and other uses in the area have been built despite these residences.

Negative impacts from industrial uses to the existing boat ramp and facilities are likely. Traffic, in and out of the water, could cause delays to daily activities of an industrial use. The number of access points is also a limiting factor.

The proposed amendments will help solve the need for additional commercial land and will reduce the surplus of water-dependent/related industrial land.

The 2009 Buildable Lands Inventory, Table 19, Overall Near-and-Long-Term Employment Land Need by Parcel Size, indicates a need for 19 commercial parcels in this size category (1 to 5 acres) in the long term (20-years). The proposed mixed-use will provide employment land although there is no net increase in employment land since the subject property was initially industrial-zoned land. Comprehensive Plan, Volume I, Chapter 7.5, Economic Development, sets forth the following goal and policy:

- 1.4 Focus industrial growth toward areas viable for industrial use; consider rezoning less viable industrial lands for redevelopment consistent with the City "s overall vision and emerging market trends.

Language is included in the proposed "Hollering Place" zoning district that requires each phase of development to contain a reasonable balance of use types that will advance the intent of the Hollering Place as a whole; it is not meant to be a single-type use development, that is, all residential or all commercial.

I. Goal 10 - Housing

To provide for the housing needs of the citizens of the state.

The Housing Goal requires that buildable lands for residential use be inventoried and that the city's plan shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households. It also requires the City to allow for flexibility of housing locations, types and densities.

Volume II of the Comprehensive Plan, Chapter 5.4, Table 13, summarizes the difference between the supply of buildable land and the amount of land needed in each zone to meet projected future land needs. This assessment indicates an overall surplus of residential land of nearly 800 acres, not including a small amount of additional commercial land that potentially would be needed to meet a portion of the City's future housing needs.

The information concludes, however, a significant surplus of land is affected by a number of factors. One factor--about a third of the property is over 25 percent slope. The "relative capacity and feasibility of development in these areas will

likely be lower than on other lands in the inventory, potentially overstating the estimated supply. Furthermore, this analysis assumes maximum efficiency of land development on an average basis. This is not necessarily a realistic assumption and also may tend to overestimate the land supply or under estimate the land need.”

The proposed Hollering Place mixed use development will add additional options for housing—mostly living quarters in the upper stories of retail/workshop buildings and perhaps a few single-family dwellings. Phasing, as described in the newly created zoning district will not allow one use type to be developed, but rather requires a balance of uses be developed in each phase.

The housing is intended to be available not just for storeowners or locals, but also for those wishing to stay for the duration of a boat building session, fishing season, a week in the summer, etc.

J. Goal 11 – Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 defines a “timely, orderly and efficient arrangement of public facilities and services” as “a system or plan that coordinates the type, location, and delivery of public facilities and service in a manner that best supports the existing and proposed land uses.”

The subject property is located at the west end of the Empire business district. All urban facilities and service are available including police and fire protection, sanitary facilities, storm drainage facilities, communication services, community governmental services and health facilities. Public facilities and services were utilized by uses that existed in the area in the past.

The proposed amendments will change the demand from an industrial demand to a retail/residential type demand.

K. Goal 12 – Transportation

To provide and encourage a safe, convenient and economic transportation system.

OAR 660-12-0060, Plan and Land Use Regulation Amendments, requires that amendments to acknowledged plans and land use regulations which significantly affect a transportation facility shall assure that the allowed uses are consistent with the identified function, capacity, and level of service of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it:

- a. Changes the functional classification of an existing or planned transportation facility;
- b. Changes standards implementing a functional classification system:

- c. Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility;

Or,

- d. Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.

Newmark Avenue and Empire Boulevard are both classified as arterials by the Coos Bay Transportation System Plan. The amendments will not change these classifications. Newmark Avenue west of Empire Boulevard is considered as an arterial also. Mill Street, which runs through the eastern part of the lower bench of the subject property, is considered a local street which provides access to the public boat launch facility and a few houses located south of the subject property and east of the street.

Michigan Avenue, the next street to the south and running parallel to Newmark, is considered a neighborhood route. Michigan provides access to a small apartment complex and a few privately owned residences and businesses. Michigan intersects with Mill Street.

The number of proposed access points from Empire Boulevard will not change. Access points off of Newmark and Mill Street, abutting the subject property, will be defined by the development although access to the existing boat ramp will not change. New arterials and collectors will not be necessary to accommodate the mixed use development.

A traffic impact study was completed by Lancaster Engineering in 2007 for the subject area. Recommendations from the study, in brief, are as follows:

1. Michigan Avenue should be widened between Mill Street and Empire Boulevard to accommodate two directions of travel; a sidewalk should be included on at least one side unless pedestrians are directed to the hill at Newmark Avenue to make use of the planned sidewalks at that location;
2. Existing traffic should be allowed to use either Michigan or Newmark Avenues to help disperse traffic impacts and minimize delay at the intersections with Empire Boulevard;
3. Similarly, entering traffic should be allowed at both Newmark and Michigan Avenues. With entering traffic at both locations, northbound left-turn lanes on Empire Boulevard are not recommended.
4. Prominent signing should be installed that directs drivers visiting the Hollering Place to the west on both Michigan and Newmark Avenues. The entrance to the viewing area on top of the hill should appear to be a secondary entrance to avoid significant congestion that could affect the operation of Empire Boulevard.
5. When the parking area and accesses to Empire Boulevard are designed, it is recommended that the north/south circulation aisle for the parking area be separated from Empire Boulevard to the maximum extent possible.

6. "DO NOT ENTER" signs should be installed at the southern end of the north/south circulation aisle closest to Empire Boulevard to avoid driver confusion and wrong-way travel.

Due to its large size, the traffic impact study is available for review upon request.

L. Goal 13 – Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

The subject property will include commercial and residential uses. The development will offer the opportunity for those who own a business on site to live above the business rather than commute. Likewise, those partaking in the proposed experiential learning opportunities may opt for living on-site for the duration of a lengthy project. This will promote energy conservation.

M. Goal 14 – Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

This goal requires that comprehensive plans provide for an orderly and efficient transition from rural to urban use and from urbanizable to urban status. Goal 14 does not apply because the subject property was developed for urban uses in the past.

N. Goal 16 – Estuarine Resources

To recognize and protect the unique environmental, economic and social values of each estuary and associated wetlands.

Goal 16 requires maintaining diverse resources, values and benefits by classifying the estuary into distinct water use management units, considering adjacent upland characteristics and existing land uses, compatibility with adjacent uses and other factors.

The portion of the estuary adjacent to the subject property is designated by the Coos Bay Estuary Management Plan as an aquatic development unit, 54-DA (Development Aquatic). This unit extends east of the deep-draft channel beginning at a line Northwest from the North end of Cape Arago Mill and ending at a line that projects at an angle from the shoreline North from an extension of Johanneson Avenue and then runs Southwest 100 feet South of a city pier. The management objective for the unit states the aquatic unit shall be managed to maintain water access for water-dependent/related industrial and recreational uses located in the upland.

An "exception" was taken for the "development" designation, Exception #4, to permit dredge, fill and other activities associated with moorage and access to water-dependent shoreland uses. Findings for the exception states the "Empire waterfront will continue to be used for barge and fishing boat access for unloading, and recreational access via the

boat ramp near Holland Street. The narrow tidal flat adjacent to the shore may need to be altered at some time by dredging, fill or other activities necessary to develop shallow-draft access to the shore for expansion of existing uses in this area.”

The proposed plan and ordinance amendments will not change the uses and activities that may be allowable in this aquatic estuarine management unit. Water-related uses on the subject property are likely—the rental of crab rings, wind surfboards, etc. As set forth in the newly create “Hollering Place” zoning district, water-dependent/related uses may be permitted as long as the intent of the master plan is met.

O. Goal 17 - Coastal Shorelands

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.

The Bay Area Comprehensive Economic Analysis (BACEA), 1998, adopted into the Comprehensive Plan, provides the documentation that the need for water-dependent land is expected to remain relatively constant with current needs.

Under Goal 17, as amended in 1999, the city is required to protect a minimum of 76.18 acres of suitable estuarine shorelands for water-dependent use. This acreage amount is the result of an inventory completed in 1999 indicating there are 106.83 acres designated as “water-dependent.” The acreage is then broken down into categories showing acreage currently and formerly in water-dependent use. Also considered was whether or not a structure remained for water-dependent access, and if the site was never in water-dependent use.

Therefore, the Goal 17 changes, inventory and adopted BACEA enables the city to remove 2.04 acres of the subject property from a water-dependent designation.

The acreage that will remain designated for water-dependent uses satisfies the locational and suitability requirements because the designation of these areas as “especially suited for water dependent uses” was previously acknowledged as complying with the Statewide Planning Goals without requiring a Goal 2 exception to designate significant coastal natural resource areas for water-dependent development.

OAR660-037-0090(1) requires that any amendment to an acknowledged comprehensive plan or land use regulation that redesignates shoreland previously classified as “especially suited for water-dependent” uses must comply with all applicable Statewide Planning Goals. The goals are addressed by the findings set forth in this document.

OAR660-037-0090(2) encourages local governments to provide for water-related and water-oriented uses at such sites as much as possible. As stated under Goal 16, water-dependent/related uses may be permitted on the subject property as long as the intent of the master plan is met. The connection to the existing public boat ramp and dock is natural and will likely encourage additional uses.

O. Goal 18 Beaches and Dunes

This goal does not apply.

P. Goal 19 - Ocean Resources

To conserve the long-term values, benefits and natural resources of the nearshore ocean and the continental shelf.

This goal does not apply.

CONCLUSIONS: The Statewide Planning Goals have been adequately addressed to justify the proposed plan amendments, rezone and code amendments. The location and setting for implementation of the Hollering Place Master Plan will provide opportunities to revitalize the Empire area and provide activities necessary for the health, welfare and prosperity of the city. The subject property will remain "employment land."

VII. Comprehensive Plan, Volume I, Chapter 8.3, Land Use and Community Development Planning (CBMC 17.380.040(2))

This chapter includes the following standards for approving amendments to the comprehensive plan.

1. Identification of new planning problems and issues.

The Hollering Place was the center for transportation, commerce and communication before the first Europeans sailed into the Coos Bay estuary. A village named Hanisitch (place of the Hanis) on the narrowest crossing of the Coos Bay estuary, the area's original inhabitants recognized the value of this location for anyone traveling along the coast. Southbound travelers would holler across to the village and someone would paddle over to provide passage. The Hollering Place became the site of the first European settlement in what would later become Coos County.

The small port community grew to become Empire City, the first Coos County seat. The county seat was eventually moved to Coquille and over time the city was incorporated into the city of Coos Bay.

The site was purchased by the City in 2001 from Crowley Marine Services. The site was formerly owned by the Drummond Lighterage which used the property for fuel services. When the city purchased the property it had been vacant for about 12 years according to the Coos County Assessor's Office. In 1991 environmental correction work was completed by Crowley Marine Services and a "no further action" determination was issued by the Oregon Department of Environmental Quality.

The subject property has fallen victim to changing economic forces which has reduced the need for small water-dependent industrial properties. This fact, combined with zoning conditions which have restricted opportunities to pursue commercial and even residential use alternatives, have deprived the area of new investment. The dock was examined in 2002 by engineer William F. Dilley & Associates and concluded that rather than attempt to rebuild the wood pier, it would be prudent to construct a new pier using more efficient materials. As discussed above, the 1998 BACEA indicates that the

amount of land needed for water-dependent industrial uses does not exceed the amount of land currently in use.

The existing boat launch facilities to the south of the subject property are very popular with locals and visitors alike. The newly formed boat building center to the north is likely to also become a popular attraction for both locals and visitors.

2. Collection and analysis of inventories and other pertinent factual information.

When the Coos Bay Estuary Management Plan was developed, it was assumed that the subject property would develop as an industrial area, which seemed logical at the time; however, the development did not occur, or at best was short lived. The small size of the property would not accommodate today's berthing requirements and/or land backup requirements.

As discussed above, the BACEA indicates that no water-dependent industrial land is needed beyond the amount that is currently in use. Even though a structure that once functioned as a dock is partially standing, the engineer's review, as discussed in 1, above, indicates the dock would need to be demolished and rebuilt. As concluded in the BACEA, allowing new zoning for mixed uses will help alleviate the projected deficit of land designated for commercial use and at the same time reduce the projected surplus of industrial, water-dependent zoned land.

3. Evaluation of alternative courses of action and ultimate policy choices.

The most obvious course of action is to take no action. If no action is taken, it is likely that the subject property will continue as vacant land. It does not appear that the need for economic diversification as a result of the economy shifting away from a predominately natural resources base will change.

4. Selection of appropriate policy directives based upon consideration of social, economic energy and environmental needs.

The city recognizes the need to create an understanding of the community's heritage and historical connections to the waterfront while enhancing its cultural, recreational and economic vitality. Conveying the early waterfront culture to the public is a goal of the proposed development as seen by the "Story Trail" meant to encourage people to learn about the Hollering Place and its history. The proposed development will provide an opportunity to diversify the economy of the community and encourage public access and enjoyment of the waterfront.

When the Coos Bay Estuary Management Plan was developed, it was assumed that the subject property would develop as an industrial site, which seemed logical at the time; however, the development occurred only for a short time. In addition, the subject property contains only 2.11 acres and does not accommodate today's berthing or backup requirements. Reliance on natural resource based industries has declined.

Providing for mixed uses will provide increased retail-commercial land base along with a unique opportunity for living quarters. The experiential/hands-on learning is meant to

brand the development, increasing awareness of the area as well as provide for activity that may fuel demand. If this program element does not prove viable, the area may be developed consistent with the remainder of the site with a mix of cottages and retail space.

Comprehensive Plan, Volume I, Chapter 7.5, Economic Development, Policy 2.3, in part, states: "...the city will pursue the implementation of the Hollering Place Master Plan to create a public activity area on the waterfront that serves residents and visitors and connects with the existing business district."

These findings and the findings under III, I, Statewide Planning Goal 9, demonstrate the decision to allow mixed use is responsive to the social, economic, energy and environmental needs of this area.

The plan strategies/policies relevant to the proposed amendments have been identified below:

a. Strategy NRH.5:

Coos Bay shall continue to participate in the National Flood Insurance Program of the U.S. Department of Housing and Urban Development, recognizing that participation in this program substantially insures the health and well being of its residents and allows city residents to benefit from subsidized flood insurance rates.

b. Strategy NRH.6:

Coos Bay shall require that construction in floodprone areas shall meet certain flood proofing standards such as structure orientation to flood flow, flotation prevention measures, and a minimum elevation of the lowest story.

A portion of the lower bench of the subject property is identified as floodplain on FIRM (Federal Insurance Rate Maps). The city participates in the Federal Flood Insurance Program sponsored by HUD and also exercises sound building code practices to safeguard from unnecessary flood damage.

c. Strategy EC.4:

Coos Bay shall promote development along major transportation corridors by zoning lands adjacent to such corridors to allow commercial, industrial, and multi-family development except where such areas are irreversibly committed to low density residential development. However, ingress/egress to such development shall be designed so that it does not restrict traffic flow on the arterial streets. The city recognizes that intense development, along major transportation corridors conserves energy by providing shorter, direct access to homes and trade and service areas.

d. Strategy EC.6:

Coos Bay shall attempt to site residential apartment development in appropriate areas within or on the fringe of commercially zoned areas, recognizing that such

uses conserve energy by the centralized location of achieving the goal of "infilling," and by maximizing the potential of land uses within developed areas of the city. This strategy shall not supersede the strategy dealing with protection of the integrity of established residential neighborhoods.

e. Strategy EC.8:

Coos Bay shall encourage the "infilling" development of undeveloped parcels of land, within the city limits for residential and commercial purposes, recognizing that such development, located in the vicinity of established traffic corridors and in areas already serviced by electrical, sewer and water lines, are more energy efficient than new construction in "unserviced" undeveloped areas.

The subject property is serviced and located in a developed area of the city. The subject property is suitable for infilling and for more intense uses.

While traffic circulation patterns may need to be modified, existing city streets will be utilized. New arterials and collectors will not be necessary to accommodate the mixed use development.

f. Strategy R.5:

Coos Bay shall utilize small city-owned, deeded, or dedicated undeveloped areas as open space, recognizing that open space alone is recreationally valuable.

The uses and facilities to be included in the Hollering Place will provide recreational opportunities for future generations.

g. From Chapter 7.5, Economic Development:

1. Policy 2.3

Pursue the implementation of the Hollering Place Master Plan, adopted December 2, 2008, to create a public activity area on the waterfront that serves residents and visitors; rebuild the dilapidated dock to promote more water-related activities; and, complement surrounding properties while connecting with the existing business district. A plan amendment from industrial to commercial or mixed-use will be required.

2. Policy 6.3

Promote the waterfront as key to a recreational center and opportunity to increase awareness of Coos Bay's rich maritime and logging history.

3. Policy 6.5

Promote eco-tourism activities and the exploration and enjoyment of our natural surroundings.

g. From Chapter 7.6, Housing:

1. Policy 1.1

Coos Bay will continue to update its zoning provisions to allow for construction to provide a wide range of housing available at varied prices and rent ranges, and allow for flexible site and architectural design.

2. Goal 5

Allow for, encourage and support the development of housing units in conjunction with commercial development (eg., housing located above commercial uses).

CONCLUSION: The Hollering Place Master Plan has put in place the tools for revitalizing the Empire area and allowing new development to take advantage of the natural amenities of the site and the existing man-made amenities, such as the public boat launch and boat building center, while providing a mix of uses and unique living opportunities.

VII. COOS BAY MUNICIPAL CODE REZONE CRITERIA

Coos Bay Municipal Code Chapter 17.360, Change in Zone Designation, establishes the following standards for approving rezones:

A. The change in zone will conform to the policies and objectives of the comprehensive plan.

The portion of the subject property on the upper bluff is currently designated Commercial by the Comprehensive Plan. The area on the lower bench, which is currently designated Industrial, will be changed to Commercial plan designation.

Plan Policy 2.3 in Chapter 7.5 supports the implementation of the Hollering Place Master Plan. Other plan strategies/policies pertaining to the proposed rezone are discussed in VI, 4, above.

B. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.

The area east of the subject property is zoned General Commercial (C-2) and is the developed Empire business district along with some residences. East-southeast are a couple of residences that have been there for many years. To the north of the subject property is property zoned Waterfront Industrial (W-I) and Coos Bay Estuary Management Plan 54-UW owned by Sause Bros an ocean towing company. The property was used for log storage many years ago, but small buildings on the site are now used exclusively as offices and a training center. To the north is also a dilapidated building that is currently being repaired to make it usable for a boat building center. This is the former site of Eureka Fisheries, later purchased by OPAC, Inc. The city is leasing the facility. OPAC has stated they will not be using the facility any more for fish processing due to the downfall in the fishing industry. If necessary they will use the facility in Charleston.

The area to the south of the subject property, zoned W-I and CBEMP 54-UW, is the public boat launch facility, parking facility and fish cleaning station. Further south is a Coast Guard Station building, and private property with buildings some of which are used for boat building.

To the west is the bay.

The proposed mixed use development is compatible with the surrounding districts. Commercial development adjoins the subject area although it is geographically separated by Empire Boulevard. The proposed development will complement the boat launch facility and dock by providing the opportunity for more varied activity for those using the facilities. The area to the north is separated by the 60-foot-wide Newmark Avenue right of way. Impacts from the proposed development should be contained on the subject property.

The zone change provides an opportunity for the city and its citizens to diversify the economy of the community by developing a mixed-use area which includes amenities, the opportunity to take part in small retail/workshop experiential opportunities and an alternative living style for people with different needs.

C. The change will not prevent the use of other land in the vicinity.

The area to the south is developed with an existing public boat ramp. Market conditions have left property and facilities to the north of the subject property, across Newmark Avenue, vacant or partially used for many years. The zone change provides an opportunity for the city and its citizens to diversify the economy of the community by developing a mixed-use area to include commercial, residential and a workshop/experiential learning atmosphere. This in turn may encourage development on the property to the north.

A boat building center is in the process of being established to the north of the subject property. It will likely draw users to the proposed development and create a need for overnight accommodations to participate in a longer program.

It is likely that the residential portion of the development will be for short-term occupancy because of the limitation to the size of the living spaces. It is possible the living spaces will be occupied by participants in workshop programs, or visitors for a few days of fishing.

If a water-dependent use were to reestablish on the property to the north, chances are it would provide an added dimension and opportunity for citizens and visitors to experience a working waterfront. The 60-foot-wide Newmark Avenue right of way would provide a buffer for the subject property.

D. It is appropriate at this time to permit the specific type of development or change in zone into the area which had not previously existed.

When the Coos Bay Estuary Management Plan was developed, there was an assumption the subject property, that is, the lower bench portion, would develop as an industrial area. While development in this direction seemed logical twenty years ago, increased industrial development in the communities surrounding the Coos Bay Estuary

has not occurred. In addition, the size of the property does not accommodate today's berthing requirements and/or land backup requirements. The historical dependence of Oregon's economic base on agricultural and forest products industries has declined over the past four decades and has been replaced by a much broader range of industrial and service activity.

The Oregon Land Conservation and Development Commission amendments to Goal 17 (Coastal Shorelands) in 1999 has enabled the city to remove the water-dependent requirement for that portion of the subject property located on the lower shelf. This is the portion of the subject property that lies within the Coos Bay Estuary Management Plan.

CONCLUSIONS: Implementation of the Hollering Place Master Plan will provide unique opportunities in the area that will take advantage of the location and ambiance of the area while at the same time allowing new development with a mix of uses to take place and integrate with the existing development in all directions. Water-dependent activity to the north of the subject property would provide additional interest from participants and visitors.

VIII. INDUSTRIAL LANDS AGREEMENT

As required by the Bay Area Industrial Lands Cooperative Planning Agreement, the city of Coos Bay sent notice of the proposed action to the parties of the agreement on March 12, 2010.

IX. CONCLUSION

The standards and criteria listed above have been adequately addressed and approval of the proposal can be supported.

X. STAFF RECOMMENDATION

Staff finds that there is sufficient evidence to support approval of the proposed plan and code amendments. Therefore, staff recommends the Planning Commission recommend adoption of the plan amendments and rezone and enact the code text amendments, provided testimony during the public hearing does not render these conclusions unjustified.

XI. PLANNING COMMISSION RECOMMENDATION

The Planning Commission must make a recommendation to the City Council on the proposal (ZON2010-00015) to amend the Coos Bay Comprehensive Plan 2000 and Coos Bay Municipal Code based on the findings, justifications and conclusions set forth above.

ORDINANCE NO. 431

AN ORDINANCE AMENDING COOS BAY COMPREHENSIVE PLAN 2000, VOLUME III, COOS BAY ESTUARY MANAGEMENT PLAN, TO FACILITATE THE DEVELOPMENT OF HOLLERING PLACE

WHEREAS, the City of Coos Bay, has filed an application, hereinafter referred to as the Application, to legislatively amend the Coos Bay Estuary Management Plan to enable mixed-use development at Hollering Place.

WHEREAS, notice that public hearing would be held before the city of Coos Bay Planning Commission (the Commission) on May 11, 2010 and public hearing would be held before the Coos Bay City Council on June 15, 2010 was published in "The World," a newspaper of general circulation within Coos County, Oregon, on April 28, 2010;

WHEREAS, notice of public hearings was mailed on April 16, 2010 to all landowners within 250 feet of the designated area;

WHEREAS, provisions in the Coos Bay Municipal Code relating to notice have been complied with; and,

WHEREAS, public hearing was held on the Application on May 11, 2010, and after receiving evidence and hearing testimony, the Commission recommended approval of the Application.

NOW THEREFORE, the City Council of City of Coos Bay ordains as follows:

Section 1. The Commission's Findings and Conclusions supporting its recommended approval of the Application are attached hereto as "Exhibit A" and incorporated herein by reference.

Section 2. The City Council of the City of Coos Bay, after considering the Commission's Findings and Conclusions, hereby adopts the Findings and Conclusions, and finds the changes should be granted.

Section 3. The City of Coos Bay does hereby amend the Coos Bay Estuary Management Plan with the changes attached hereto as "Exhibit B."

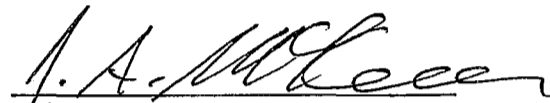
Section 4. The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay the 15th day of June 2010.


Yes: Mayor Jeff McKeown and Councilors Mark Daily, Jon Eck, Joanie Johnson, and Gene Melton.

No: None

Absent: Councilors Stephanie Kramer and John Pundt.



Jeff McKeown
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST: 
Rae Lea Cousens
City Recorder of the City of Coos Bay
Coos County, Oregon

FINDINGS AND CONCLUSIONS

EXHIBIT A

I. BACKGROUND

The subject property, the Hollering Place, is located west of Empire Boulevard, south of Newmark Avenue, east of the bay and north of Holland Avenue. The Hollering Place was the center for transportation, commerce and communication before the first Europeans sailed into the Coos Bay estuary.

Hollering Place, or Ellekatitch as the Coos Indians called it, was on the North Spit directly across the bay from their villages at present Empire. People traveling south along the beach route would holler over to the villages for someone to paddle over and provide passage.

The City purchased the subject property in 2001. The Hollering Place Master Plan has been created to provide a vision which will encourage economic diversification while providing an opportunity for local citizens and visitors to connect with and enjoy this section of the waterfront which has played a historical role in the region's past.

The Coos Bay City Council recognizes that a sense of community pride and identity, and a healthy visitor industry are important for the future health and vitality of the City. Development of the Hollering Place will encourage economic revitalization of the Empire business district.

II. PURPOSE

The city initiated the proposed comprehensive plan, rezone and Code amendments with the intent of facilitating the revitalization of the Empire business district. The Hollering Place Master Plan is the culmination of the vision for realistic redevelopment opportunities for the Hollering Place site and still connects with the history of the site. The master plan is intended to be flexible, to provide guidelines for development, but not to control all aspects of potential development. The City's objectives are:

- To create a public activity area on the waterfront that serves residents and visitors;
- To complement surrounding properties and connect with the existing business district; and
- To provide an active mix of public, commercial, residential, and experiential uses.

III. SITE

The subject property is located at the junction of Newmark Avenue and Empire Boulevard (Cape Arago Highway) and contains a total of 2.95 acres. The upper bluff contains .84 acre and the lower bench contains 2.11 acres. The upper bluff is the terminating vista heading west through Empire before making a left turn to continue south. The site is identified as follows:

The upper bluff (T. 25, R. 13, S. 20BB):

Block 25, Lots 5-8, Plat of Empire City, also described as Tax Lot 6000, except for the west 30 feet of Lot 8; and,
Block 25, Lots 2-4, a portion of vacated Holland Avenue, Plat of Empire City, also described as Tax Lot 6700.

The lower bench (T. 25, R. 13, S. 19AA): Block 12, Lots 1-3 and 5-8, and the area above the mean high water line described as Block 7, Lots 6-14, Belt Line Railroad Addition to Empire City), also described as Tax Lot 300; Block 12, Lot 4, Plat of Empire City, also described as Tax Lot 301; also, S. 19AA, Block 25, approximately the west 30 feet of Lot 8, Plat of Empire City.

Currently, the upper bluff area is zoned "General Commercial (C-2)." The plan designation is "Commercial (C)." The lower bench, except for the area east of Mill Street, is zoned "Waterfront Industrial (W-I)" and Coos Bay Estuary Management Plan (CBEMP) 54-UW (Urban Water-dependent). The plan designation is "Industrial (I)."

The area west of Mill Street is zoned "C-2" and is designated "Commercial (C)" by the Plan.

The area below the mean high water line is designated CBEMP 54DA (Development Aquatic).

The site's physical condition varies. The bluff portion is relatively flat and open. Currently, thick vegetation keep people away from the bluff's sharp drop off. Newmark Avenue, as it continues down the hill from Empire Boulevard, is a narrow cut with the property's steep slope adjacent to the roadway. The grade change between the upper bluff and lower portion, or bench, is approximately 30 feet. Both the upper bluff and the lower bench are vacant.

A large dock lies in ruins from the site into the bay. Directly south of the lower bench, are a public boat launch, tie-up, fishing pier and public parking lot with a cleaning station and public restrooms. Nearby are Coast Guard offices, residential and industrial uses and vacant lots.

IV. ELEMENTS OF THE PROPOSED AMENDMENTS

- A. Comprehensive Plan Text Amendments
 - 1. Volume I, Part 1, Plan Policies, amend Chapter 9.1, Plan Objectives, Commercial Areas, Objective 2, Implementation, to add the new Hollering Place (HP) zoning designation and to add an explanation for the purpose of the new designation.
 - 2. Volume III, Part 1, Coos Bay Estuary Management Plan (CBEMP), Plan Provisions
 - a. Amend shoreland unit 54-UW (urban water-dependent) to allow the uses set forth by newly created zoning district Hollering Place (HP).
 - b. Revise Bay-wide Policy 16a to reflect the change in acreage available for removal from the water-dependent designation.
 - 3. Volume III, Part 2, Inventories and Factual Base, amend 5.0, Social and Economic Resources Characteristics, to reference Policy 16a for the amount of water-dependent shorelands available for removal from the inventory.

B. Comprehensive Plan Map Amendment Apply the "Commercial" plan map designation to the shoreland portion of the subject property that is currently designated "Industrial."

C. Coos Bay Municipal Code (CBMC) Text Amendment

1. Create a "Hollering Place" (HP) zoning district. The focus of this district is to provide a tool to strengthen the identity of Empire, ensure compatible development, and communicate the Hollering Place's unique story. The mixed use area includes upper floor residential with retail or workshop uses on the bottom floor, hands-on learning and amenities and attractions which encourage public access to and enjoyment of the waterfront.

This zoning district, which establishes standards and procedures for review and development, is intended to reclaim the area's waterfront heritage and express pride in its past and present by developing Hollering Place as a vital and sustainable mixed use area which includes interpretation of local history and reconnection to the water.

Two subdistricts are proposed within the zoning district:

Upper Bluff Area (HP-1), and,
Lower Bench Area (HP-2).

The intended use of each subdistrict is as follows:

The HP-1 subdistrict is set aside for a wayside and structure(s) to act as a visitor overlook and may include some retail or dining use;

The HP-2 subdistrict is intended for a mixed use development with retail/workshops on the bottom floor and living quarters on the upper floor and an inn/restaurant.

2. Amend the CBMC text to maintain internal consistency. Amend Chapter 17.280 to add limited manufacturing as a conditional use in the HP-2 subdistrict.

D. Zoning Map Amendment
Apply the HP zone to the subject property.

V. APPLICABLE STANDARDS AND CRITERIA

This application involves amendments to acknowledged comprehensive plan provisions and acknowledged land use regulations. Under Oregon's land use statutes, these amendments must be shown to comply with a wide range of standards and criteria, including the following:

- A. Statewide Planning Goals
 - B. State Agency Rules
 - C. Comprehensive Plan Policies
- Procedures and requirements governing amendments to the Coos Bay Comprehensive Plan are set forth in Volume I, Part 1, Chapter 8. These

requirements address notice, citizen participation, and agency coordination. Chapter 8.3 imposes the following requirements for an amendment to the Plan.

1. Identification of new planning problems and issues.
2. Collection and analysis of inventories and other pertinent factual information.
3. Evaluation of alternative courses of action and ultimate policy choices.
4. Selection of appropriate policy directives based upon consideration of social, economic, energy and environmental needs.

D. Coos Bay Municipal Code Provisions

1. Chapter 17.360, Change in Zone Designation
 - a. The change in zone will conform to the policies and objectives of the comprehensive plan.
 - b. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.
 - c. The change will not prevent the use of other land in the vicinity.
 - d. It is appropriate at this time to permit the specific type of development or change in zone into the area which had not previously existed.
 - e. The change will be consistent with the function, capacities and levels of service of facilities identified in the adopted Coos Bay Transportation System Plan.

E. Industrial Lands Agreement

This intergovernmental agreement between Coos County, the cities of Coos Bay and North Bend and the Oregon International Port of Coos Bay was created as a result of the Bay Area Comprehensive Economic Analysis (David Evans & Assoc., 1998) which was adopted into the Coos Bay Comprehensive Plan. The purpose of the agreement is to ensure the timely exchange of information for the maintenance of an adequate supply of industrially zoned, developable lands in the Bay Area. The Bay Area includes the communities of Coos Bay, North Bend and Charleston.

VI. STATEWIDE PLANNING GOALS

A. Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

In 2002 a three-day charrette was held to develop a conceptual plan for the subject property. A broad range of stakeholders and the general public took part. In 2005 the city hired Shoji Planning and Development, LLC, to facilitate a public

process to discuss the Empire Waterfront Concept Vision and to help organize the concept that was developed in 2002. In the summer of 2008, a team was assembled including the Oregon Downtown Development Association, to develop a master plan for the Hollering Place with the intent that development on the subject property complement and connect with the existing business district. Development options were presented to the community as the master plan for the site evolved. Public feedback enabled the master plan to be refined. The final plan was presented and well-received at a public meeting on September 22, 2008. The plan was later adopted by the City Council on December 2, 2008.

B. Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Coos Bay has an acknowledged comprehensive plan and implementing ordinances. Volume I, Chapter 8.3, sets forth the requirements of Goal 2 for an amendment to the comprehensive plan. Chapter 8.3 is addressed below.

The state requirement of land use planning is based upon coordinating the needs of local government with counties, other state and federal agencies, special districts and community organizations. The City will be taking the lead in updating the Intergovernmental Agreement as set forth by the Bay Area Comprehensive Economic Analysis which required written notice of our proposed application to the city of North Bend, Coos County and the Oregon International Port of Coos Bay.

C. Goal 3 – Agricultural Lands

The subject property lies wholly within the city limits of Coos Bay. Agricultural lands are not affected.

D. Goal 4 – Forest Lands

The subject property lies wholly within the city limits of Coos Bay. Forest lands are not affected.

E. Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

It is the intent of the comprehensive plan to inventory, assess and where appropriate, protect those sites, structures or areas within the city of Coos Bay which have local, state or national historic or archaeological significance.

The history of the site is recognized by the "Hollering Place" designation. The Hollering Place was the center for transportation, commerce and communication. A village named Hanisitch (place of the Hanis) was established

on the narrowest crossing of the Coos Bay estuary; the area's original inhabitants recognized the value of this location for anyone traveling along the coast. Southbound travelers would holler across to the village and someone would paddle over to provide passage.

F. Goal 6 – Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

No foreseeable activities associated with the master plan development of the site will invoke the need for state or federal air quality permits. City utilities will be utilized for wastewater and sewage and the Coos Bay North Bend Water Board will provide water for the project.

An environmental cleanup was completed on the subject property in 1997 for Crowley Marine Services, Inc. The property, which is currently vacant, was used as a fuel facility.

Therefore, there are no foreseeable solid waste or other contaminants which will require any sort of environmental permits for the proposed mixed use development.

G. Goal 7 – Areas Subject to Natural Disasters and Hazards.

To protect life and property from natural disasters and hazards.

The entire subject property has been identified on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency as being in the floodplain. The Comprehensive Plan states in Chapter 4.4 that the City participates in the Federal Flood Insurance Program sponsored by HUD, and also exercises sound building code practices to safeguard from unnecessary flood damage.

The entire subject property also lies in the tsunami area as identified by the Tsunami Hazard Map of the Coos Bay Area, Coos County, Oregon, 2002, by the Oregon Department of Geology and Mineral Industries. Comprehensive Plan Chapter 7.1 sets forth Policy NRH.12 which states: Coos Bay recognizes that local and state building codes agencies require building standards that are intended to prevent collapse of structures when they are subjected to earthquake or tsunami forces. [ORD 284 10/19/1999]

These protective measures will be applicable to the subject property. There are no other natural hazards affecting the subject property known at this time.

H. Goal 8 – Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate to provide for the siting of necessary recreational facilities including destination resorts.

There are no recreational activities or uses in the subject area at this time except for the public boat ramp, parking and fish cleaning facilities to the south of the subject property.

I. Goal 9 – Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

When the Coos Bay Estuary Management Plan (CBEMP) was developed, there was an assumption the subject property would develop as an industrial area. While development in this direction seemed logical twenty years ago, increased industrial development in the communities surrounding the Coos Bay Estuary has not occurred.

The 2.11 acres lower bench portion of the subject property would not accommodate today's needs for industrial land or land for back-up requirements. The property to the north is also designated by the CBEMP for water-dependent uses. Newmark Avenue, a 60-foot-wide right of way, separates the property to the north from the subject property. This prevents using the two properties together which would also interfere with public access to the bay.

The Hollering Place Master Plan was adopted by the Coos Bay City Council on December 2, 2008. The Plan includes, not only the property on the lower bench, but also the adjacent property at the southwest corner of Newmark Avenue and Empire Boulevard. The area at the top of the bluff is intended for an overlook and maybe a small retail use.

The Master Plan was developed as a catalyst project to help spur additional development and investment in the Empire District. The Master Plan includes, besides the overlook from Empire Boulevard, retail/cottage clusters, inn/restaurant, facilities for experiential (hands-on) learning (boat building, glass blowing) and a Story Trail to encourage people to learn about the history of the site. There is great interest in rebuilding/replacing the ruined dock in the future and in promoting more water-related activities. The proposed zoning district will allow water-related uses as long as the use meets the intent of the Master Plan.

The existing public boat launch, tie-up, fishing pier, fish cleaning station and restrooms are located south of the subject property. Holland Avenue, which lies adjacent to the south property line of the subject property, is a one-way street heading east to accommodate boat launching. This is not expected to change. The boat launch and docks are very popular and patrons use both Newmark and Mill, and Michigan Avenues to reach the boat launch area.

To the north of the subject property is the newly formed boat building center. The center is in the process of getting up and running and is occupying the old Eureka Fisheries building. The building was leased because the owner stated he would not be using that facility for seafood processing in the future. If the need

arose he would go to Charleston for any processing. The center is expected to have its first building session this spring/summer.

To the east of the subject property are a few existing residences that have been in place for many years. The boat ramp and other uses in the area have been built despite these residences.

Negative impacts from industrial uses to the existing boat ramp and facilities are likely. Traffic, in and out of the water, could cause delays to daily activities of an industrial use. The number of access points is also a limiting factor.

The proposed amendments will help solve the need for additional commercial land and will reduce the surplus of water-dependent/related industrial land.

The 2009 Buildable Lands Inventory, Table 19, Overall Near-and-Long-Term Employment Land Need by Parcel Size, indicates a need for 19 commercial parcels in this size category (1 to 5 acres) in the long term (20-years). The proposed mixed-use will provide employment land although there is no net increase in employment land since the subject property was initially industrial-zoned land. Comprehensive Plan, Volume I, Chapter 7.5, Economic Development, sets forth the following goal and policy:

- 1.4 Focus industrial growth toward areas viable for industrial use; consider rezoning less viable industrial lands for redevelopment consistent with the City's overall vision and emerging market trends.

Language is included in the proposed "Hollering Place" zoning district that requires each phase of development to contain a reasonable balance of use types that will advance the intent of the Hollering Place as a whole; it is not meant to be a single-type use development, that is, all residential or all commercial.

I. Goal 10 - Housing

To provide for the housing needs of the citizens of the state.

The Housing Goal requires that buildable lands for residential use be inventoried and that the city's plan shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households. It also requires the City to allow for flexibility of housing locations, types and densities.

Volume II of the Comprehensive Plan, Chapter 5.4, Table 13, summarizes the difference between the supply of buildable land and the amount of land needed in each zone to meet projected future land needs. This assessment indicates an overall surplus of residential land of nearly 800 acres, not including a small amount of additional commercial land that potentially would be needed to meet a portion of the City's future housing needs.

The information concludes, however, a significant surplus of land is affected by a number of factors. One factor--about a third of the property is over 25 percent slope. The "relative capacity and feasibility of development in these areas will

likely be lower than on other lands in the inventory, potentially overstating the estimated supply. Furthermore, this analysis assumes maximum efficiency of land development on an average basis. This is not necessarily a realistic assumption and also may tend to overestimate the land supply or under estimate the land need.”

The proposed Hollering Place mixed use development will add additional options for housing—mostly living quarters in the upper stories of retail/workshop buildings and perhaps a few single-family dwellings. Phasing, as described in the newly created zoning district will not allow one use type to be developed, but rather requires a balance of uses be developed in each phase.

The housing is intended to be available not just for storeowners or locals, but also for those wishing to stay for the duration of a boat building session, fishing season, a week in the summer, etc.

J. Goal 11 – Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 defines a “timely, orderly and efficient arrangement of public facilities and services” as “a system or plan that coordinates the type, location, and delivery of public facilities and service in a manner that best supports the existing and proposed land uses.”

The subject property is located at the west end of the Empire business district. All urban facilities and service are available including police and fire protection, sanitary facilities, storm drainage facilities, communication services, community governmental services and health facilities. Public facilities and services were utilized by uses that existed in the area in the past.

The proposed amendments will change the demand from an industrial demand to a retail/residential type demand.

K. Goal 12 – Transportation

To provide and encourage a safe, convenient and economic transportation system.

OAR 660-12-0060, Plan and Land Use Regulation Amendments, requires that amendments to acknowledged plans and land use regulations which significantly affect a transportation facility shall assure that the allowed uses are consistent with the identified function, capacity, and level of service of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it:

- a. Changes the functional classification of an existing or planned transportation facility;
- b. Changes standards implementing a functional classification system:

- c. Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility;

Or,

- d. Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.

Newmark Avenue and Empire Boulevard are both classified as arterials by the Coos Bay Transportation System Plan. The amendments will not change these classifications. Newmark Avenue west of Empire Boulevard is considered as an arterial also. Mill Street, which runs through the eastern part of the lower bench of the subject property, is considered a local street which provides access to the public boat launch facility and a few houses located south of the subject property and east of the street.

Michigan Avenue, the next street to the south and running parallel to Newmark, is considered a neighborhood route. Michigan provides access to a small apartment complex and a few privately owned residences and businesses. Michigan intersects with Mill Street.

The number of proposed access points from Empire Boulevard will not change. Access points off of Newmark and Mill Street, abutting the subject property, will be defined by the development although access to the existing boat ramp will not change. New arterials and collectors will not be necessary to accommodate the mixed use development.

A traffic impact study was completed by Lancaster Engineering in 2007 for the subject area. Recommendations from the study, in brief, are as follows:

1. Michigan Avenue should be widened between Mill Street and Empire Boulevard to accommodate two directions of travel; a sidewalk should be included on at least one side unless pedestrians are directed to the hill at Newmark Avenue to make use of the planned sidewalks at that location;
2. Existing traffic should be allowed to use either Michigan or Newmark Avenues to help disperse traffic impacts and minimize delay at the intersections with Empire Boulevard;
3. Similarly, entering traffic should be allowed at both Newmark and Michigan Avenues. With entering traffic at both locations, northbound left-turn lanes on Empire Boulevard are not recommended.
4. Prominent signing should be installed that directs drivers visiting the Hollering Place to the west on both Michigan and Newmark Avenues. The entrance to the viewing area on top of the hill should appear to be a secondary entrance to avoid significant congestion that could affect the operation of Empire Boulevard.
5. When the parking area and accesses to Empire Boulevard are designed, it is recommended that the north/south circulation aisle for the parking area be separated from Empire Boulevard to the maximum extent possible.

6. "DO NOT ENTER" signs should be installed at the southern end of the north/south circulation aisle closest to Empire Boulevard to avoid driver confusion and wrong-way travel.

Due to its large size, the traffic impact study is available for review upon request.

L. Goal 13 – Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

The subject property will include commercial and residential uses. The development will offer the opportunity for those who own a business on site to live above the business rather than commute. Likewise, those partaking in the proposed experiential learning opportunities may opt for living on-site for the duration of a lengthy project. This will promote energy conservation.

M. Goal 14 – Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

This goal requires that comprehensive plans provide for an orderly and efficient transition from rural to urban use and from urbanizable to urban status. Goal 14 does not apply because the subject property was developed for urban uses in the past.

N. Goal 16 – Estuarine Resources

To recognize and protect the unique environmental, economic and social values of each estuary and associated wetlands.

Goal 16 requires maintaining diverse resources, values and benefits by classifying the estuary into distinct water use management units, considering adjacent upland characteristics and existing land uses, compatibility with adjacent uses and other factors.

The portion of the estuary adjacent to the subject property is designated by the Coos Bay Estuary Management Plan as an aquatic development unit, 54-DA (Development Aquatic). This unit extends east of the deep-draft channel beginning at a line Northwest from the North end of Cape Arago Mill and ending at a line that projects at an angle from the shoreline North from an extension of Johanneson Avenue and then runs Southwest 100 feet South of a city pier. The management objective for the unit states the aquatic unit shall be managed to maintain water access for water-dependent/related industrial and recreational uses located in the upland.

An "exception" was taken for the "development" designation, Exception #4, to permit dredge, fill and other activities associated with moorage and access to water-dependent shoreland uses. Findings for the exception states the "Empire waterfront will continue to be used for barge and fishing boat access for unloading, and recreational access via the

boat ramp near Holland Street. The narrow tidal flat adjacent to the shore may need to be altered at some time by dredging, fill or other activities necessary to develop shallow-draft access to the shore for expansion of existing uses in this area.”

The proposed plan and ordinance amendments will not change the uses and activities that may be allowable in this aquatic estuarine management unit. Water-related uses on the subject property are likely—the rental of crab rings, wind surfboards, etc. As set forth in the newly create “Hollering Place” zoning district, water-dependent/related uses may be permitted as long as the intent of the master plan is met.

O. Goal 17 - Coastal Shorelands

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.

The Bay Area Comprehensive Economic Analysis (BACEA), 1998, adopted into the Comprehensive Plan, provides the documentation that the need for water-dependent land is expected to remain relatively constant with current needs.

Under Goal 17, as amended in 1999, the city is required to protect a minimum of 76.18 acres of suitable estuarine shorelands for water-dependent use. This acreage amount is the result of an inventory completed in 1999 indicating there are 106.83 acres designated as “water-dependent.” The acreage is then broken down into categories showing acreage currently and formerly in water-dependent use. Also considered was whether or not a structure remained for water-dependent access, and if the site was never in water-dependent use.

Therefore, the Goal 17 changes, inventory and adopted BACEA enables the city to remove 2.04 acres of the subject property from a water-dependent designation.

The acreage that will remain designated for water-dependent uses satisfies the locational and suitability requirements because the designation of these areas as “especially suited for water dependent uses” was previously acknowledged as complying with the Statewide Planning Goals without requiring a Goal 2 exception to designate significant coastal natural resource areas for water-dependent development.

OAR660-037-0090(1) requires that any amendment to an acknowledged comprehensive plan or land use regulation that redesignates shoreland previously classified as “especially suited for water-dependent” uses must comply with all applicable Statewide Planning Goals. The goals are addressed by the findings set forth in this document.

OAR660-037-0090(2) encourages local governments to provide for water-related and water-oriented uses at such sites as much as possible. As stated under Goal 16, water-dependent/related uses may be permitted on the subject property as long as the intent of the master plan is met. The connection to the existing public boat ramp and dock is natural and will likely encourage additional uses.

O. Goal 18 Beaches and Dunes

This goal does not apply.

P. Goal 19 - Ocean Resources

To conserve the long-term values, benefits and natural resources of the nearshore ocean and the continental shelf.

This goal does not apply.

CONCLUSIONS: The Statewide Planning Goals have been adequately addressed to justify the proposed plan amendments, rezone and code amendments. The location and setting for implementation of the Hollering Place Master Plan will provide opportunities to revitalize the Empire area and provide activities necessary for the health, welfare and prosperity of the city. The subject property will remain "employment land."

VII. Comprehensive Plan, Volume I, Chapter 8.3, Land Use and Community Development Planning (CBMC 17.380.040(2))

This chapter includes the following standards for approving amendments to the comprehensive plan.

1. Identification of new planning problems and issues.

The Hollering Place was the center for transportation, commerce and communication before the first Europeans sailed into the Coos Bay estuary. A village named Hanisitch (place of the Hanis) on the narrowest crossing of the Coos Bay estuary, the area's original inhabitants recognized the value of this location for anyone traveling along the coast. Southbound travelers would holler across to the village and someone would paddle over to provide passage. The Hollering Place became the site of the first European settlement in what would later become Coos County.

The small port community grew to become Empire City, the first Coos County seat. The county seat was eventually moved to Coquille and over time the city was incorporated into the city of Coos Bay.

The site was purchased by the City in 2001 from Crowley Marine Services. The site was formerly owned by the Drummond Lighterage which used the property for fuel services. When the city purchased the property it had been vacant for about 12 years according to the Coos County Assessor's Office. In 1991 environmental correction work was completed by Crowley Marine Services and a "no further action" determination was issued by the Oregon Department of Environmental Quality.

The subject property has fallen victim to changing economic forces which has reduced the need for small water-dependent industrial properties. This fact, combined with zoning conditions which have restricted opportunities to pursue commercial and even residential use alternatives, have deprived the area of new investment. The dock was examined in 2002 by engineer William F. Dille & Associates and concluded that rather than attempt to rebuild the wood pier, it would be prudent to construct a new pier using more efficient materials. As discussed above, the 1998 BACEA indicates that the

amount of land needed for water-dependent industrial uses does not exceed the amount of land currently in use.

The existing boat launch facilities to the south of the subject property are very popular with locals and visitors alike. The newly formed boat building center to the north is likely to also become a popular attraction for both locals and visitors.

2. Collection and analysis of inventories and other pertinent factual information.

When the Coos Bay Estuary Management Plan was developed, it was assumed that the subject property would develop as an industrial area, which seemed logical at the time; however, the development did not occur, or at best was short lived. The small size of the property would not accommodate today's berthing requirements and/or land backup requirements.

As discussed above, the BACEA indicates that no water-dependent industrial land is needed beyond the amount that is currently in use. Even though a structure that once functioned as a dock is partially standing, the engineer's review, as discussed in 1, above, indicates the dock would need to be demolished and rebuilt. As concluded in the BACEA, allowing new zoning for mixed uses will help alleviate the projected deficit of land designated for commercial use and at the same time reduce the projected surplus of industrial, water-dependent zoned land.

3. Evaluation of alternative courses of action and ultimate policy choices.

The most obvious course of action is to take no action. If no action is taken, it is likely that the subject property will continue as vacant land. It does not appear that the need for economic diversification as a result of the economy shifting away from a predominately natural resources base will change.

4. Selection of appropriate policy directives based upon consideration of social, economic energy and environmental needs.

The city recognizes the need to create an understanding of the community's heritage and historical connections to the waterfront while enhancing its cultural, recreational and economic vitality. Conveying the early waterfront culture to the public is a goal of the proposed development as seen by the "Story Trail" meant to encourage people to learn about the Hollering Place and its history. The proposed development will provide an opportunity to diversify the economy of the community and encourage public access and enjoyment of the waterfront.

When the Coos Bay Estuary Management Plan was developed, it was assumed that the subject property would develop as an industrial site, which seemed logical at the time; however, the development occurred only for a short time. In addition, the subject property contains only 2.11 acres and does not accommodate today's berthing or backup requirements. Reliance on natural resource based industries has declined.

Providing for mixed uses will provide increased retail-commercial land base along with a unique opportunity for living quarters. The experiential/hands-on learning is meant to

brand the development, increasing awareness of the area as well as provide for activity that may fuel demand. If this program element does not prove viable, the area may be developed consistent with the remainder of the site with a mix of cottages and retail space.

Comprehensive Plan, Volume I, Chapter 7.5, Economic Development, Policy 2.3, in part, states: "...the city will pursue the implementation of the Hollering Place Master Plan to create a public activity area on the waterfront that serves residents and visitors and connects with the existing business district."

These findings and the findings under III, I, Statewide Planning Goal 9, demonstrate the decision to allow mixed use is responsive to the social, economic, energy and environmental needs of this area.

The plan strategies/policies relevant to the proposed amendments have been identified below:

a. Strategy NRH.5:

Coos Bay shall continue to participate in the National Flood Insurance Program of the U.S. Department of Housing and Urban Development, recognizing that participation in this program substantially insures the health and well being of its residents and allows city residents to benefit from subsidized flood insurance rates.

b. Strategy NRH.6:

Coos Bay shall require that construction in floodprone areas shall meet certain flood proofing standards such as structure orientation to flood flow, flotation prevention measures, and a minimum elevation of the lowest story.

A portion of the lower bench of the subject property is identified as floodplain on FIRM (Federal Insurance Rate Maps). The city participates in the Federal Flood Insurance Program sponsored by HUD and also exercises sound building code practices to safeguard from unnecessary flood damage.

c. Strategy EC.4:

Coos Bay shall promote development along major transportation corridors by zoning lands adjacent to such corridors to allow commercial, industrial, and multi-family development except where such areas are irreversibly committed to low density residential development. However, ingress/egress to such development shall be designed so that it does not restrict traffic flow on the arterial streets. The city recognizes that intense development, along major transportation corridors conserves energy by providing shorter, direct access to homes and trade and service areas.

d. Strategy EC.6:

Coos Bay shall attempt to site residential apartment development in appropriate areas within or on the fringe of commercially zoned areas, recognizing that such

uses conserve energy by the centralized location of achieving the goal of "infilling," and by maximizing the potential of land uses within developed areas of the city. This strategy shall not supersede the strategy dealing with protection of the integrity of established residential neighborhoods.

e. Strategy EC.8:

Coos Bay shall encourage the "infilling" development of undeveloped parcels of land, within the city limits for residential and commercial purposes, recognizing that such development, located in the vicinity of established traffic corridors and in areas already serviced by electrical, sewer and water lines, are more energy efficient than new construction in "unserved" undeveloped areas.

The subject property is serviced and located in a developed area of the city. The subject property is suitable for infilling and for more intense uses.

While traffic circulation patterns may need to be modified, existing city streets will be utilized. New arterials and collectors will not be necessary to accommodate the mixed use development.

f. Strategy R.5:

Coos Bay shall utilize small city-owned, deeded, or dedicated undeveloped areas as open space, recognizing that open space alone is recreationally valuable.

The uses and facilities to be included in the Hollering Place will provide recreational opportunities for future generations.

g. From Chapter 7.5, Economic Development:

1. Policy 2.3

Pursue the implementation of the Hollering Place Master Plan, adopted December 2, 2008, to create a public activity area on the waterfront that serves residents and visitors; rebuild the dilapidated dock to promote more water-related activities; and, complement surrounding properties while connecting with the existing business district. A plan amendment from industrial to commercial or mixed-use will be required.

2. Policy 6.3

Promote the waterfront as key to a recreational center and opportunity to increase awareness of Coos Bay's rich maritime and logging history.

3. Policy 6.5

Promote eco-tourism activities and the exploration and enjoyment of our natural surroundings.

g. From Chapter 7.6, Housing:

1. Policy 1.1

Coos Bay will continue to update its zoning provisions to allow for construction to provide a wide range of housing available at varied prices and rent ranges, and allow for flexible site and architectural design.

2. Goal 5

Allow for, encourage and support the development of housing units in conjunction with commercial development (eg., housing located above commercial uses).

CONCLUSION: The Hollering Place Master Plan has put in place the tools for revitalizing the Empire area and allowing new development to take advantage of the natural amenities of the site and the existing man-made amenities, such as the public boat launch and boat building center, while providing a mix of uses and unique living opportunities.

VII. COOS BAY MUNICIPAL CODE REZONE CRITERIA

Coos Bay Municipal Code Chapter 17.360, Change in Zone Designation, establishes the following standards for approving rezones:

A. The change in zone will conform to the policies and objectives of the comprehensive plan.

The portion of the subject property on the upper bluff is currently designated Commercial by the Comprehensive Plan. The area on the lower bench, which is currently designated Industrial, will be changed to Commercial plan designation.

Plan Policy 2.3 in Chapter 7.5 supports the implementation of the Hollering Place Master Plan. Other plan strategies/policies pertaining to the proposed rezone are discussed in VI, 4, above.

B. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.

The area east of the subject property is zoned General Commercial (C-2) and is the developed Empire business district along with some residences. East-southeast are a couple of residences that have been there for many years. To the north of the subject property is property zoned Waterfront Industrial (W-I) and Coos Bay Estuary Management Plan 54-UW owned by Sause Bros an ocean towing company. The property was used for log storage many years ago, but small buildings on the site are now used exclusively as offices and a training center. To the north is also a dilapidated building that is currently being repaired to make it usable for a boat building center. This is the former site of Eureka Fisheries, later purchased by OPAC, Inc. The city is leasing the facility. OPAC has stated they will not be using the facility any more for fish processing due to the downfall in the fishing industry. If necessary they will use the facility in Charleston.

The area to the south of the subject property, zoned W-I and CBEMP 54-UW, is the public boat launch facility, parking facility and fish cleaning station. Further south is a Coast Guard Station building, and private property with buildings some of which are used for boat building.

To the west is the bay.

The proposed mixed use development is compatible with the surrounding districts. Commercial development adjoins the subject area although it is geographically separated by Empire Boulevard. The proposed development will complement the boat launch facility and dock by providing the opportunity for more varied activity for those using the facilities. The area to the north is separated by the 60-foot-wide Newmark Avenue right of way. Impacts from the proposed development should be contained on the subject property.

The zone change provides an opportunity for the city and its citizens to diversify the economy of the community by developing a mixed-use area which includes amenities, the opportunity to take part in small retail/workshop experiential opportunities and an alternative living style for people with different needs.

C. The change will not prevent the use of other land in the vicinity.

The area to the south is developed with an existing public boat ramp. Market conditions have left property and facilities to the north of the subject property, across Newmark Avenue, vacant or partially used for many years. The zone change provides an opportunity for the city and its citizens to diversify the economy of the community by developing a mixed-use area to include commercial, residential and a workshop/experiential learning atmosphere. This in turn may encourage development on the property to the north.

A boat building center is in the process of being established to the north of the subject property. It will likely draw users to the proposed development and create a need for overnight accommodations to participate in a longer program.

It is likely that the residential portion of the development will be for short-term occupancy because of the limitation to the size of the living spaces. It is possible the living spaces will be occupied by participants in workshop programs, or visitors for a few days of fishing.

If a water-dependent use were to reestablish on the property to the north, chances are it would provide an added dimension and opportunity for citizens and visitors to experience a working waterfront. The 60-foot-wide Newmark Avenue right of way would provide a buffer for the subject property.

D. It is appropriate at this time to permit the specific type of development or change in zone into the area which had not previously existed.

When the Coos Bay Estuary Management Plan was developed, there was an assumption the subject property, that is, the lower bench portion, would develop as an industrial area. While development in this direction seemed logical twenty years ago, increased industrial development in the communities surrounding the Coos Bay Estuary

has not occurred. In addition, the size of the property does not accommodate today's berthing requirements and/or land backup requirements. The historical dependence of Oregon's economic base on agricultural and forest products industries has declined over the past four decades and has been replaced by a much broader range of industrial and service activity.

The Oregon Land Conservation and Development Commission amendments to Goal 17 (Coastal Shorelands) in 1999 has enabled the city to remove the water-dependent requirement for that portion of the subject property located on the lower shelf. This is the portion of the subject property that lies within the Coos Bay Estuary Management Plan.

CONCLUSIONS: Implementation of the Hollering Place Master Plan will provide unique opportunities in the area that will take advantage of the location and ambiance of the area while at the same time allowing new development with a mix of uses to take place and integrate with the existing development in all directions. Water-dependent activity to the north of the subject property would provide additional interest from participants and visitors.

VIII. INDUSTRIAL LANDS AGREEMENT

As required by the Bay Area Industrial Lands Cooperative Planning Agreement, the city of Coos Bay sent notice of the proposed action to the parties of the agreement on March 12, 2010.

IX. CONCLUSION

The standards and criteria listed above have been adequately addressed and approval of the proposal can be supported.

X. STAFF RECOMMENDATION

Staff finds that there is sufficient evidence to support approval of the proposed plan and code amendments. Therefore, staff recommends the Planning Commission recommend adoption of the plan amendments and rezone and enact the code text amendments, provided testimony during the public hearing does not render these conclusions unjustified.

XI. PLANNING COMMISSION RECOMMENDATION

The Planning Commission must make a recommendation to the City Council on the proposal (ZON2010-00015) to amend the Coos Bay Comprehensive Plan 2000 and Coos Bay Municipal Code based on the findings, justifications and conclusions set forth above.

EXHIBIT B

A. Amend Coos Bay Estuary Management Plan (CBEMP), Volume III, Part 1:

1. Chapter 3.3 Bay-wide Policies, Policy 16a, Minimum Protected Acreage Required for County Estuarine Shorelands (Ord. 306 5/1/2001), to read as follows:

Local governments shall protect for water-dependent use at least the minimum acreage determined to be necessary under the standards of Statewide Planning Goal 17 for the protection of sites suitable for water-dependent uses and special allowance for new non-water-dependent uses in urban water-dependent units.

A. Coos County

1. As of January 1, 2000, there were 1,440.5 acres of Coos Bay estuary shoreland planned and zoned for water-dependent use in the unincorporated portions of Coos County.
2. 501.02 acres have been determined to be the minimum amount of acreage required to be protected for water-dependent use within the estuary shoreland units of the unincorporated portions of the Coos Bay estuary.
3. Any request to redesignate or rezone shoreland designated for water-dependent use within the unincorporated portions of the Coos Bay estuary will require a demonstration by the applicant that at least the minimum acreage amount of 501.02 acres will remain designated for water-dependent use.

B. City of Coos Bay

1. As of January 1, 2000, there were 106.83 acres of Coos Bay estuary shoreland planned and zoned for water-dependent use in the city of Coos Bay.
2. It has been determined that 76.18 acres are the minimum amount of acreage required to be protected for water-dependent use within the estuary shoreland units lying within the city of Coos Bay.
3. Any request to redesignate or rezone shoreland designated for water-dependent use within the portions of the Coos Bay estuary in the city of Coos Bay will require a demonstration by the applicant that at least the minimum acreage amount of 76.18 will remain designated for water dependent use.

As of June 15, 2010, 2.04 acres of shoreland designated for water-dependent use was removed from the total

106.83 acre inventory (ZON2010-00015). As a result, there are 104.79 acres of estuarine shoreland designated for water-dependent use remaining in the city of Coos Bay.

This policy shall be implemented through provisions in ordinance measures that require that the above findings be made at the time an application for redesignation or rezoning is approved.

2. Chapter 5.0, Designation of Site-Specific Management Segments, Uses and Activities, 54-UW, to read as follows:

MANAGEMENT OBJECTIVE:

The distance to the channel and the shallow depths make this area ideally suited for shallow-draft (up to 20 feet) water-dependent/related uses such as the current mix of uses for barge and small fishing craft loading and unloading. This segment shall be managed to allow continuation of current uses, and, particularly, continued use and improvement of the boat ramp and associated facilities for public recreational use. Non-water-dependent/related uses shall only be allowed as per Policy #16, except in the area encompassed by the Hollering Place (HP) zoning designation whereby uses listed in the zoning district are permitted as set forth by Coos Bay Municipal Code 17.127.

B. Amend CBEMP, Volume III, Part 2, Inventories and Factual Base, Chapter 5.0, Social and Economic Resources Characteristics, 5.1.4, to read as follows:

5.1.4 Minimum Acreage Required to be Protected for Water-Dependent Uses [ORD 306 5/1/2001]

In order to comply with 1999 Goal 17 amendments, it was necessary to compute the amount of acreage required to be protected for water-dependent uses. A 1999 study of shorelands designated as water-dependent was completed using Department of Revenue maps, aerial photography and on-site analysis. The following information resulted from the study:

Acreage <u>currently</u> in water-dependent use:	46.90
Acreage <u>formerly</u> in water-dependent use:	30.36
Still possesses a structure or facility that provides water-dependent access:	29.28
No longer possesses a structure or facility that provides water dependent access:	1.08
Acreage <u>never</u> in water-dependent use, although designated for such use:	29.57
Total acreage designated for water-dependent use:	106.83

Under Goal 17, as amended in 1999, the city is required to protect a minimum acreage of suitable estuarine shorelands for water-dependent use. The

minimum acreage amount is determined by adding the acreage of estuarine shorelands currently in water-dependent use (46.90) and the acreage of estuarine shorelands formerly in water-dependent use that still possess structures or facilities that provide or provided water-dependent uses with access to the adjacent water body (29.28). Based on the city's 1999 study of its shorelands, the city is required to protect a minimum of 76.18 acres of suitable estuarine shorelands for water-dependent use.

CBEMP, Part 1, 3.3 Bay-wide Policies, Policy 16a, logs the amount of water-dependent shoreland removed from the inventory of 106.83 acres to insure that a minimum of 76.18 acres is protected for water-dependent use. In 2010, the creation of the Hollering Place zoning district removed 2.04 acres of water-dependent shoreland from the inventory leaving a balance of 104.79 acres designated for water-dependent use.

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ORDINANCE NO. 432

AN ORDINANCE AMENDING COOS BAY MUNICIPAL CODE, TITLE 17, ESTABLISHING LAND DEVELOPMENT STANDARDS FOR THE CITY OF COOS BAY FOR THE "HOLLERING PLACE" ZONING DISTRICT

WHEREAS, the City of Coos Bay has filed an application, hereinafter referred to as the Application, to legislatively amend the Coos Bay Municipal Code to add the zoning district, "Hollering Place";

WHEREAS, notice that public hearing would be held before the city of Coos Bay Planning Commission (the Commission) on May 11, 2010 and public hearing would be held before the Coos Bay City Council on June 15, 2010 was published in "The World," a newspaper of general circulation within Coos County, Oregon, on April 28, 2010;

WHEREAS, notice of public hearings was mailed on April 16, 2010 to all landowners within 250 feet of the designated area;

WHEREAS, provisions in the Coos Bay Municipal Code relating to notice have been complied with; and,

WHEREAS, public hearing was held on the Application on May 11, 2010, and after receiving evidence and hearing testimony, the Commission recommended approval of the Application.

NOW THEREFORE, the City Council of City of Coos Bay ordains as follows:

Section 1. The Commission's Findings and Conclusions supporting its recommended approval are attached hereto as "Exhibit A" and incorporated herein by reference.

Section 2. The City Council of the City of Coos Bay, after considering the Commission's Findings and Conclusions, hereby adopts the Findings and Conclusions, and finds the change should be approved.

Section 3. The City of Coos Bay does hereby amend Title 17 with the language attached hereto as "Exhibit B."

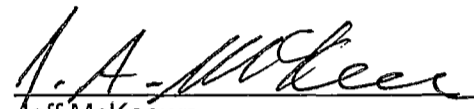
Section 4. The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.


The foregoing ordinance was enacted by the City Council of the City of Coos Bay the 15th day of June 2010.

Yes: Mayor Jeff McKeown and Councilors Mark Daily, Jon Eck, Joanie Johnson, and Gene Melton.

No: None

Absent: Councilors Stephanie Kramer and John Pundt.


Jeff McKeown
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST: 
Rae Lea Cousens
City Recorder of the City of Coos Bay
Coos County, Oregon

FINDINGS AND CONCLUSIONS

EXHIBIT A

I. BACKGROUND

The subject property, the Hollering Place, is located west of Empire Boulevard, south of Newmark Avenue, east of the bay and north of Holland Avenue. The Hollering Place was the center for transportation, commerce and communication before the first Europeans sailed into the Coos Bay estuary.

Hollering Place, or Ellekatitch as the Coos Indians called it, was on the North Spit directly across the bay from their villages at present Empire. People traveling south along the beach route would holler over to the villages for someone to paddle over and provide passage.

The City purchased the subject property in 2001. The Hollering Place Master Plan has been created to provide a vision which will encourage economic diversification while providing an opportunity for local citizens and visitors to connect with and enjoy this section of the waterfront which has played a historical role in the region's past.

The Coos Bay City Council recognizes that a sense of community pride and identity, and a healthy visitor industry are important for the future health and vitality of the City. Development of the Hollering Place will encourage economic revitalization of the Empire business district.

II. PURPOSE

The city initiated the proposed comprehensive plan, rezone and Code amendments with the intent of facilitating the revitalization of the Empire business district. The Hollering Place Master Plan is the culmination of the vision for realistic redevelopment opportunities for the Hollering Place site and still connects with the history of the site. The master plan is intended to be flexible, to provide guidelines for development, but not to control all aspects of potential development. The City's objectives are:

- To create a public activity area on the waterfront that serves residents and visitors;
- To complement surrounding properties and connect with the existing business district; and
- To provide an active mix of public, commercial, residential, and experiential uses.

III. SITE

The subject property is located at the junction of Newmark Avenue and Empire Boulevard (Cape Arago Highway) and contains a total of 2.95 acres. The upper bluff contains .84 acre and the lower bench contains 2.11 acres. The upper bluff is the terminating vista heading west through Empire before making a left turn to continue south. The site is identified as follows:

The upper bluff (T. 25, R. 13, S. 20BB):

Block 25, Lots 5-8, Plat of Empire City, also described as Tax Lot 6000, except for the west 30 feet of Lot 8; and,
Block 25, Lots 2-4, a portion of vacated Holland Avenue, Plat of Empire City, also described as Tax Lot 6700.

The lower bench (T. 25, R. 13, S. 19AA): Block 12, Lots 1-3 and 5-8, and the area above the mean high water line described as Block 7, Lots 6-14, Belt Line Railroad Addition to Empire City), also described as Tax Lot 300; Block 12, Lot 4, Plat of Empire City, also described as Tax Lot 301; also, S. 19AA, Block 25, approximately the west 30 feet of Lot 8, Plat of Empire City.

Currently, the upper bluff area is zoned "General Commercial (C-2)." The plan designation is "Commercial (C)." The lower bench, except for the area east of Mill Street, is zoned "Waterfront Industrial (W-I)" and Coos Bay Estuary Management Plan (CBEMP) 54-UW (Urban Water-dependent). The plan designation is "Industrial (I)."

The area west of Mill Street is zoned "C-2" and is designated "Commercial (C)" by the Plan.

The area below the mean high water line is designated CBEMP 54DA (Development Aquatic).

The site's physical condition varies. The bluff portion is relatively flat and open. Currently, thick vegetation keep people away from the bluff's sharp drop off. Newmark Avenue, as it continues down the hill from Empire Boulevard, is a narrow cut with the property's steep slope adjacent to the roadway. The grade change between the upper bluff and lower portion, or bench, is approximately 30 feet. Both the upper bluff and the lower bench are vacant.

A large dock lies in ruins from the site into the bay. Directly south of the lower bench, are a public boat launch, tie-up, fishing pier and public parking lot with a cleaning station and public restrooms. Nearby are Coast Guard offices, residential and industrial uses and vacant lots.

IV. ELEMENTS OF THE PROPOSED AMENDMENTS

- A. Comprehensive Plan Text Amendments
 - 1. Volume I, Part 1, Plan Policies, amend Chapter 9.1, Plan Objectives, Commercial Areas, Objective 2, Implementation, to add the new Hollering Place (HP) zoning designation and to add an explanation for the purpose of the new designation.
 - 2. Volume III, Part 1, Coos Bay Estuary Management Plan (CBEMP), Plan Provisions
 - a. Amend shoreland unit 54-UW (urban water-dependent) to allow the uses set forth by newly created zoning district Hollering Place (HP).
 - b. Revise Bay-wide Policy 16a to reflect the change in acreage available for removal from the water-dependent designation.
 - 3. Volume III, Part 2, Inventories and Factual Base, amend 5.0, Social and Economic Resources Characteristics, to reference Policy 16a for the amount of water-dependent shorelands available for removal from the inventory.

B. Comprehensive Plan Map Amendment Apply the "Commercial" plan map designation to the shoreland portion of the subject property that is currently designated "Industrial."

C. Coos Bay Municipal Code (CBMC) Text Amendment

1. Create a "Hollering Place" (HP) zoning district. The focus of this district is to provide a tool to strengthen the identity of Empire, ensure compatible development, and communicate the Hollering Place's unique story. The mixed use area includes upper floor residential with retail or workshop uses on the bottom floor, hands-on learning and amenities and attractions which encourage public access to and enjoyment of the waterfront.

This zoning district, which establishes standards and procedures for review and development, is intended to reclaim the area's waterfront heritage and express pride in its past and present by developing Hollering Place as a vital and sustainable mixed use area which includes interpretation of local history and reconnection to the water.

Two subdistricts are proposed within the zoning district:

Upper Bluff Area (HP-1), and,
Lower Bench Area (HP-2).

The intended use of each subdistrict is as follows:

The HP-1 subdistrict is set aside for a wayside and structure(s) to act as a visitor overlook and may include some retail or dining use;

The HP-2 subdistrict is intended for a mixed use development with retail/workshops on the bottom floor and living quarters on the upper floor and an inn/restaurant.

2. Amend the CBMC text to maintain internal consistency. Amend Chapter 17.280 to add limited manufacturing as a conditional use in the HP-2 subdistrict.

D. Zoning Map Amendment

Apply the HP zone to the subject property.

V. APPLICABLE STANDARDS AND CRITERIA

This application involves amendments to acknowledged comprehensive plan provisions and acknowledged land use regulations. Under Oregon's land use statutes, these amendments must be shown to comply with a wide range of standards and criteria, including the following:

- A. Statewide Planning Goals
 - B. State Agency Rules
 - C. Comprehensive Plan Policies
- Procedures and requirements governing amendments to the Coos Bay Comprehensive Plan are set forth in Volume I, Part 1, Chapter 8. These

requirements address notice, citizen participation, and agency coordination. Chapter 8.3 imposes the following requirements for an amendment to the Plan.

1. Identification of new planning problems and issues.
2. Collection and analysis of inventories and other pertinent factual information.
3. Evaluation of alternative courses of action and ultimate policy choices.
4. Selection of appropriate policy directives based upon consideration of social, economic, energy and environmental needs.

D. Coos Bay Municipal Code Provisions

1. Chapter 17.360, Change in Zone Designation
 - a. The change in zone will conform to the policies and objectives of the comprehensive plan.
 - b. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.
 - c. The change will not prevent the use of other land in the vicinity.
 - d. It is appropriate at this time to permit the specific type of development or change in zone into the area which had not previously existed.
 - e. The change will be consistent with the function, capacities and levels of service of facilities identified in the adopted Coos Bay Transportation System Plan.

E. Industrial Lands Agreement

This intergovernmental agreement between Coos County, the cities of Coos Bay and North Bend and the Oregon International Port of Coos Bay was created as a result of the Bay Area Comprehensive Economic Analysis (David Evans & Assoc., 1998) which was adopted into the Coos Bay Comprehensive Plan. The purpose of the agreement is to ensure the timely exchange of information for the maintenance of an adequate supply of industrially zoned, developable lands in the Bay Area. The Bay Area includes the communities of Coos Bay, North Bend and Charleston.

VI. STATEWIDE PLANNING GOALS

A. Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

In 2002 a three-day charrette was held to develop a conceptual plan for the subject property. A broad range of stakeholders and the general public took part. In 2005 the city hired Shoji Planning and Development, LLC, to facilitate a public

process to discuss the Empire Waterfront Concept Vision and to help organize the concept that was developed in 2002. In the summer of 2008, a team was assembled including the Oregon Downtown Development Association, to develop a master plan for the Hollering Place with the intent that development on the subject property complement and connect with the existing business district. Development options were presented to the community as the master plan for the site evolved. Public feedback enabled the master plan to be refined. The final plan was presented and well-received at a public meeting on September 22, 2008. The plan was later adopted by the City Council on December 2, 2008.

B. Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Coos Bay has an acknowledged comprehensive plan and implementing ordinances. Volume I, Chapter 8.3, sets forth the requirements of Goal 2 for an amendment to the comprehensive plan. Chapter 8.3 is addressed below.

The state requirement of land use planning is based upon coordinating the needs of local government with counties, other state and federal agencies, special districts and community organizations. The City will be taking the lead in updating the Intergovernmental Agreement as set forth by the Bay Area Comprehensive Economic Analysis which required written notice of our proposed application to the city of North Bend, Coos County and the Oregon International Port of Coos Bay.

C. Goal 3 – Agricultural Lands

The subject property lies wholly within the city limits of Coos Bay. Agricultural lands are not affected.

D. Goal 4 – Forest Lands

The subject property lies wholly within the city limits of Coos Bay. Forest lands are not affected.

E. Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

It is the intent of the comprehensive plan to inventory, assess and where appropriate, protect those sites, structures or areas within the city of Coos Bay which have local, state or national historic or archaeological significance.

The history of the site is recognized by the "Hollering Place" designation. The Hollering Place was the center for transportation, commerce and, communication. A village named Hanisitch (place of the Hanis) was established

on the narrowest crossing of the Coos Bay estuary; the area's original inhabitants recognized the value of this location for anyone traveling along the coast. Southbound travelers would holler across to the village and someone would paddle over to provide passage.

F. Goal 6 – Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

No foreseeable activities associated with the master plan development of the site will invoke the need for state or federal air quality permits. City utilities will be utilized for wastewater and sewage and the Coos Bay North Bend Water Board will provide water for the project.

An environmental cleanup was completed on the subject property in 1997 for Crowley Marine Services, Inc. The property, which is currently vacant, was used as a fuel facility.

Therefore, there are no foreseeable solid waste or other contaminants which will require any sort of environmental permits for the proposed mixed use development.

G. Goal 7 – Areas Subject to Natural Disasters and Hazards.

To protect life and property from natural disasters and hazards.

The entire subject property has been identified on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency as being in the floodplain. The Comprehensive Plan states in Chapter 4.4 that the City participates in the Federal Flood Insurance Program sponsored by HUD, and also exercises sound building code practices to safeguard from unnecessary flood damage.

The entire subject property also lies in the tsunami area as identified by the Tsunami Hazard Map of the Coos Bay Area, Coos County, Oregon, 2002, by the Oregon Department of Geology and Mineral Industries. Comprehensive Plan Chapter 7.1 sets forth Policy NRH.12 which states: Coos Bay recognizes that local and state building codes agencies require building standards that are intended to prevent collapse of structures when they are subjected to earthquake or tsunami forces. [ORD 284 10/19/1999]

These protective measures will be applicable to the subject property. There are no other natural hazards affecting the subject property known at this time.

H. Goal 8 – Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate to provide for the siting of necessary recreational facilities including destination resorts.

There are no recreational activities or uses in the subject area at this time except for the public boat ramp, parking and fish cleaning facilities to the south of the subject property.

I. Goal 9 – Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

When the Coos Bay Estuary Management Plan (CBEMP) was developed, there was an assumption the subject property would develop as an industrial area. While development in this direction seemed logical twenty years ago, increased industrial development in the communities surrounding the Coos Bay Estuary has not occurred.

The 2.11 acres lower bench portion of the subject property would not accommodate today's needs for industrial land or land for back-up requirements. The property to the north is also designated by the CBEMP for water-dependent uses. Newmark Avenue, a 60-foot-wide right of way, separates the property to the north from the subject property. This prevents using the two properties together which would also interfere with public access to the bay.

The Hollering Place Master Plan was adopted by the Coos Bay City Council on December 2, 2008. The Plan includes, not only the property on the lower bench, but also the adjacent property at the southwest corner of Newmark Avenue and Empire Boulevard. The area at the top of the bluff is intended for an overlook and maybe a small retail use.

The Master Plan was developed as a catalyst project to help spur additional development and investment in the Empire District. The Master Plan includes, besides the overlook from Empire Boulevard, retail/cottage clusters, inn/restaurant, facilities for experiential (hands-on) learning (boat building, glass blowing) and a Story Trail to encourage people to learn about the history of the site. There is great interest in rebuilding/replacing the ruined dock in the future and in promoting more water-related activities. The proposed zoning district will allow water-related uses as long as the use meets the intent of the Master Plan.

The existing public boat launch, tie-up, fishing pier, fish cleaning station and restrooms are located south of the subject property. Holland Avenue, which lies adjacent to the south property line of the subject property, is a one-way street heading east to accommodate boat launching. This is not expected to change. The boat launch and docks are very popular and patrons use both Newmark and Mill, and Michigan Avenues to reach the boat launch area.

To the north of the subject property is the newly formed boat building center. The center is in the process of getting up and running and is occupying the old Eureka Fisheries building. The building was leased because the owner stated he would not be using that facility for seafood processing in the future. If the need

arose he would go to Charleston for any processing. The center is expected to have its first building session this spring/summer.

To the east of the subject property are a few existing residences that have been in place for many years. The boat ramp and other uses in the area have been built despite these residences.

Negative impacts from industrial uses to the existing boat ramp and facilities are likely. Traffic, in and out of the water, could cause delays to daily activities of an industrial use. The number of access points is also a limiting factor.

The proposed amendments will help solve the need for additional commercial land and will reduce the surplus of water-dependent/related industrial land.

The 2009 Buildable Lands Inventory, Table 19, Overall Near-and-Long-Term Employment Land Need by Parcel Size, indicates a need for 19 commercial parcels in this size category (1 to 5 acres) in the long term (20-years). The proposed mixed-use will provide employment land although there is no net increase in employment land since the subject property was initially industrial-zoned land. Comprehensive Plan, Volume I, Chapter 7.5, Economic Development, sets forth the following goal and policy:

1.4 Focus industrial growth toward areas viable for industrial use; consider rezoning less viable industrial lands for redevelopment consistent with the City's overall vision and emerging market trends.

Language is included in the proposed "Hollering Place" zoning district that requires each phase of development to contain a reasonable balance of use types that will advance the intent of the Hollering Place as a whole; it is not meant to be a single-type use development, that is, all residential or all commercial.

I. Goal 10 - Housing

To provide for the housing needs of the citizens of the state.

The Housing Goal requires that buildable lands for residential use be inventoried and that the city's plan shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households. It also requires the City to allow for flexibility of housing locations, types and densities.

Volume II of the Comprehensive Plan, Chapter 5.4, Table 13, summarizes the difference between the supply of buildable land and the amount of land needed in each zone to meet projected future land needs. This assessment indicates an overall surplus of residential land of nearly 800 acres, not including a small amount of additional commercial land that potentially would be needed to meet a portion of the City's future housing needs.

The information concludes, however, a significant surplus of land is affected by a number of factors. One factor--about a third of the property is over 25 percent slope. The "relative capacity and feasibility of development in these areas will

likely be lower than on other lands in the inventory, potentially overstating the estimated supply. Furthermore, this analysis assumes maximum efficiency of land development on an average basis. This is not necessarily a realistic assumption and also may tend to overestimate the land supply or under estimate the land need.”

The proposed Hollering Place mixed use development will add additional options for housing—mostly living quarters in the upper stories of retail/workshop buildings and perhaps a few single-family dwellings. Phasing, as described in the newly created zoning district will not allow one use type to be developed, but rather requires a balance of uses be developed in each phase.

The housing is intended to be available not just for storeowners or locals, but also for those wishing to stay for the duration of a boat building session, fishing season, a week in the summer, etc.

J. Goal 11 – Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 defines a “timely, orderly and efficient arrangement of public facilities and services” as “a system or plan that coordinates the type, location, and delivery of public facilities and service in a manner that best supports the existing and proposed land uses.”

The subject property is located at the west end of the Empire business district. All urban facilities and service are available including police and fire protection, sanitary facilities, storm drainage facilities, communication services, community governmental services and health facilities. Public facilities and services were utilized by uses that existed in the area in the past.

The proposed amendments will change the demand from an industrial demand to a retail/residential type demand.

K. Goal 12 – Transportation

To provide and encourage a safe, convenient and economic transportation system.

OAR 660-12-0060, Plan and Land Use Regulation Amendments, requires that amendments to acknowledged plans and land use regulations which significantly affect a transportation facility shall assure that the allowed uses are consistent with the identified function, capacity, and level of service of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it:

- a. Changes the functional classification of an existing or planned transportation facility;
- b. Changes standards implementing a functional classification system:

- c. Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility;

Or,

- d. Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.

Newmark Avenue and Empire Boulevard are both classified as arterials by the Coos Bay Transportation System Plan. The amendments will not change these classifications. Newmark Avenue west of Empire Boulevard is considered as an arterial also. Mill Street, which runs through the eastern part of the lower bench of the subject property, is considered a local street which provides access to the public boat launch facility and a few houses located south of the subject property and east of the street.

Michigan Avenue, the next street to the south and running parallel to Newmark, is considered a neighborhood route. Michigan provides access to a small apartment complex and a few privately owned residences and businesses. Michigan intersects with Mill Street.

The number of proposed access points from Empire Boulevard will not change. Access points off of Newmark and Mill Street, abutting the subject property, will be defined by the development although access to the existing boat ramp will not change. New arterials and collectors will not be necessary to accommodate the mixed use development.

A traffic impact study was completed by Lancaster Engineering in 2007 for the subject area. Recommendations from the study, in brief, are as follows:

1. Michigan Avenue should be widened between Mill Street and Empire Boulevard to accommodate two directions of travel; a sidewalk should be included on at least one side unless pedestrians are directed to the hill at Newmark Avenue to make use of the planned sidewalks at that location;
2. Existing traffic should be allowed to use either Michigan or Newmark Avenues to help disperse traffic impacts and minimize delay at the intersections with Empire Boulevard;
3. Similarly, entering traffic should be allowed at both Newmark and Michigan Avenues. With entering traffic at both locations, northbound left-turn lanes on Empire Boulevard are not recommended.
4. Prominent signing should be installed that directs drivers visiting the Hollering Place to the west on both Michigan and Newmark Avenues. The entrance to the viewing area on top of the hill should appear to be a secondary entrance to avoid significant congestion that could affect the operation of Empire Boulevard.
5. When the parking area and accesses to Empire Boulevard are designed, it is recommended that the north/south circulation aisle for the parking area be separated from Empire Boulevard to the maximum extent possible.

6. "DO NOT ENTER" signs should be installed at the southern end of the north/south circulation aisle closest to Empire Boulevard to avoid driver confusion and wrong-way travel.

Due to its large size, the traffic impact study is available for review upon request.

L. Goal 13 – Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

The subject property will include commercial and residential uses. The development will offer the opportunity for those who own a business on site to live above the business rather than commute. Likewise, those partaking in the proposed experiential learning opportunities may opt for living on-site for the duration of a lengthy project. This will promote energy conservation.

M. Goal 14 – Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

This goal requires that comprehensive plans provide for an orderly and efficient transition from rural to urban use and from urbanizable to urban status. Goal 14 does not apply because the subject property was developed for urban uses in the past.

N. Goal 16 – Estuarine Resources

To recognize and protect the unique environmental, economic and social values of each estuary and associated wetlands.

Goal 16 requires maintaining diverse resources, values and benefits by classifying the estuary into distinct water use management units, considering adjacent upland characteristics and existing land uses, compatibility with adjacent uses and other factors.

The portion of the estuary adjacent to the subject property is designated by the Coos Bay Estuary Management Plan as an aquatic development unit, 54-DA (Development Aquatic). This unit extends east of the deep-draft channel beginning at a line Northwest from the North end of Cape Arago Mill and ending at a line that projects at an angle from the shoreline North from an extension of Johanneson Avenue and then runs Southwest 100 feet South of a city pier. The management objective for the unit states the aquatic unit shall be managed to maintain water access for water-dependent/related industrial and recreational uses located in the upland.

An "exception" was taken for the "development" designation, Exception #4, to permit dredge, fill and other activities associated with moorage and access to water-dependent shoreland uses. Findings for the exception states the "Empire waterfront will continue to be used for barge and fishing boat access for unloading, and recreational access via the

boat ramp near Holland Street. The narrow tidal flat adjacent to the shore may need to be altered at some time by dredging, fill or other activities necessary to develop shallow-draft access to the shore for expansion of existing uses in this area.”

The proposed plan and ordinance amendments will not change the uses and activities that may be allowable in this aquatic estuarine management unit. Water-related uses on the subject property are likely—the rental of crab rings, wind surfboards, etc. As set forth in the newly create “Hollering Place” zoning district, water-dependent/related uses may be permitted as long as the intent of the master plan is met.

O. Goal 17 - Coastal Shorelands

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.

The Bay Area Comprehensive Economic Analysis (BACEA), 1998, adopted into the Comprehensive Plan, provides the documentation that the need for water-dependent land is expected to remain relatively constant with current needs.

Under Goal 17, as amended in 1999, the city is required to protect a minimum of 76.18 acres of suitable estuarine shorelands for water-dependent use. This acreage amount is the result of an inventory completed in 1999 indicating there are 106.83 acres designated as “water-dependent.” The acreage is then broken down into categories showing acreage currently and formerly in water-dependent use. Also considered was whether or not a structure remained for water-dependent access, and if the site was never in water-dependent use.

Therefore, the Goal 17 changes, inventory and adopted BACEA enables the city to remove 2.04 acres of the subject property from a water-dependent designation.

The acreage that will remain designated for water-dependent uses satisfies the locational and suitability requirements because the designation of these areas as “especially suited for water dependent uses” was previously acknowledged as complying with the Statewide Planning Goals without requiring a Goal 2 exception to designate significant coastal natural resource areas for water-dependent development.

OAR660-037-0090(1) requires that any amendment to an acknowledged comprehensive plan or land use regulation that redesignates shoreland previously classified as “especially suited for water-dependent” uses must comply with all applicable Statewide Planning Goals. The goals are addressed by the findings set forth in this document.

OAR660-037-0090(2) encourages local governments to provide for water-related and water-oriented uses at such sites as much as possible. As stated under Goal 16, water-dependent/related uses may be permitted on the subject property as long as the intent of the master plan is met. The connection to the existing public boat ramp and dock is natural and will likely encourage additional uses.

O. Goal 18 Beaches and Dunes

This goal does not apply.

P. Goal 19 - Ocean Resources

To conserve the long-term values, benefits and natural resources of the nearshore ocean and the continental shelf.

This goal does not apply.

CONCLUSIONS: The Statewide Planning Goals have been adequately addressed to justify the proposed plan amendments, rezone and code amendments. The location and setting for implementation of the Hollering Place Master Plan will provide opportunities to revitalize the Empire area and provide activities necessary for the health, welfare and prosperity of the city. The subject property will remain "employment land."

VII. Comprehensive Plan, Volume I, Chapter 8.3, Land Use and Community Development Planning (CBMC 17.380.040(2))

This chapter includes the following standards for approving amendments to the comprehensive plan.

1. Identification of new planning problems and issues.

The Hollering Place was the center for transportation, commerce and communication before the first Europeans sailed into the Coos Bay estuary. A village named Hanisitch (place of the Hanis) on the narrowest crossing of the Coos Bay estuary, the area's original inhabitants recognized the value of this location for anyone traveling along the coast. Southbound travelers would holler across to the village and someone would paddle over to provide passage. The Hollering Place became the site of the first European settlement in what would later become Coos County.

The small port community grew to become Empire City, the first Coos County seat. The county seat was eventually moved to Coquille and over time the city was incorporated into the city of Coos Bay.

The site was purchased by the City in 2001 from Crowley Marine Services. The site was formerly owned by the Drummond Lighterage which used the property for fuel services. When the city purchased the property it had been vacant for about 12 years according to the Coos County Assessor's Office. In 1991 environmental correction work was completed by Crowley Marine Services and a "no further action" determination was issued by the Oregon Department of Environmental Quality.

The subject property has fallen victim to changing economic forces which has reduced the need for small water-dependent industrial properties. This fact, combined with zoning conditions which have restricted opportunities to pursue commercial and even residential use alternatives, have deprived the area of new investment. The dock was examined in 2002 by engineer William F. Dilley & Associates and concluded that rather than attempt to rebuild the wood pier, it would be prudent to construct a new pier using more efficient materials. As discussed above, the 1998 BACEA indicates that the

amount of land needed for water-dependent industrial uses does not exceed the amount of land currently in use.

The existing boat launch facilities to the south of the subject property are very popular with locals and visitors alike. The newly formed boat building center to the north is likely to also become a popular attraction for both locals and visitors.

2. Collection and analysis of inventories and other pertinent factual information.

When the Coos Bay Estuary Management Plan was developed, it was assumed that the subject property would develop as an industrial area, which seemed logical at the time; however, the development did not occur, or at best was short lived. The small size of the property would not accommodate today's berthing requirements and/or land backup requirements.

As discussed above, the BACEA indicates that no water-dependent industrial land is needed beyond the amount that is currently in use. Even though a structure that once functioned as a dock is partially standing, the engineer's review, as discussed in 1, above, indicates the dock would need to be demolished and rebuilt. As concluded in the BACEA, allowing new zoning for mixed uses will help alleviate the projected deficit of land designated for commercial use and at the same time reduce the projected surplus of industrial, water-dependent zoned land.

3. Evaluation of alternative courses of action and ultimate policy choices.

The most obvious course of action is to take no action. If no action is taken, it is likely that the subject property will continue as vacant land. It does not appear that the need for economic diversification as a result of the economy shifting away from a predominately natural resources base will change.

4. Selection of appropriate policy directives based upon consideration of social, economic energy and environmental needs.

The city recognizes the need to create an understanding of the community's heritage and historical connections to the waterfront while enhancing its cultural, recreational and economic vitality. Conveying the early waterfront culture to the public is a goal of the proposed development as seen by the "Story Trail" meant to encourage people to learn about the Hollering Place and its history. The proposed development will provide an opportunity to diversify the economy of the community and encourage public access and enjoyment of the waterfront.

When the Coos Bay Estuary Management Plan was developed, it was assumed that the subject property would develop as an industrial site, which seemed logical at the time; however, the development occurred only for a short time. In addition, the subject property contains only 2.11 acres and does not accommodate today's berthing or backup requirements. Reliance on natural resource based industries has declined.

Providing for mixed uses will provide increased retail-commercial land base along with a unique opportunity for living quarters. The experiential/hands-on learning is meant to

brand the development, increasing awareness of the area as well as provide for activity that may fuel demand. If this program element does not prove viable, the area may be developed consistent with the remainder of the site with a mix of cottages and retail space.

Comprehensive Plan, Volume I, Chapter 7.5, Economic Development, Policy 2.3, in part, states: "...the city will pursue the implementation of the Hollering Place Master Plan to create a public activity area on the waterfront that serves residents and visitors and connects with the existing business district."

These findings and the findings under III, I, Statewide Planning Goal 9, demonstrate the decision to allow mixed use is responsive to the social, economic, energy and environmental needs of this area.

The plan strategies/policies relevant to the proposed amendments have been identified below:

a. Strategy NRH.5:

Coos Bay shall continue to participate in the National Flood Insurance Program of the U.S. Department of Housing and Urban Development, recognizing that participation in this program substantially insures the health and well being of its residents and allows city residents to benefit from subsidized flood insurance rates.

b. Strategy NRH.6:

Coos Bay shall require that construction in floodprone areas shall meet certain flood proofing standards such as structure orientation to flood flow, flotation prevention measures, and a minimum elevation of the lowest story.

A portion of the lower bench of the subject property is identified as floodplain on FIRM (Federal Insurance Rate Maps). The city participates in the Federal Flood Insurance Program sponsored by HUD and also exercises sound building code practices to safeguard from unnecessary flood damage.

c. Strategy EC.4:

Coos Bay shall promote development along major transportation corridors by zoning lands adjacent to such corridors to allow commercial, industrial, and multi-family development except where such areas are irreversibly committed to low density residential development. However, ingress/egress to such development shall be designed so that it does not restrict traffic flow on the arterial streets. The city recognizes that intense development, along major transportation corridors conserves energy by providing shorter, direct access to homes and trade and service areas.

d. Strategy EC.6:

Coos Bay shall attempt to site residential apartment development in appropriate areas within or on the fringe of commercially zoned areas, recognizing that such

uses conserve energy by the centralized location of achieving the goal of "infilling," and by maximizing the potential of land uses within developed areas of the city. This strategy shall not supersede the strategy dealing with protection of the integrity of established residential neighborhoods.

e. Strategy EC.8:

Coos Bay shall encourage the "infilling" development of undeveloped parcels of land, within the city limits for residential and commercial purposes, recognizing that such development, located in the vicinity of established traffic corridors and in areas already serviced by electrical, sewer and water lines, are more energy efficient than new construction in "unserved" undeveloped areas.

The subject property is serviced and located in a developed area of the city. The subject property is suitable for infilling and for more intense uses.

While traffic circulation patterns may need to be modified, existing city streets will be utilized. New arterials and collectors will not be necessary to accommodate the mixed use development.

f. Strategy R.5:

Coos Bay shall utilize small city-owned, deeded, or dedicated undeveloped areas as open space, recognizing that open space alone is recreationally valuable.

The uses and facilities to be included in the Hollering Place will provide recreational opportunities for future generations.

g. From Chapter 7.5, Economic Development:

1. Policy 2.3

Pursue the implementation of the Hollering Place Master Plan, adopted December 2, 2008, to create a public activity area on the waterfront that serves residents and visitors; rebuild the dilapidated dock to promote more water-related activities; and, complement surrounding properties while connecting with the existing business district. A plan amendment from industrial to commercial or mixed-use will be required.

2. Policy 6.3

Promote the waterfront as key to a recreational center and opportunity to increase awareness of Coos Bay's rich maritime and logging history.

3. Policy 6.5

Promote eco-tourism activities and the exploration and enjoyment of our natural surroundings.

g. From Chapter 7.6, Housing:

1. Policy 1.1

Coos Bay will continue to update its zoning provisions to allow for construction to provide a wide range of housing available at varied prices and rent ranges, and allow for flexible site and architectural design.

2. Goal 5

Allow for, encourage and support the development of housing units in conjunction with commercial development (eg., housing located above commercial uses).

CONCLUSION: The Hollering Place Master Plan has put in place the tools for revitalizing the Empire area and allowing new development to take advantage of the natural amenities of the site and the existing man-made amenities, such as the public boat launch and boat building center, while providing a mix of uses and unique living opportunities.

VII. COOS BAY MUNICIPAL CODE REZONE CRITERIA

Coos Bay Municipal Code Chapter 17.360, Change in Zone Designation, establishes the following standards for approving rezones:

A. The change in zone will conform to the policies and objectives of the comprehensive plan.

The portion of the subject property on the upper bluff is currently designated Commercial by the Comprehensive Plan. The area on the lower bench, which is currently designated Industrial, will be changed to Commercial plan designation.

Plan Policy 2.3 in Chapter 7.5 supports the implementation of the Hollering Place Master Plan. Other plan strategies/policies pertaining to the proposed rezone are discussed in VI, 4, above.

B. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.

The area east of the subject property is zoned General Commercial (C-2) and is the developed Empire business district along with some residences. East-southeast are a couple of residences that have been there for many years. To the north of the subject property is property zoned Waterfront Industrial (W-I) and Coos Bay Estuary Management Plan 54-UW owned by Sause Bros an ocean towing company. The property was used for log storage many years ago, but small buildings on the site are now used exclusively as offices and a training center. To the north is also a dilapidated building that is currently being repaired to make it usable for a boat building center. This is the former site of Eureka Fisheries, later purchased by OPAC, Inc. The city is leasing the facility. OPAC has stated they will not be using the facility any more for fish processing due to the downfall in the fishing industry. If necessary they will use the facility in Charleston.

The area to the south of the subject property, zoned W-1 and CBEMP 54-UW, is the public boat launch facility, parking facility and fish cleaning station. Further south is a Coast Guard Station building, and private property with buildings some of which are used for boat building.

To the west is the bay.

The proposed mixed use development is compatible with the surrounding districts. Commercial development adjoins the subject area although it is geographically separated by Empire Boulevard. The proposed development will complement the boat launch facility and dock by providing the opportunity for more varied activity for those using the facilities. The area to the north is separated by the 60-foot-wide Newmark Avenue right of way. Impacts from the proposed development should be contained on the subject property.

The zone change provides an opportunity for the city and its citizens to diversify the economy of the community by developing a mixed-use area which includes amenities, the opportunity to take part in small retail/workshop experiential opportunities and an alternative living style for people with different needs.

C. The change will not prevent the use of other land in the vicinity.

The area to the south is developed with an existing public boat ramp. Market conditions have left property and facilities to the north of the subject property, across Newmark Avenue, vacant or partially used for many years. The zone change provides an opportunity for the city and its citizens to diversify the economy of the community by developing a mixed-use area to include commercial, residential and a workshop/experiential learning atmosphere. This in turn may encourage development on the property to the north.

A boat building center is in the process of being established to the north of the subject property. It will likely draw users to the proposed development and create a need for overnight accommodations to participate in a longer program.

It is likely that the residential portion of the development will be for short-term occupancy because of the limitation to the size of the living spaces. It is possible the living spaces will be occupied by participants in workshop programs, or visitors for a few days of fishing.

If a water-dependent use were to reestablish on the property to the north, chances are it would provide an added dimension and opportunity for citizens and visitors to experience a working waterfront. The 60-foot-wide Newmark Avenue right of way would provide a buffer for the subject property.

D. It is appropriate at this time to permit the specific type of development or change in zone into the area which had not previously existed.

When the Coos Bay Estuary Management Plan was developed, there was an assumption the subject property, that is, the lower bench portion, would develop as an industrial area. While development in this direction seemed logical twenty years ago, increased industrial development in the communities surrounding the Coos Bay Estuary

has not occurred. In addition, the size of the property does not accommodate today's berthing requirements and/or land backup requirements. The historical dependence of Oregon's economic base on agricultural and forest products industries has declined over the past four decades and has been replaced by a much broader range of industrial and service activity.

The Oregon Land Conservation and Development Commission amendments to Goal 17 (Coastal Shorelands) in 1999 has enabled the city to remove the water-dependent requirement for that portion of the subject property located on the lower shelf. This is the portion of the subject property that lies within the Coos Bay Estuary Management Plan.

CONCLUSIONS: Implementation of the Hollering Place Master Plan will provide unique opportunities in the area that will take advantage of the location and ambiance of the area while at the same time allowing new development with a mix of uses to take place and integrate with the existing development in all directions. Water-dependent activity to the north of the subject property would provide additional interest from participants and visitors.

VIII. INDUSTRIAL LANDS AGREEMENT

As required by the Bay Area Industrial Lands Cooperative Planning Agreement, the city of Coos Bay sent notice of the proposed action to the parties of the agreement on March 12, 2010.

IX. CONCLUSION

The standards and criteria listed above have been adequately addressed and approval of the proposal can be supported.

X. STAFF RECOMMENDATION

Staff finds that there is sufficient evidence to support approval of the proposed plan and code amendments. Therefore, staff recommends the Planning Commission recommend adoption of the plan amendments and rezone and enact the code text amendments, provided testimony during the public hearing does not render these conclusions unjustified.

XI. PLANNING COMMISSION RECOMMENDATION

The Planning Commission must make a recommendation to the City Council on the proposal (ZON2010-00015) to amend the Coos Bay Comprehensive Plan 2000 and Coos Bay Municipal Code based on the findings, justifications and conclusions set forth above.

EXHIBIT B

1. Amend Coos Bay Municipal Code (CBMC) Chapter 17.30, Table 17.30.010- Zoning Districts in the City of Coos Bay to read as follows:

Residential District (no change)	Abbreviated Designation (no change)
Professional District (no change)	
Commercial Districts	Abbreviated Designation
Central Commercial	C-1
General Commercial	C-2
Industrial/Commercial	I-C
Waterfront Heritage	WH
Hollering Place	HP
Industrial Districts (no change)	Abbreviated Designation (no change)
Quasi-Public Districts (no change)	

2. Amend Chapter 17.280, Manufacturing, by adding Section 17.280.040, by adding the Section number and 17.280.040 as follows:

Sections:

17.280.40 Hollering place zoning district (HP).

17.280.40 Hollering Place zoning district-subdistrict HP-2.

- (1) General. Allowing manufacturing uses in HP subdistrict HP-2 shall be guided by the principles that:
 - (a) The process requires the use of light, hand-operated machinery or equipment as opposed to automated mass production.
 - (b) The use is to be compatible with allowable Commercial /residential/recreational uses in appearance.
 - (c) No byproduct results that could cause on-site contamination of air, land, water, or noise quality.

- (2) Permits Required. The right to proceed with a manufacturing use shall be determined through the conditional use permit process, in accordance with the provisions of this section and of Chapter 17.355 CBMC, Conditional Use. All state and federal permits must be secured.
- (3) Property Development Requirements.
 - (a) Retail Sales. None required.
 - (b) Storage of materials or Equipment. All materials and equipment used in the manufacturing process shall be stored within an enclosed building. Product display is permitted outside.
 - (c) Noise. The noise generated by manufacturing uses at the property line shall not exceed permitted levels established by the Oregon Department of Environmental Quality. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about the level of noise, the applicant may be required to show written compliance with state regulations.
 - (d) Odor. The process shall produce no odor which is generally accepted to be offensive outside of the building.
 - (e) Byproducts. Any byproducts of the manufacturing process shall be disposed of off the premises. There shall be no emissions, gas, mist, vapor, pollen, soot, carbon, acid, smoke, fume, dust, particulate matter, or other air, water, or land pollution outside of the building as a result of the manufacturing process. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about these pollutants, the applicant may be required to show written compliance with state or federal regulations.

3. Add new Chapter 17.127, "Hollering Place District" to Title 17, Division II, Zoning Districts.

HOLLERING PLACE DISTRICT (HP)

Sections:

- 17.127.010 Intent.
- 17.127.020 HP zoning subdistricts.
- 17.127.030 HP-1, Upper Bluff Area.
- 17.127.040 HP-2, Lower Bench Area.
- 17.127.050 Conditional Uses in HP-2.
- 17.127.060 Estuarine uses and activities.
- 17.127.070 Property development requirements.
- 17.127.080 Site design, guidelines and standards.
- 17.127.090 General design guidelines and standards: architectural form and composition.
- 17.127.100 Hollering Place Master Plan

17.127.010 Intent.

The area encompassed by the Hollering Place zoning district is intended to be developed as a *planned unit development* (PUD) based on the guidelines and requirements outlined below and the Hollering Place Master Plan. A cohesive design

celebrating historic seaside architecture, reclamation of native shoreline habitats, sustainability, interpretation of local history and reconnection to the water are unifying elements relevant to the zoning district.

Development on the site must complement and connect with the existing business district to the east and act as a catalyst to help spur additional development and investment in the Empire area. A small-scaled gateway development near the intersection of Newmark Avenue and Empire Boulevard should act as a connection to the existing business district and as an entry statement signaling the presence of the remainder of the project. Preserving and enhancing views is a key component and must be balanced with achieving the right development mix and ensuring access for people and vehicles. The myriad of weather and environmental factors is also significant as is making sure the new development is complementary to adjacent uses.

The "Master Plan" referred to herein was prepared not as a detailed requirement, but as an example of the uses, property organization and development, site design, and architectural form and composition that can meet the intent of this code.

17.127.020 HP zoning subdistricts.

The Hollering Place (HP) district shall be made up of two (2) subdistricts described as follows:

- (1) HP-1, Upper Bluff Area. The upper bluff area encompasses the area west of Empire Boulevard, south of Newmark Avenue for a distance of approximately 225 feet, and east of the HP-2 subdistrict at the bottom of the bluff. This area contains approximately .84 acre (36,779 square feet).
- (2) HP-2, Lower Bench Area. The remainder of the zoning district includes the area at the bottom of the bluff east of Mill Street for a distance of approximately 260 feet south of Newmark and the area west of Mill Street, south of Newmark Avenue, east of the mean high water line and north of Holland Avenue. This area contains approximately 2.11 acres (92,049 square feet). The area west of Mill Street and east of the mean high water line is also designated Coos Bay Estuary Management Plan 54-UW (urban water-dependent).

17.127.030 HP-1, Upper Bluff Area.

As described in the Hollering Place Master Plan, connection to the existing Empire business district is critical. This should be achieved by using small-scaled gateway development near the intersection of Newmark Avenue and Empire Boulevard to serve as an anchor and entry statement signaling the remainder of the project. Preserving and enhancing views is a key component along with ensuring access for people and vehicles.

Based on this, suggested uses in the area include, but are not limited to, the following:

- Dining establishment – fast order food and sit-down
- Drinking establishment
- Food and beverage retail sales
- Visitor Information service

- Retail sales
- Office/reservations for Lower Bench area uses
- Library service and cultural exhibit

Not more than 15 percent of the HP-1 area shall be occupied by structures. A structure must occupy a footprint of not more than 1,500 square feet; however, area may be used for incidental use of the structure, such as outdoor seating and viewing.

At least 75 percent of the HP-1 area must be dedicated to preserving and enhancing the views, and without cost to the user, parking and open space (trails, interpretive signage, kiosks, landscaping, etc.) for the outdoor enjoyment of the view and surrounding area.

Architectural Character

A main building is intended to be a landmark on the bluff near the intersection of Newmark Avenue and Empire Boulevard and serve as an attractor for the activities on the lower portion of the site without compromising views of the bay from Newmark Avenue and Empire Boulevard.

Commercial uses should open onto Empire Boulevard with functional doors and windows, canopies/awnings, recessed entrance doors, and attractive signage at an appropriate scale to the building. Parking is to be located to the south of the landmark building.

17.127.040 HP-2, Lower Bench Area.

To engage the community and visitors alike, the Master Plan for the HP-2 area anticipates a range/mix of uses: commercial; residential; overnight lodging; hands-on/educational and recreational. Development in this area should:

- Capitalize on views, the bayfront and recreational opportunities;
- Serve as a catalyst for the Empire business district and other, nearby developments; and,
- Raise the standards for quality development.

Uses, such as but not limited to, religious assembly, lodge, club or fraternal/civic organizations which are not intended for the general public are not appropriate in this zone.

Phased development of the area is allowed within the constraints of an overall development program and approval of a PUD which must include both HP-1 and HP-2. Since Hollering Place is not intended to be a single-type use development (that is, all residential or all commercial) each phase of development must:

- Contain a reasonable balance of use types that will advance the intent of the Hollering Place as a whole; and,
- Advance the historical element as delineated in the PUD.

Architectural Character

Structures, which are limited to a footprint of 1,500 square feet, should evoke a village feel that is created through the buildings' design, scale, massing, connection to public space and relationships to each other.

Structures east of Mill Street must be designed so as not to obscure the view from the Upper Bluff Area, HP-1.

Residences are encouraged on the second floor of structures in the area west of Mill Street. Retail/cottage units may be mixed-use or live/work structures with retail or workshop spaces on the ground floor and a loft-style residential cottage unit above.

17.127.050 Conditional uses in HP-2.

The following uses are permitted in the HP-2 subdistrict if authorized in accordance with the provisions of Chapter 17.355 CBMC and adequate findings can be made to show the proposed use is complementary to the Master Plan.

- (1) Commercial Use Types.
 - (a) Limited manufacturing. (See Chapter 17.280)
- (2) Any civic, commercial, or agricultural use which is proposed to exceed a 1,500 square foot footprint in gross floor area.

17.127.060 Estuarine uses and activities.

The uses and activities set forth in Coos Bay Estuary Management Plan 54-UW may be permitted if by allowing the use/activity the intent of the HP zoning district is met. In addition, the use/activity must satisfy CBMC 17.340 and the provisions of this Chapter.

17.127.070 Property development requirements.

The property development requirements shall apply to all development in the HP district:

- (1) Building Height. Buildings shall be arranged and built to maximize the view of the bay, water and water access, and the North Spit.
 - (a) HP-1 Zoning Subdistrict. Buildings shall be no more than 25 feet in height from grade to the highest point on the roof.
 - (b) HP-2 Zoning Subdistrict. Buildings shall be no more than 35 feet in height from grade to the highest point on the roof.
- (2) Yards. Setbacks are regulated by State Building Codes. Setbacks from the line of nonaquatic vegetation are regulated by Coos Bay Estuary Management Plan Policy 23.
- (3) Screening. Mechanical equipment, outdoor storage areas, utility vaults, refuse storage, fuel storage tanks, fire check valves, service and loading areas, and the like, shall be located out of view from the general public and shall be screened in a manner so that they are not visible from adjacent streets, public pedestrian walkways, the water, or the upper bluff area. Satellite dishes and mobile

communications cell sites shall be screened and located in such a manner so as to reduce visibility from adjacent roadways, pedestrian ways and the bluff.

Screening devices must be designed to directly relate in materials, character, finish, color and detail to the primary structure. Landscaping may assist in screening enclosures and equipment/utility storage areas. Screening should not result in hiding places or entrapment areas.

- (4) Utility Lines. Utility lines, including, but not limited to, those used for electricity, communications, street lighting and cable television, shall be placed underground. The design review board may waive the requirements if topographical, soil or other conditions make such underground installation or screening of above-ground equipment impracticable.
- (5) Drive-thru windows are prohibited.
- (6) Murals. Murals are prohibited.
- (7) Site Plan and Architectural Review (SPAR). A PUD, as required for the HP zoning district, requires, in part, approval of a Site Plan and Architectural Review, as set forth in Chapter 17.345. Likewise, after approval of the PUD, a SPAR may be required to ensure an improvement is suitably related to its site and surrounding site and structures.
- (8) Architectural Design Review. Approval of an Architectural Design Review, as set forth in Chapter 17.390, shall be required for all development. For the purposes of this chapter, "development" is defined as any new structure or an extension or increase in floor area or height of an existing structure, or change to the style, signage, color, window (size/pattern/material), siding, or detailing on the exterior of any existing building.
 - (a) The provisions of this chapter shall not prevent construction, reconstruction, alteration, restoration, demolition or removal of any buildings or portion of a building when the building official or fire marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition.
 - (b) Ordinary maintenance or repair of the exterior of a structure that does not involve a change in design or external appearance is exempt from design review. Similar or like materials must be used for the maintenance or repair.
- (9) Historical elements. The "Story Trail" concept set forth in the Master Plan, which provides information about the Hollering Place and its history, shall be exhibited at different interpretive points of interest throughout the HP zoning district. Developers will be required to set aside space to accommodate historical elements such as the "Story Trail" and interpretive signs. The location of the elements must be determined at the time of the PUD.
- (10) Parking. All parking areas must be supported by landscape buffers. Parking in HP-1 must be located on the southern portion of the area and visually subdued from Empire Boulevard with low growing plant material.

Except for residential uses, off-street parking requirements as set forth in CBMC 17.200.040 do not apply for the HP zoning district.

- (11) Partitioning to allow for separate financing of individual components of the development may be done as part of the planned unit development process.

17.127.080 Site design, guidelines and standards.

All development in the HP district shall be consistent with the intent of the Master Plan and with the site design, guidelines and standards listed below. Site design shall respond to environmental, cultural and historic site features by taking advantage of existing view corridors, land use patterns, landforms, prevailing winds, and water-related activities. Long-term sustainable practices should be a focus, including marine resource protection; native plant communities; and habitat enhancement.

- (1) Vehicle circulation. The existing street patterns, access points and rights-of way off of Empire Boulevard shall remain. The primary entry point to the lower development will be from Newmark Avenue with a secondary access along Mill Street off of Michigan Avenue. Access to existing businesses and uses will remain, but will be modified to support on-street parking. Existing access to the boat ramp and parking lot shall remain. Parking along Holland Avenue, the south property line of the subject property, shall remain as boat ramp parking.
- (2) Pedestrian circulation. Pedestrian connectivity and continuity should be provided throughout the project with clear cross walks, curb cuts that meet code, and adequate lighting. High quality site furnishings suitable for coastal environments with long life and low maintenance should be provided.
- (3) Historic elements. *The installation of interpretive panels* are to celebrate early Hanisitch settlements and stories; early settlers and industries; estuary and wildlife themes, etc. During the PUD process, the developer will be required to set aside designated space where the panels and "Story Trail" will be located. The creation, installation and maintenance of panels and trail will be the responsibility of the city as development occurs.
- (4) Landscape. All landscaping plans, including the plan for irrigation, shall be approved by the approving authority and installed and subsequently maintained in good condition and in perpetuity by the owner of the property. The landscape plan should reflect a theme (continuity) to be carried out throughout the development. For example, 2-3 large tree types, 4-6 shrub types, evergreen and deciduous framework, and color and highlights. Maintenance shall include, but not be limited to, watering, pruning, trimming, mowing, debris and weed removal, and if necessary replanting or replacement of failed landscape elements. Failure to maintain the landscaping in good condition shall be considered a violation of the Coos Bay Municipal Code. Landscaping must not result in hiding places or entrapment areas or create a danger to pedestrians.
 - (a) Landscaping should be in scale with adjacent buildings and be of appropriate size at maturity. Trees and shrubs used shall be selected from varieties compatible with the Southern Oregon Coast climate and which do not have destructive root systems which could damage either buildings or paved

surfaces. Where parking lots abut buildings, foundation plantings are required.

- (b) The landscaped area shall be planted with shrubs and/or ground cover to assure 50 percent coverage within 1 year and 90 percent coverage within 5 years. All landscaped areas should be planted and uniformly mulched.

17.127.090 General design guidelines and standards: architectural form and composition.

Visual linkages shall be established between the Empire business district and development on the bluff along Empire Boulevard, the various development areas on the lower site, views to the bay, and potential future development on adjacent sites. Buildings shall be designed and located to minimize the effects of undesirable bay winds at ground level. The following design guidelines and standards are provided for all development in the HP zoning district.

- (1) Development shall respond to public streets and public spaces.
Development along pedestrian routes shall be designed to encourage use by pedestrians by providing a safe, comfortable, and interesting walking environment.
- (2) Architectural character. The desired architectural character of the Hollering Place project is that of vernacular maritime or fishing villages. Examples of this include the many seaside villages and destinations in New England, such as Nantucket and some of the small towns on the Oregon Coast, such as Cannon Beach and Nye Beach, and the Oregon Institute of Marine Biology (OIMB).

Buildings should be designed and appropriately scaled for their function and with respect to their context. Building elevations shall be articulated; long, continuous, unbroken wall and roof planes should be avoided. Architectural detailing and ornamentation, such as cornices, eaves, recessed or covered entryways, and awnings, are encouraged.

- (a) Attention shall be paid to the following architectural elements:
 - Building form and massing;
 - Building height;
 - Rooflines and parapet features;
 - Special building features (e.g. towers, porches, entries, canopies, signs, and artwork);
 - Window size, orientation, and detailing;
 - Materials and color; and,
 - The buildings relationship to the site, climate, topography and surrounding buildings.
- (b) Building entries.
 - (1) The main entrances to buildings shall be prominent, interesting and pedestrian-accessible.
 - (2) The orientation of building entries shall:
 - Orient the primary entrance toward the street, pedestrian walkway, public plaza or courtyard rather than the parking lot;

- Connect the building's main entrance to the sidewalk with a well-defined pedestrian walkway; and
 - Primary entrances shall be designed as inviting architectural features so they are clearly identifiable and offer a sense of arrival.
- (c) Building facades.
- (1) Building frontages shall include architectural elements such as, but not limited to: bay windows, recessed entrances and windows, display windows, porches, balconies, or other architectural details or articulation, so as to provide visual interest, in addition to creating community character and pedestrian scale. The overall design shall recognize that the simple relief provided by window cutouts or sills on an otherwise flat façade, in and of itself, does not meet the requirements of this subsection.
 - (2) The dominant feature of any building frontage that is visible from the public area shall be the habitable area with its accompanying windows and doors.
 - (3) Developments shall be designed to encourage informal surveillance of the public areas by maximizing sight lines between the buildings, public spaces and streets. This includes views both at ground level and from upper level balconies and windows.
 - (4) The exterior walls of all building facades shall be of suitable durable building materials. All facades of any given building should be of consistent building materials. Side and rear building facades must have a level of detail and finish compatible with the front façade. If windowless walls are proposed, appropriate wall articulation is to be incorporated into the design to be compatible with the more prominent facades of the building.
 - (5) A preliminary review by the city is required if the following materials are contemplated:
 - Unfinished concrete (painted or unpainted)
 - Unfinished concrete block (painted or unpainted)
 - Unarticulated board siding (e.g., T1-11 siding, plain plywood, sheet pressboard)
 - Concrete block, split-face block, and cinder block
 - (6) Appropriately scaled architectural detailing is encouraged.
 - (7) Awnings or canopies are encouraged. Backlit awnings are prohibited
- (d) Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows;
- (e) Use muted and naturally occurring colors as predominant building colors.
- (f) Building rooflines shall be designed to create architectural interest and contribute to the overall identity of the area.
- (g) Lighting of a building façade shall be designed to complement the architectural design. Lighting shall not draw inordinate attention to the building.
- (h) Service zones.
- (1) Building and sites shall be organized to group the utilitarian functions away from view of the public area.
 - (2) Delivery and loading operations, mechanical equipment (HVAC), trash compacting/collection, and other utility and service functions shall be incorporated into the overall design of the building(s) and the

landscaping. Because of views from the wayside in HP-1, roof-mounted equipment as HVAC, etc., shall be prohibited unless incorporated with architectural screening.

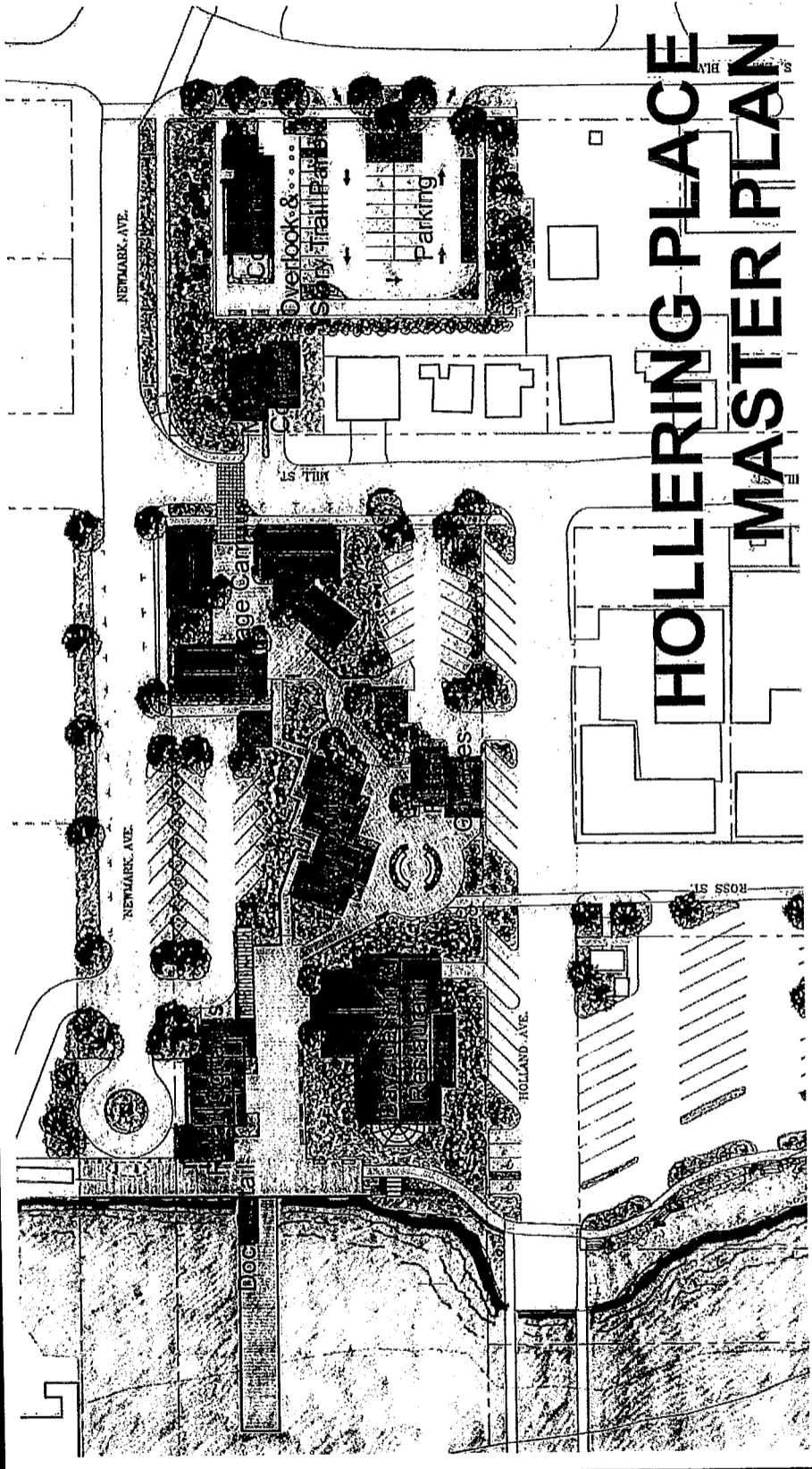
- (3) The visual and acoustic impacts of these functions, along with all wall or ground-mounted mechanical, electrical and communications equipment shall be out of view from adjacent properties and the public realm.
 - (4) Screening materials and landscape screens shall be architecturally compatible with the principal materials of the building.
- (3) **Signs.** The standards below are in addition to the standards in Chapter 17.230. If the provisions conflict, the stricter shall apply. Signs on the building façade should be clear, informative and made of high quality, durable materials for longevity. Oversized, glaring and excessive signage is prohibited. Signs should take into account the scale of the building and the viewer, particularly the pedestrian. All signage unless specifically stated is subject to review by CBMC 17.390, Architectural Design Review. General standards for signage follow.
- (a) Size, materials, style, position and color shall complement the building façade and shall be compatible with the surrounding area. Signs may be illuminated by very low level lighting during evening hours and the lighting shall not flow onto the adjacent property or street.
 - (b) Signs on a business front are limited to a building sign on each building face (identifying the building name) and a sign for each business entry (vehicular or pedestrian).
 - (c) Sign types:
 - (1) Wall-mounted signs are permitted not exceeding 2 feet in height. Letters shall not exceed 18 inches in height or width and 1 inch in relief. A wall/fascia sign must not extend across two storefronts or across separate buildings.
 - (2) Building plaques bearing an appropriate thematic decorative motif, or an owner's or building's name may be placed in the building's cornice wall or under the eaves, and above the upper story windows.
 - (3) Street addresses (building numbers) shall be placed above street entry doors and be visible to the pedestrian and emergency services. In instances where the entry doors are not clearly visible from the street, the street address shall be affixed to a permanent structure at the primary entranceway to the property.
 - (4) Building identification shall include signage at the pedestrian level, clearly visible from the adjacent sidewalk. This can include one or more of the following: window and door signs, projecting signs and awning signs as described below.
 - (5) Temporary window signs may be allowed on storefronts. The area of the text and graphics shall not cover more than 30 percent of the window area.
 - (6) Door signs of wood, bronze, metal, stone or glass may be placed on either or both sides of the entry doors with the street address located above the door. They shall not exceed 2 square feet and 1 inch in relief.
 - (7) Awning sign. Advertising material attached to an awning is an awning sign. Signs may be hung from or located on the face of any overhang or awning.
 - (8) Projecting sign. A projecting sign is a sign where the message area is displayed perpendicular to the building façade. The sign should be hung

from the building face below upper floors so as to be visible to pedestrians.

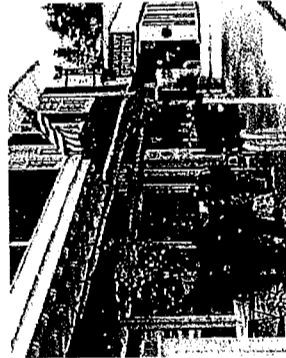
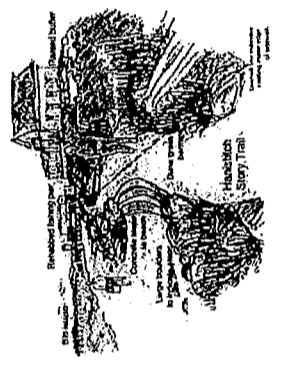
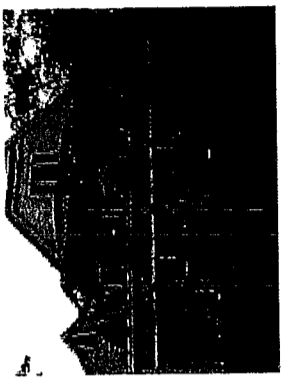
- (9) Freestanding sign, such as, but not limited to, a sandwich board, pedestal sign holder, and other types of free-standing signs shall be included as part of the maximum allowable area for signs and are prohibited in the right of way without a right of way use permit.
- (10) Neon sign. Any sign where neon or other gas contained in tubing is illuminated by the application of electric current. Signs such as "open" or "closed," which are no more than two square feet in size, are permitted without review.
- (11) Miscellaneous. In addition to the above sign types, other types of signing may be appropriate if it meets the criteria listed under 17.127.090(3) and 17.127.090(3)(a).
- (12) Prohibited signs:
 - Pole-mounted signs and billboards
 - Electrical or mechanical signs-no sign shall contain or be illuminated by any flashing, blinking, moving or rotating light
 - Internally illuminated sign (neon tubing signage shall not be considered as internally illuminated sign)
 - Readerboards
 - Electric message display signs
 - Roof signs
 - Attraction devices (strings, groupings, or pinwheels)

17.127.100 Hollering Place Master Plan.

The Hollering Place Master Plan, adopted December 2, 2008, by the Coos Bay Urban Renewal Agency follows.



HOLLERING PLACE MASTER PLAN

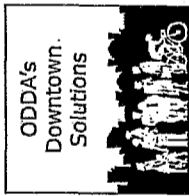


Adopted December 2, 2008

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COOS BAY URBAN RENEWAL AGENCY

ACKNOWLEDGEMENTS

**CITIZENS OF COOS BAY &
THE CONCERNED CITIZENS OF
EMPIRE GROUP**

For their participation in
developing this plan



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INTRODUCTION

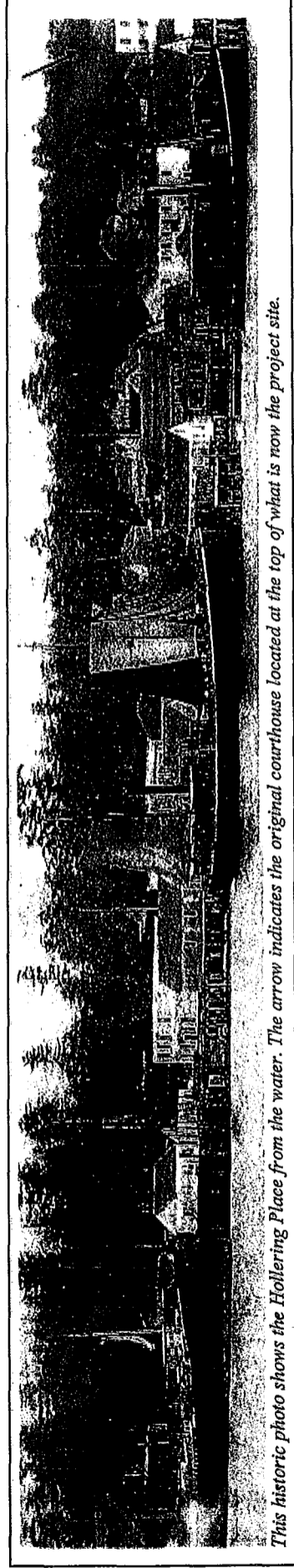
HOLLERING PLACE HISTORY

Before the first Europeans sailed into the Coos Bay estuary, the Hollering Place was the center for transportation, commerce and, without a doubt, communication. By establishing a village named *Hanisifich* (place of the Hanis) on the narrowest crossing of the Coos Bay estuary, the area's original inhabitants recognized the value of this location any one traveling along the coast. South-bound travelers would holler across to the village and someone would paddle over to provide passage.

Located on the deepest water in the west bay, the Hollering Place became the site of the first European settlement in what would later become Coos County.

The small port community grew to become Empire City, the first Coos County seat. The original courthouse was located on the bluff overlooking the waterfront (see photo, below). After the county seat was moved to Coquille, the City of Empire lost energy and over time the city was incorporated into the City of Coos

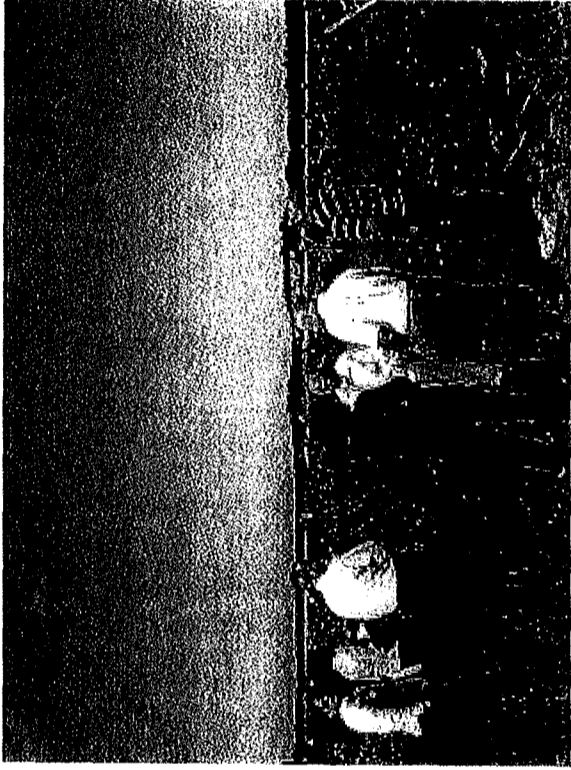
Bay. In 1998, a restaurant fire at the location of the old courthouse (the intersection of Newmark and Empire Blvd.) revealed a wonderful view to the bay and 'rediscovery' of the historic Hollering Place. A citizen-led effort convinced the City to purchase the 3.68 acre property for an overlook/wayside on the upper level and to redevelop the lower part of the property adjacent to the waterfront.



PROJECT BACKGROUND

By 2007, Empire citizens and the City had worked together to clean up the Hollering Place site and develop prioritized next steps. Local citizens were eager for the City to develop an overlook/wayside with historic information presented for visitors who stopped. A redevelopment scheme for the site was developed that incorporated concepts for a wayside and redevelopment on the lower portion of the site. Four goals emerged from public workshops associated with this planning effort:

- Preserve and utilize the views
- Encourage economic revitalization of the Empire Business District with a retail village complex
- Present the history of the site



Several members of the Developers Tour group looking over the Hollering Place site. This photo was taken on the lower 'bench' of the site near the waterfront.

- Maximize water-related activities and facilities

The City contracted for geo-technical studies for portions of the site to better understand the slope's stability and development potential. In the meantime, the City was interested in helping move the project along by developing a detailed, market-based master plan for the Hollering Place. The goal was to develop a plan that was based in economic feasibility;

could be marketed to developers; and was supported by the community. Project phasing, potential partnerships and marketing the site would also be important components of the Hollering Place master plan. In the summer of 2008, a team assembled by the Oregon Downtown Development Association was selected to develop the market-based master plan for the Hollering Place. This report is a culmination of

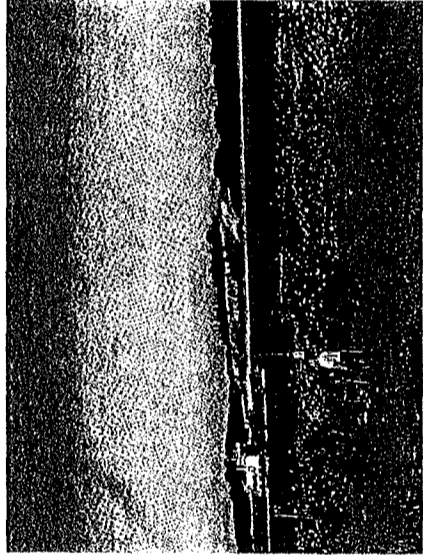


information gleaned through public involvement and realistic redevelopment opportunities for the Hollering Place site.

WHY & HOW IS THIS PLAN DIFFERENT?

More often than not, master plans are developed based on a vision and not market realities. This master plan moves previous planning efforts forward by market testing assumptions and concepts, incorporating developer feedback and by meeting multiple objectives that include:

- Community objectives: some of which are non-revenue generating
- Urban Renewal objectives: which are to increase the tax base and have a catalyst project to help



These photos show different aspects of the Hollering Place site and the adjacent bay. A goal of this project was to develop a realistic redevelopment plan for this site that was based in market reality and could be supported by the local community.



spur additional development and investment in the Empire District

- Business District objectives: where what happens on the Hollering Place site should complement and connect with the existing business district

The process to develop this plan began differently than most planning efforts. Phase I began with testing assumptions and assessment of the redevelopment potential of the

property. A Developers' Tour was conducted on August 28th. Seven developers from the valley and coast, along with representatives from the City, Concerned Citizens of Empire and project team participated in the tour. Following the tour, the developers debriefed with the group over lunch. From this feedback the project team then developed two redevelopment scenarios (described shortly) to present to the public. Phase II of the project incorporated comments from the initial concepts

into a final plan based on market feasibility. An illustrative plan was developed, along with perspective sketches of proposed improvements, an economic analysis conducted and engineered drawings for public improvements to the upper level of the site created. A code audit was also conducted and draft design standards created. A marketing brochure, targeted to developers, was part of the project deliverables.

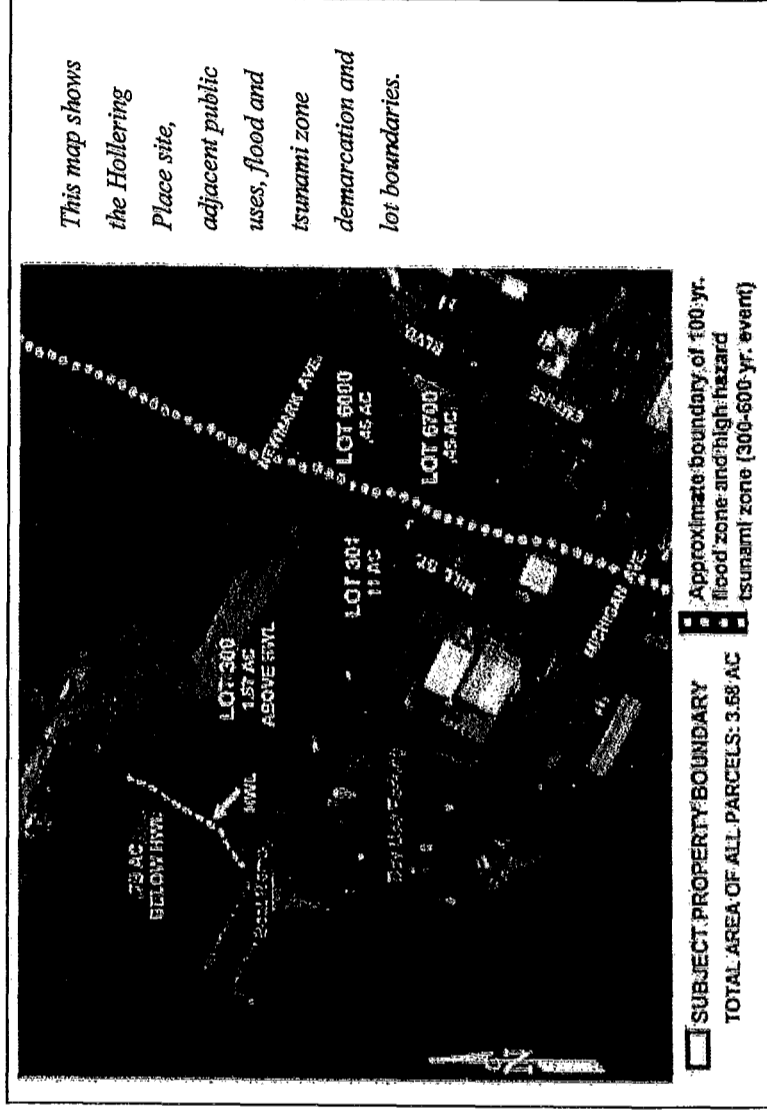
THE SITE

Situated at the junction of Newmark Avenue and Empire Boulevard (Cape Arago Highway), the Hollering Place site is the terminating vista as one travels west through the Empire District before making a left turn to continue south. The site is comprised of four lots (lot #s 6000 & 6700 on the upper bluff and 300 & 301 on the

lower bench), with a total area of 3.68 acres.

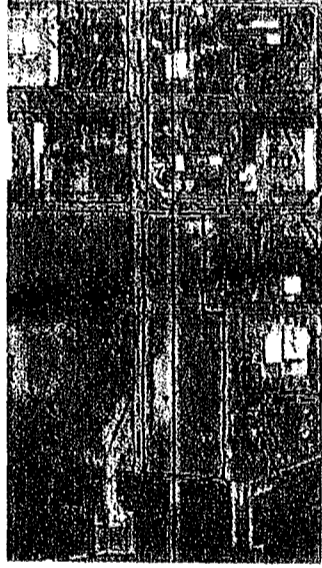
The existing zoning is General Commercial for the lots located on the bluff and Urban Water Dependent on the lower lots above the high water line and Development Aquatic below the high water mark.

Sketches, on the next page, show the site's relationships and factors to consider in its redevelopment.

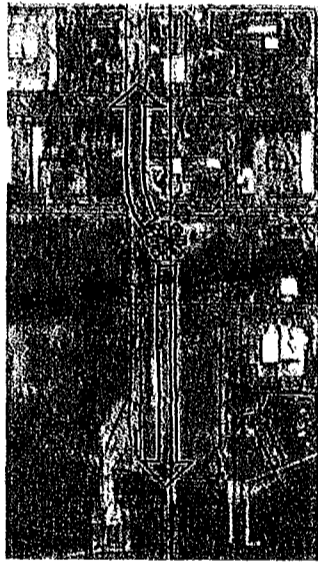


These site study sketches were created in order to help the project team understand key factors in redeveloping the Hollering Place site.

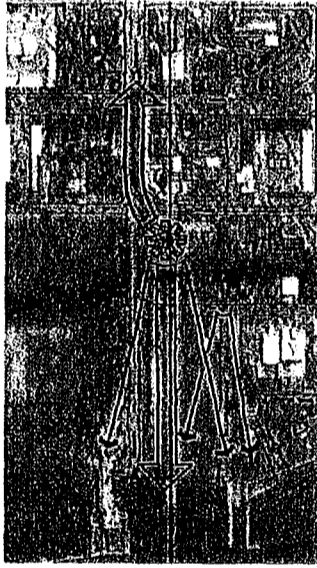
The site is shown in sketch #1. Connection to the Empire District (#2) is critical and can be achieved by using small scaled gateway development near the intersection of Newmark Avenue and Empire Boulevard as an anchor and connector to the development 'below'. Preserving and enhancing views (3) is a key component and will be balanced with achieving the right development mix and ensuring access for people and vehicles (#4). Taking into account the myriad weather and environmental factors is also important (#5), as is making sure the new development is complementary to adjacent use (#6).



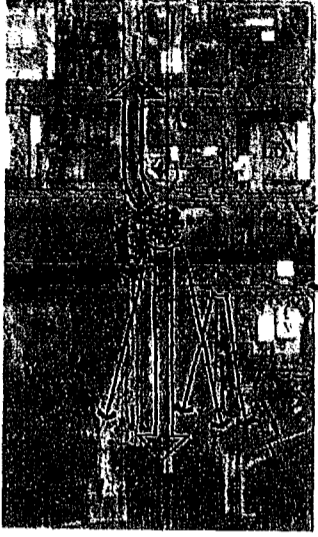
1. The Hollering Place Site.



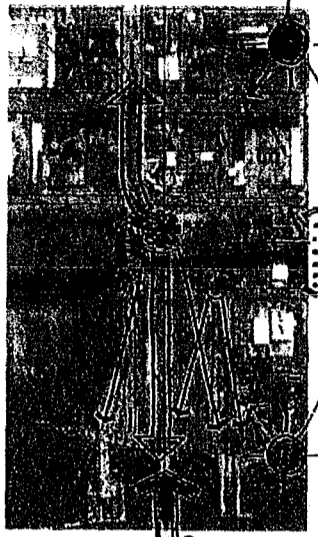
2. Connecting the Empire District with the Bayfront.



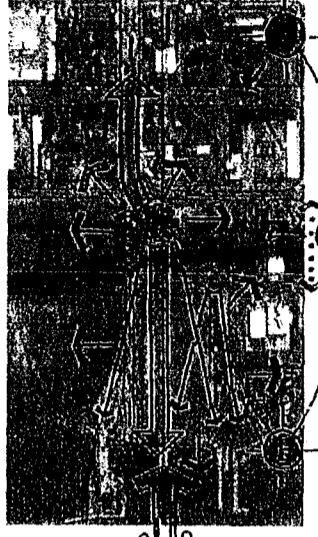
3. Preserving and enhancing views.



4. Access for people and vehicles.



5. Environmental factors.



6. Being a good neighbor today and in the future.

The site's physical condition varies. The bluff portion is relatively flat and open. It contains a thick hedge to keep people away from bluff's sharp drop off. Newmark Avenue, as it continues down the hill from Empire Blvd., is a narrow cut with the property's steep slope adjacent to the roadway. Storm water runoff on this portion of the site has caused erosion. The grade change between the upper bluff and lower portion of the site is approximately 30' and in its current condition (without retaining walls), the slope is unstable and prone to slides. The lower portion of the site has been cleared, is fenced off and contains remnants of concrete from its previous use.

Locals, who are familiar with the site, say that a stream has been covered over in this area. (The lower part of

the site has been heavily filled.) They also talk about the Hollering Place as being near the location of an early Native American village called *Hanisich*, but its precise location has not yet been identified.

A large dock lies in ruins from the site into the bay. Directly south of the lower site, a public boat launch, tie-up, fishing pier and public parking lot that contains a cleaning station and public restrooms exist. Nearby, Coast Guard offices, residential and industrial uses and vacant lots complete the picture.

THE PROCESS: DEVELOPING OPTIONS FOR FEEDBACK

An important component in developing this master plan was to offer the community redevelopment options for the Hollering Place site and let them choose an option, or

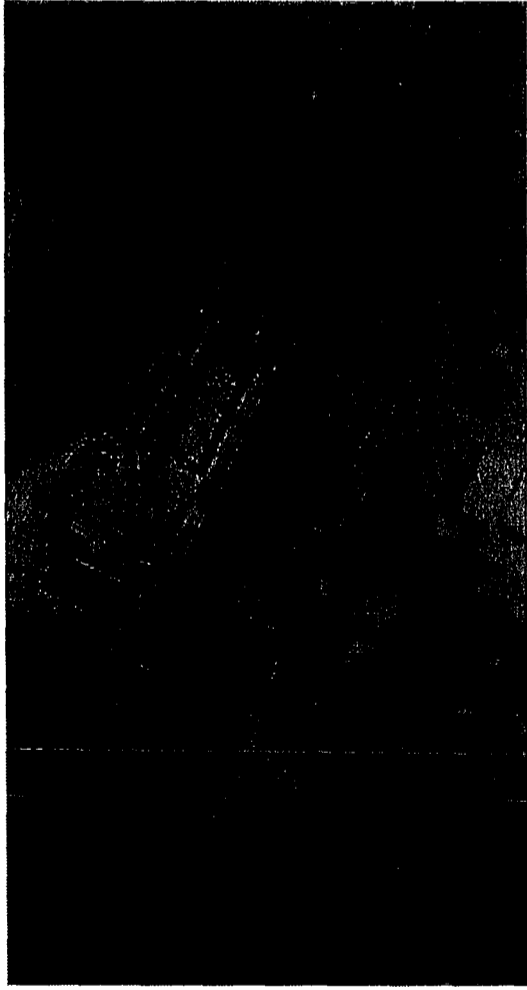
combination of options, to move forward. The following pages outline the two original development scenarios developed and tested with the community during Phase I of the project.

OPTION A: MAXIMIZING INCREMENT

This redevelopment scheme was focused on getting as much development density in order to gain the most of tax increment -- putting more dollars into the Urban Renewal district to help fund desired public improvements. The plan showed \$14,000,000 worth of real market value and included wayside commercial, condos, ground floor retail, boutique hotel, restaurant and dock services retail.



Redevelopment OPTION A: Maximizing Increment



Income Producing	Non-Income Producing
Dock Retail	Dock
Boutique	Wayside
Residential	Interpretative Center
Commercial	Public Plaza

Program A Components:	SF	RMV/SF	RMV
Highway Commercial	2,400	160	\$384,000
Condos	22,400	350	\$7,840,000
Ground Floor Retail	7,200	140	\$1,008,000
Boutique Hotel	24,000	180	\$4,320,000
Restaurant	3,500	120	\$420,000
Dock Services Retail	1,500	80	\$120,000
			\$14,092,000

OPTION B: HERITAGE CAMPUS much less dense in development style wooden boat building, etc. It also
The second development program and included the incorporation of a included retail, cottages, a small
offered by the project team was heritage campus for activities like restaurant and water-related retail.

Redevelopment OPTION B: Heritage Campus



Income Producing	Non-Income Producing
Dock Retail	Wayside
Cottage Residential	Public Plaza
Commercial	School/Educational
	Interpretative Center

Program B

Components:	SF	RMV/SF	RMV
Highway Commercial	2,400	160	\$384,000
Condos	14,400	220	\$3,168,000
School	18,000	120	\$2,160,000
Restaurant	2,500	100	\$250,000
Dock Services Retail	1,500	80	\$120,000
			\$6,082,000



THE BEST OF BOTH OPTIONS

Community feedback was extremely valuable to help the project team refine concepts and move the project to its next phase.

On Option A: Maximizing Increment, the community **LIKED:**

- How the upper portion of the site was handled
- Historic seaside architecture style
- Story Trail for site interpretation

They **DISLIKED** the following:

- Modern architecture examples
- Lower portion of the site was too densely developed

On Option B: Heritage Campus, the community **LIKED:**

- How the lower portion of the site was handled
- Historic seaside architecture and connection to nature

- Concept of Heritage Campus
- Story Trail for site interpretation

They **DISLIKED:**

- How the upper portion of the site was handled

In response to public feedback gathered at the August 28th meeting, the project team refined the original concepts; melding the favored concepts of both options into the final version of the master plan for the Hollering Place site. It was presented at a public meeting on September 22, 2008 for comments. The plan was very well received, barring one cross-section drawing showing the proposed new building on the bluff with a design emulating a light house.

Following the public meeting, the project team moved forward with next phase tasks, including developing engineered drawings for

improvements to the upper level of the site and ball-park cost estimates that fed into a more detailed level of economic analysis.



On August 28, 2008, the community turned out in numbers to hear about, and comment on, the two redevelopment options put forward by the project team. Following this meeting, the team combined the most favored options of into a plan that was presented to the public on September 22nd.

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COOS BAY URBAN RENEWAL AGENCY

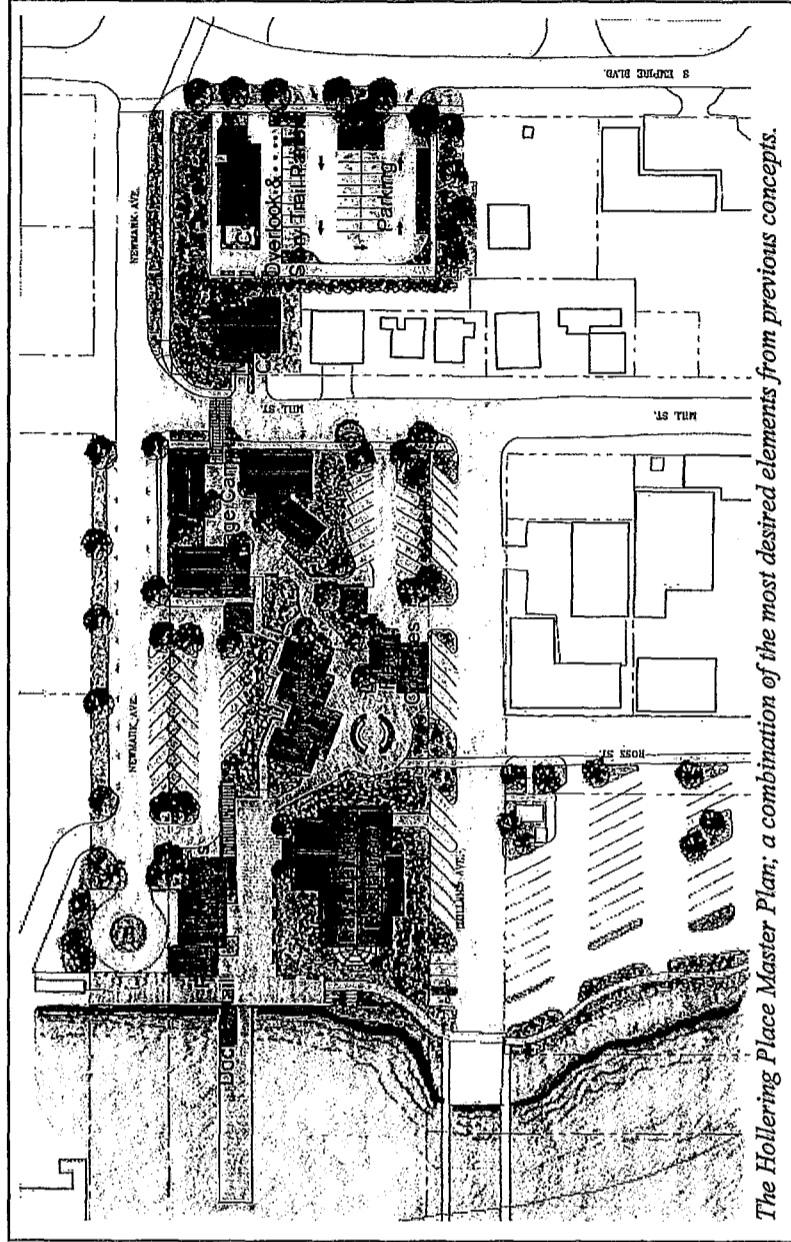
HOLLERING PLACE MASTER PLAN

THE HOLLERING PLACE MASTER PLAN: A SCHEME THAT WORKS

The master plan for the Hollering Place site anticipates a range of uses that include: commercial; residential; overnight lodging; and educational. The plan is designed to allow for phased development of the site, within the constraints of an overall development program. The bluff portion of the site is envisioned to include an overlook area, as well as an interpretive area (part of the Story Trail), public restrooms and a small space.

The proposed development program for the Hollering Place includes these components:

- Hotel/Restaurant: 3 floors, approximately 20,000 sqft

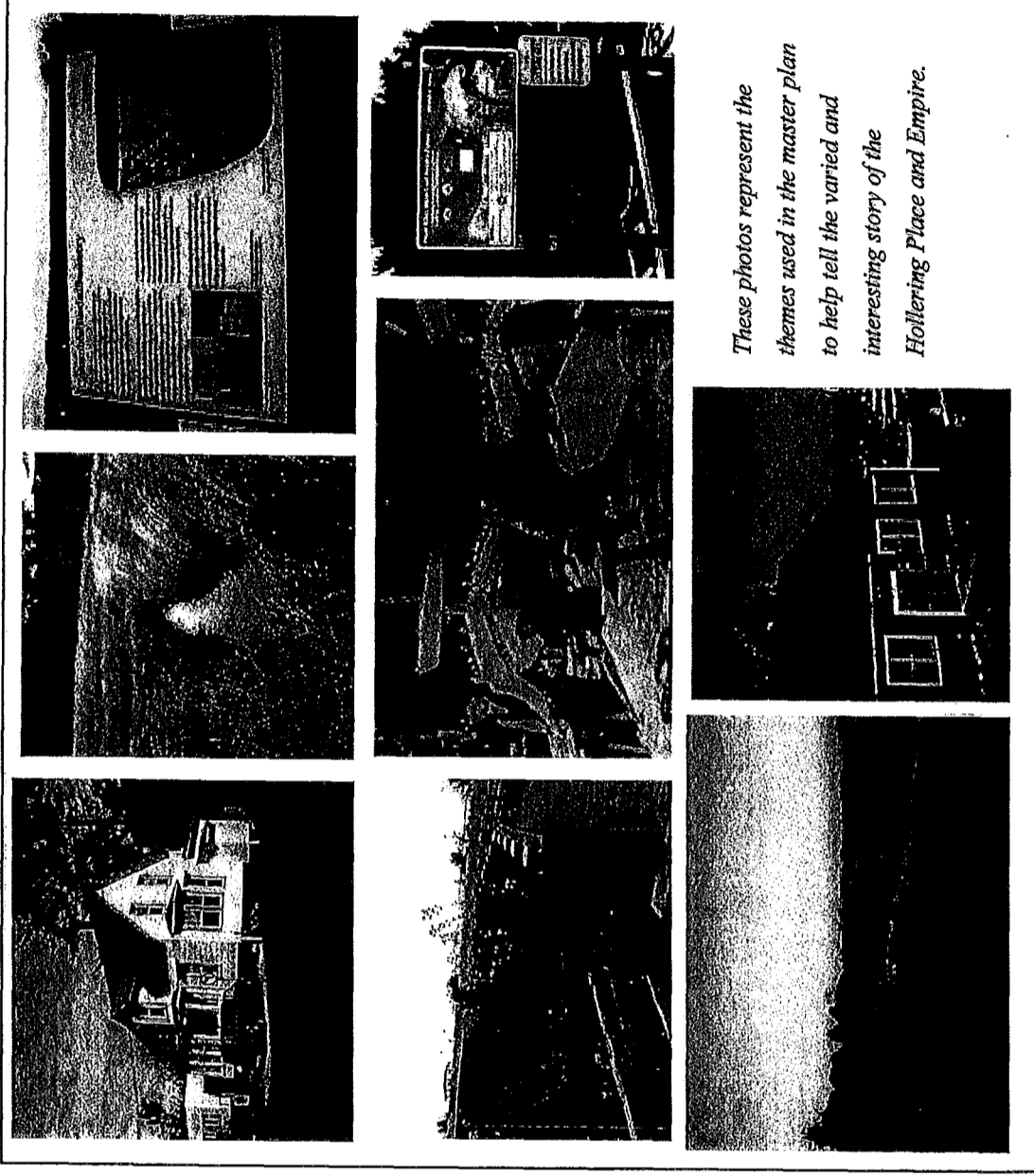


The Hollering Place Master Plan; a combination of the most desired elements from previous concepts.

- Mixed-use Cottages: 10 units, 2.5 floors, ground floor retail/workshop: 880 sqft, residential cottage with loft: 860 sqft
- Admin/classrooms/meeting: 2,800 sqft
- Empire Boulevard: Retail overlook: 1,600 sqft
- Mill St: Cottages: 2 at 1760 sqft each
- Heritage Campus: 2 workshops at 1,800 sqft each, lower
- Parking: 28 spaces upper, 57 spaces lower

DESIGN THEMES & UNIFYING ELEMENTS

Throughout the development of the master plan, the project team and community discussed themes and unifying elements in order to develop a relevant and cohesive design vocabulary for the Hollering Place site. There was a consensus that themes celebrating local historic architecture, reclamation of native shoreline habitats, sustainability, interpretation of local history and reconnection to the water and boat-building were the most relevant. Focusing on these themes and using them as part of the Hollering Place design pattern will help strengthen the district's identity, ensure compatible development and communicate the Hollering Place's unique story.



THE PLAN IN DETAIL

Although the size of the Hollering Place redevelopment site is small (3.68 acres), the redevelopment plan has several facets and components. This section of the report describes, in detail, the proposed development program for the site. The enlarged plan sections, right and on following pages, are taken directly from the master plan shown on page 15.

The Empire Boulevard Overlook

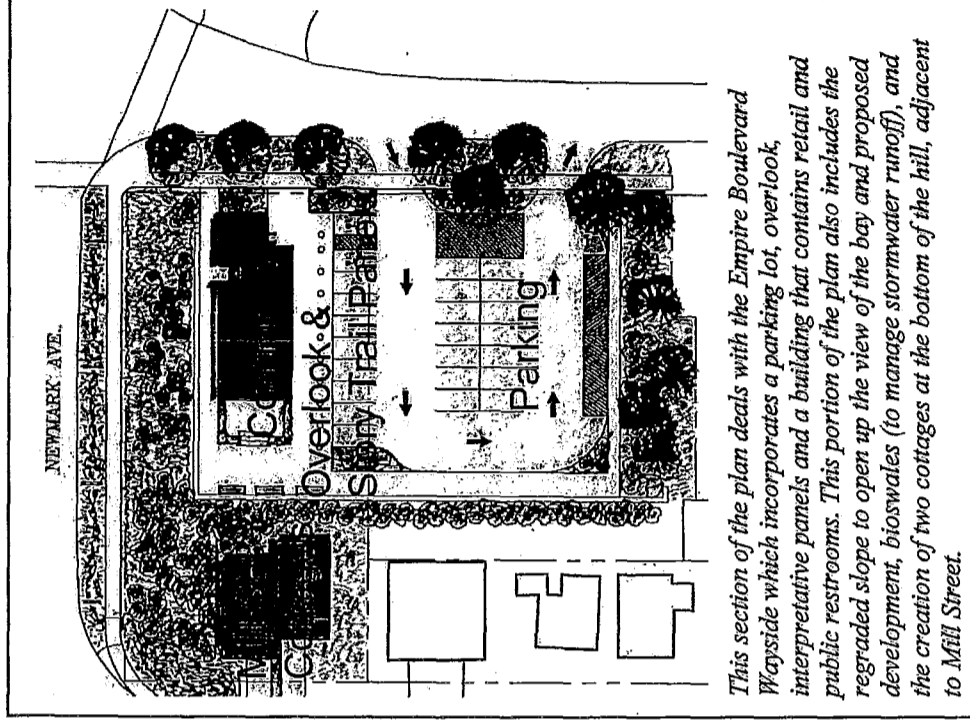
Retail: 1,600 sq ft

Overlook parking: 28 spaces

Starting at the top of the site, the proposed plan includes the Empire Boulevard Overlook. The master plan envisions this portion of the site as serving as an important anchor and entry statement, signaling the presence of the remainder of the project which would be difficult to see

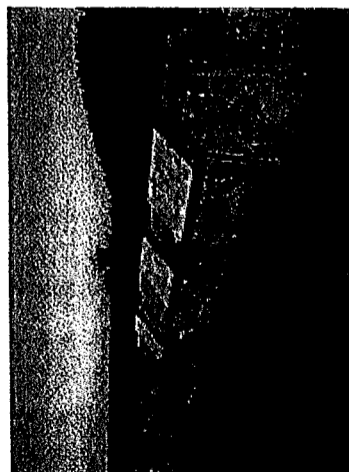
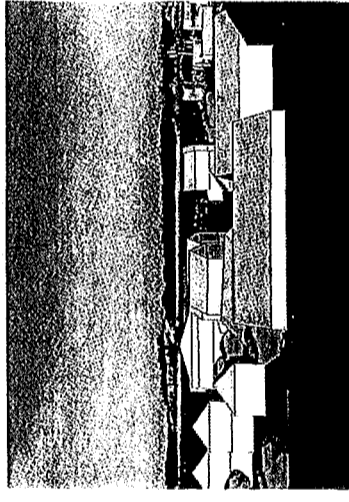
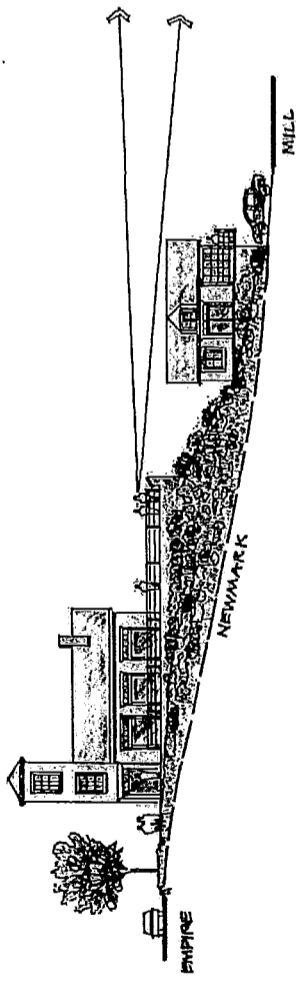
from the highway. This development phase is considered to be critical and would likely be the first to be implemented. This portion of the site would need to be developed as a public/private partnership, including the cut back of the slope, construction of retaining walls, building, interpretative overlook and parking. This site should also be prioritized from a logistics perspective, as construction of the roadway would be highly detrimental to any development on the lower portion of the site occurring simultaneously.

The overlook building is estimated at 1,600 square feet, offering enough space for a retail/café space. The overlook parking area includes 28



This section of the plan deals with the Empire Boulevard Wayside which incorporates a parking lot, overlook, interpretative panels and a building that contains retail and public restrooms. This portion of the plan also includes the regraded slope to open up the view of the bay and proposed development, bioswales (to manage stormwater runoff), and the creation of two cottages at the bottom of the hill, adjacent to Mill Street.

spaces. Both the building and parking area connect to a plaza/overlook area that incorporates an attractive stone wall with interpretative Story Trail panels built into it.



These photos and sketches are examples of how the Empire Boulevard Overlook could be developed.

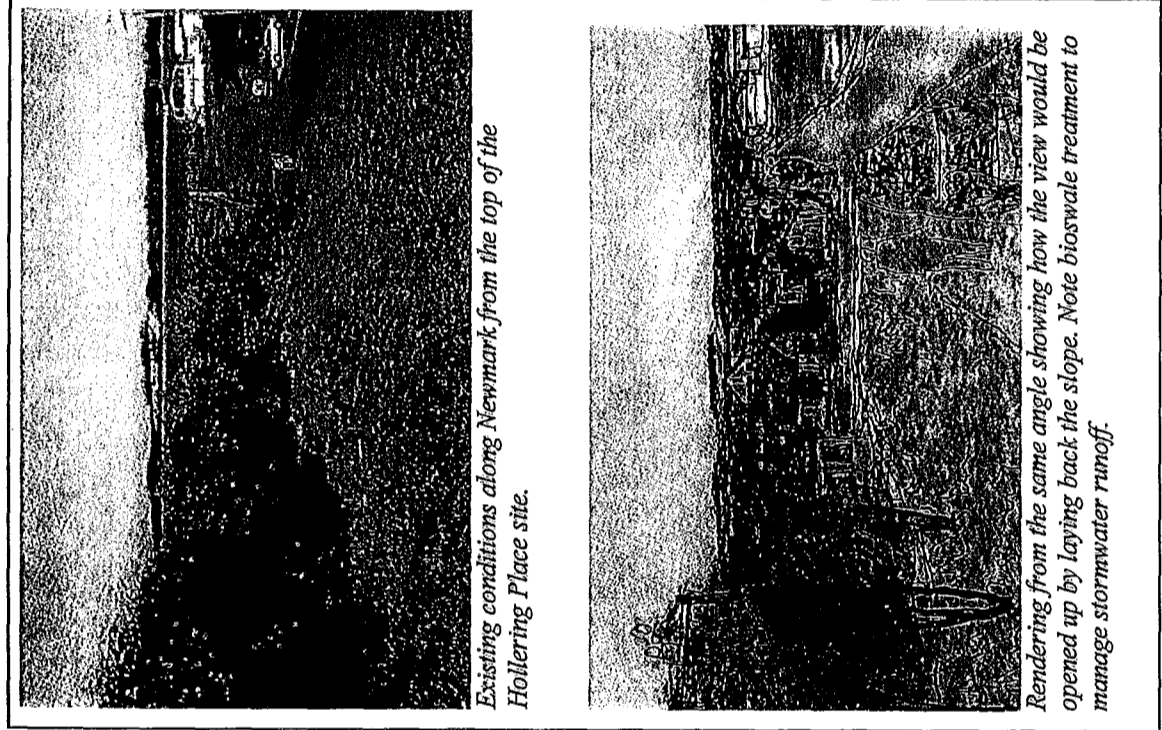
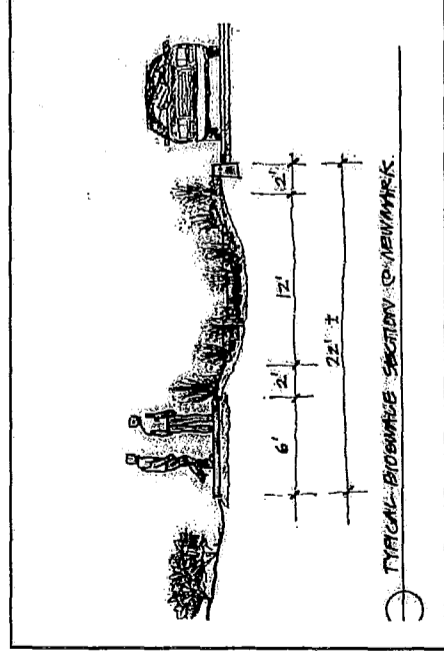
The largest portion of cost associated with the development on the bluff would be attributed to the necessary retaining wall system. This cost could be mitigated through a public/private partnership and there are opportunities to use innovative tools and solutions.

Opening Up the View

One concept that gained wide support during the planning process involved cutting back the upper bluff's slope 50' along Newmark. Currently, Newmark's roadway is a slot cutting through the hill and by laying back the slope, an additional 50' of view could be opened - - giving valuable visual access to the bayfront and development on the lower bench of the site.



The cost to lay back the slope, create the bioswale and include the streetscape and infrastructure amenities is not an expensive endeavor and will provide a lot of 'bang for the buck'. However, this improvement must be coordinated with the larger, expensive retaining wall system for the overlook (along with the other overlook improvements).

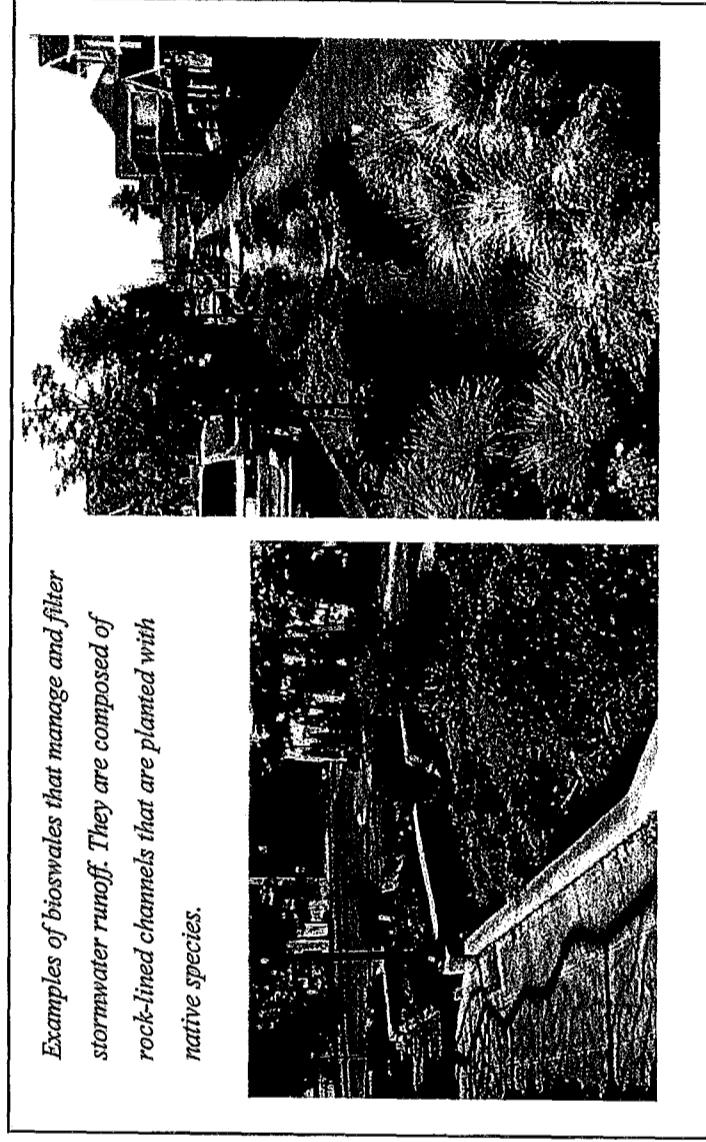


Existing conditions along Newmark from the top of the Hollering Place site.

Rendering from the same angle showing how the view would be opened up by laying back the slope. Note bioswale treatment to manage stormwater runoff.

Managing Stormwater & Reclaiming Habitat

During this project's public meetings, the community was very interested in sustainable practices, reclaiming native habitats and managing stormwater runoff. In response, the designers incorporated a variety of measures to meet these objectives. Moving down the hill from Empire, a bioswale is proposed between the sidewalk and roadway to manage and filter runoff. At the intersection of Newmark and Mill, a small detention basin would be created. From there an underground pipe would carry the stormwater across Mill Street and into the larger bioswale running through the bayfront development. (Cost estimates for all the site work follows as do details on the other sustainable measures.)



Cottages as Transitions
 Mill Street Cottages: 2 @ 1760 sqft ea
 with tuck-under parking

Along Mill Street, at the bottom of the bluff, two cottages are proposed as part of the overall development plan. They would serve as a sensitive transition to the adjacent residential area to the south. The cottages would incorporate tuck-under parking; with second floor balconies and windows to the views. They were carefully designed as to not obscure the view from the overlook. For development purposes, they could be phased separately.

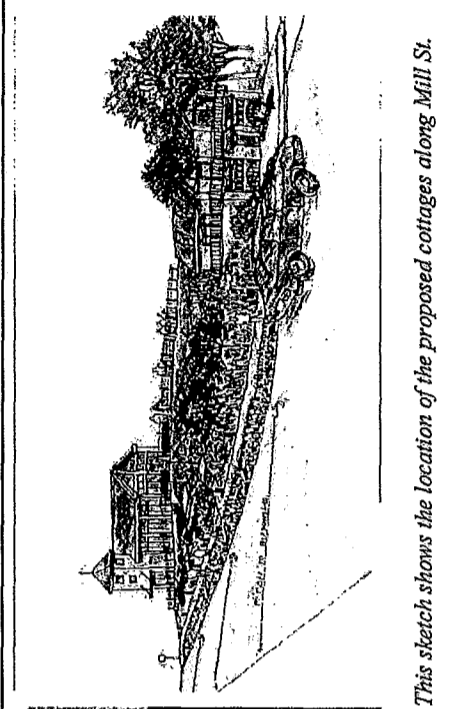
**COTTAGES
 FOR-SALE RESIDENTIAL
 OVER GARAGES
 SUMMARY INFORMATION**

November 3, 2008

AREA SUMMARY:		CONSTRUCTION LOAN ASSUMPTIONS:	
Parcel Size (SF)	5,000	Construction Loan Amount	\$427,500
Building Size (SF)	3,480	Interest Rate	7.00%
Residential Units	2	Term (months)	18
Density (Units/ Acre)	17.42	Drawdown Factor	0.52
		Construction Interest	\$21,989
		Construction Loan Fee (%)	1.00%
		Construction Loan Fee (\$)	\$4,275
INCOME SUMMARY:		MEASURES OF RETURN:	
Total SF	2,280	Indicated Value @ Stabilization	\$535,800
Average Price/SF	\$250.00	Value/ Cost	11.4%
Gross/Net Income	\$570,000	Return on Sales (ROS)	45.7%
Less Commissions	\$541,500		
COST SUMMARY:		ESTIMATION OF VARIABILITY GAP:	
Per SF	Total	Targeted Return on Sales	20.0%
Acquisition Cost	\$0.00	Calculated ROS	45.7%
Direct Construction Cost	\$111,466	Calculated Gap- (includes parking)	(\$95,632)
Soft Costs	\$23,411	Overall Gap as % of Development Cost	-20.4%
TOTAL	\$134.87	Residual Land Value:	\$95,632



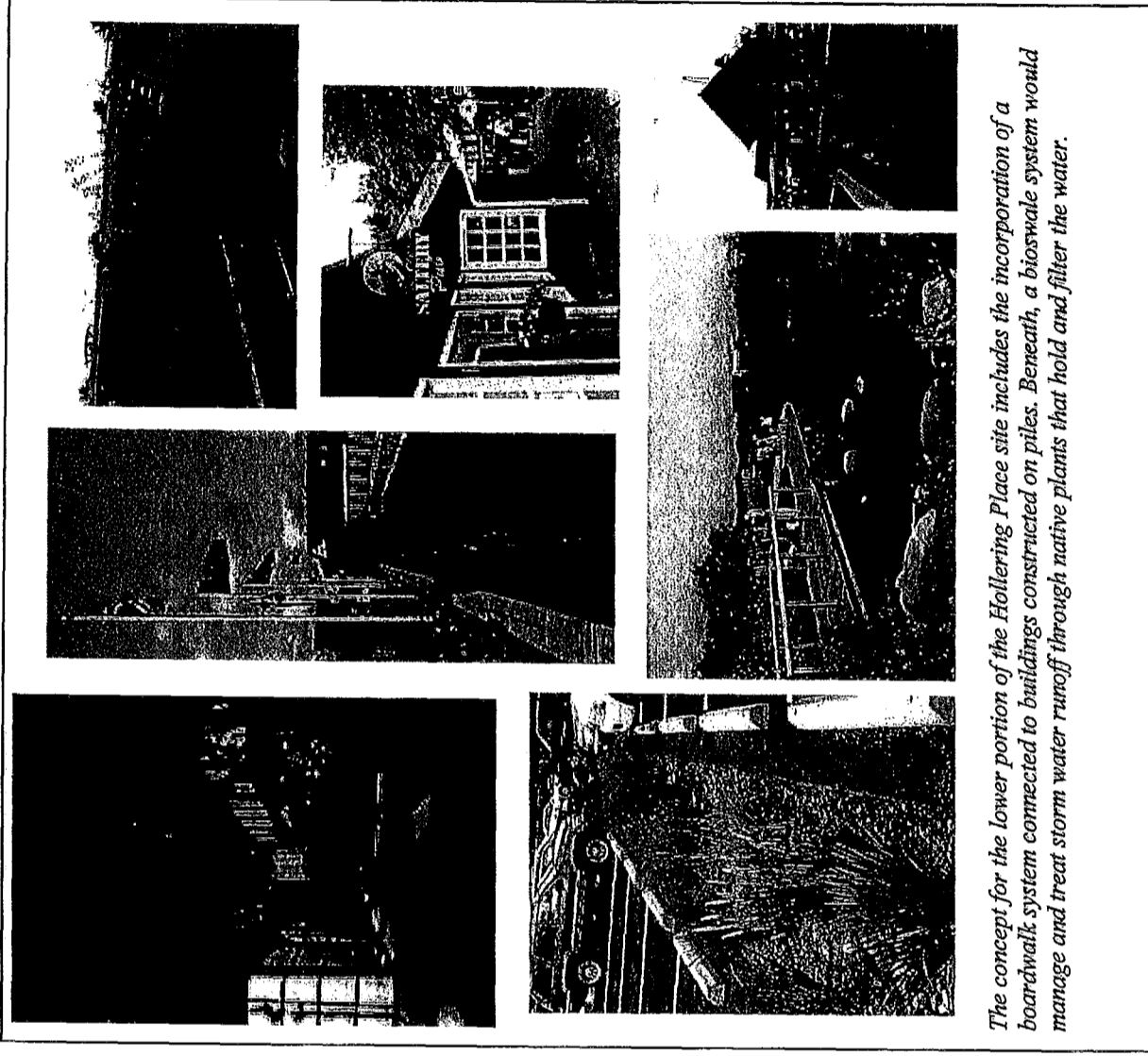
Existing Conditions



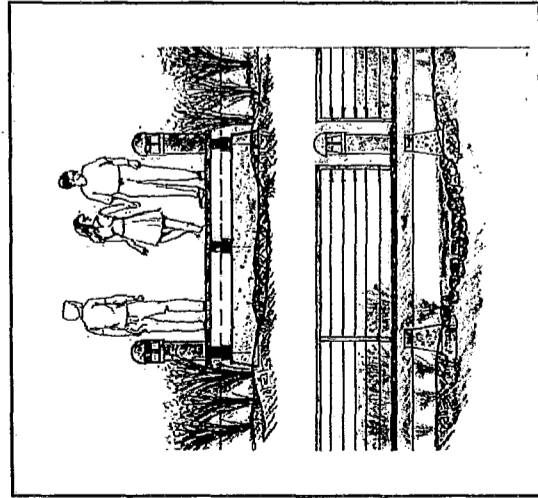
This sketch shows the location of the proposed cottages along Mill St.

THE LOWER SITE: A SMART & SUSTAINABLE APPROACH

For the balance of the site on the lower bench (west of Mill Street to the waterfront), the master plan envisions creation of an extensive bioswale system that would connect with the one along Newmark. This portion of the site has been extensively filled over time, and a recent geo-tech report outlines the necessity of driving piles to a depth of around 30' in order to support any new development. This is mandatory in order to address soil liquefaction issues during an earthquake. Since piles are necessary part of new infrastructure, the design team decided to slightly raise the floor level of buildings and connect them with a boardwalk system. The bioswale system would be located beneath the boardwalk and buildings. It would be created by



excavating soil beneath the boardwalk system, incorporating stone-lined channels and native plants.



The parking lots, located at the edges of the development, would be recessed slightly from the surrounding streets. They would be graded to capture all stormwater into the bioswale directly adjacent. Connection to the development would be via boardwalks.

Creating a raised boardwalk village over a bioswale will achieve several benefits: 1) address flood plain and potential winter storm surge issues; 2) allow for bioremediation of runoff by treating it onsite in the bioswale; 3) support the rehabilitation of the coastal wetlands through the reintroduction of native plants and ecosystems; and 4) raise awareness for innovative sustainable practices. It would also be a unique marketing tool for developers and businesses.

Much of the site work for the lower bench would need to be completed prior to any development of this portion of the site, with the boardwalk system able to be phased as needed.

The preliminary cost estimate of the site work for the lower portion is \$1.1 million, or \$1.26 million with a 15%

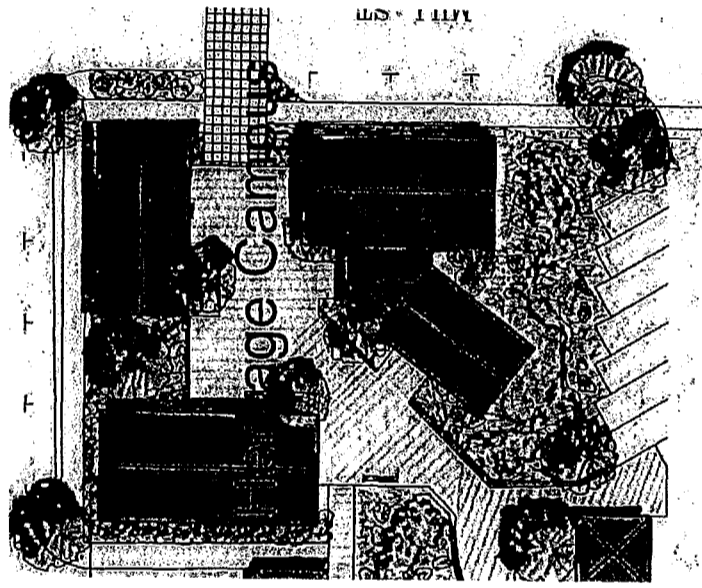
contingency. Recovery of this cost may be possible through a Local Improvement District or Advanced Financing District established on the property. Site development costs are approximately \$12-\$14 per square foot, well in excess of typical costs and potentially too high for full recovery. The system envisioned would allow for more intensive site development, as stormwater is managed beneath the boardwalk system, which may allow for a higher level of cost recovery.

The geo-tech analysis indicates that future development on the lower site would require a pile foundation system. The engineers estimate that roughly 90 piles would be needed for a 10,000 sqft building, with an average cost per pile of \$2,100. This would reflect an overall foundation

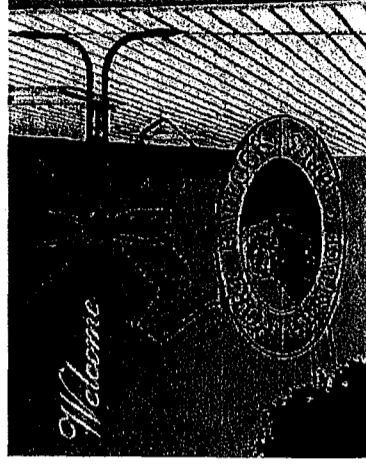
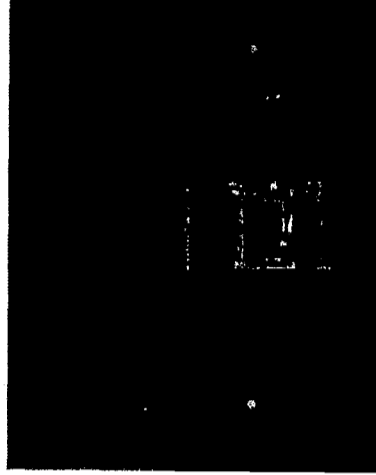
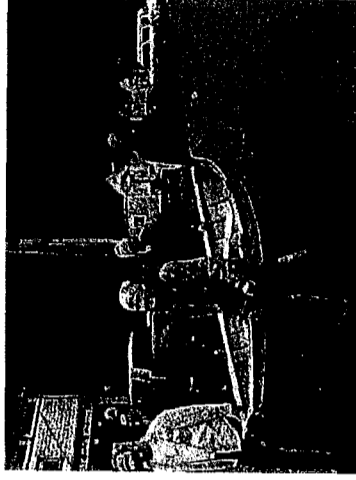
cost of \$189,000, or \$18.90 per sqft. As site costs are relatively high for this site, the associated value of the property would be lower. The bioswale stormwater management plan for the site would likely reduce costs, by taking advantage of the pile foundation system to address on-site as well as off-site stormwater issues.

Heritage Campus: Local History and Hands-On Learning
2 workshops @ 1,800 sqft ea
Admin/classroom/meeting: 2,800 sqft

For this portion of the Hallering Place site, the project team recommends the creation of a Heritage Campus where students of all ages would participate in experiential learning, such as building wooden boats (with other complementary classes added later).



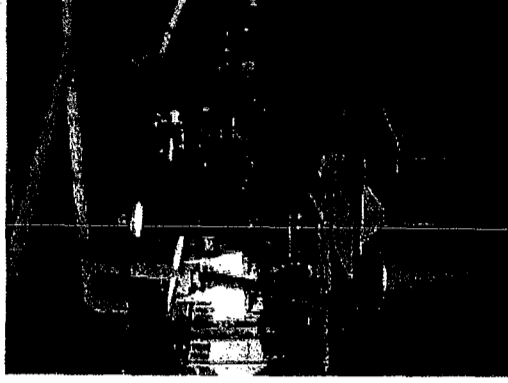
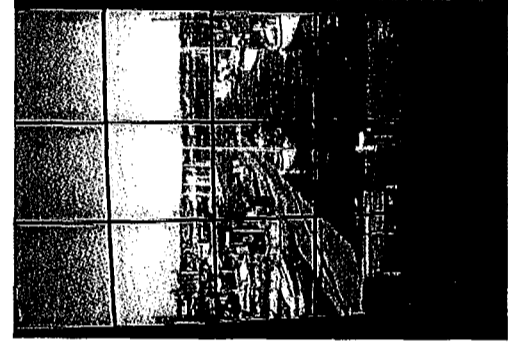
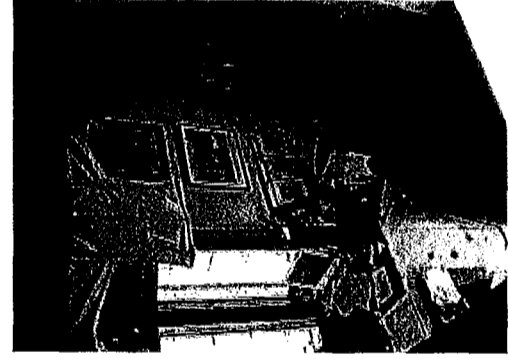
This section of the plan deals with the Heritage Campus which would include space for workshops, classrooms and administration.



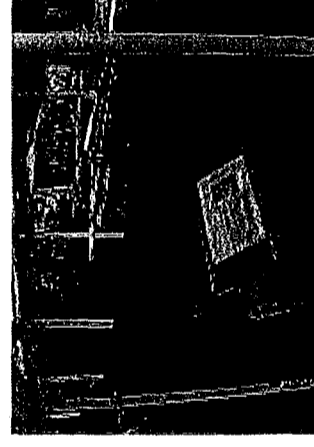
The design concept for a Heritage Campus would include attractive, wooden framed buildings for workshops, classrooms and office needs. The campus would be located near the intersection of Mill Street and Newmark Avenue.

When the idea of a Heritage Campus, with a boat building component, was first presented for the Hollering Place site, the community was very enthusiastic. Since then, interest and support for the idea has grown.

Tom Greaves, who lives in the historic ship-captain's house adjacent to the Hollering Place site, had a family connection to the Center for Wooden Boats (CWB) in Seattle. The director, Dick Wagner, was contacted by a member of the project team and interviewed. He and his wife began



www.cwb.org



These photos were taken at Seattle's Center for Wooden Boats. They show, from top left: retail check-out and information center; view from the upper floor classroom; inside a boat building workshop; construction of a Native American cedar canoe; and a recently finished project.

this non-profit twenty-five years ago and had a lot of good advice and feedback for such an endeavor in Coos Bay. His program has grown and now offers a wide range of programs for pre-schoolers thru adults. The CWB has between 400-500 adults who go through a 7-10 day boat building program each year. At the end of the class, they will each have a boat near enough completion to launch. The CWB also works very closely with the schools and have about 2,000 kids who participate in their various programs each year. By in large, the CWB uses local instructors and students pay a class fee that covers the instructor's time, materials and program overhead. They also have an endowment for scholarships to people of limited means. For CWB, volunteers have been, and continue to be, a key to their success.

Dick knew of the long history of boat and ship building in the Coos Bay area and was very supportive of the idea to create a Heritage Boat Building Center at the Hollering Place. He is more than willing to help out as a consultant to help get a project like this started in Coos Bay. It was proposed that a logical next step would be to hold a summit in Coos Bay/Empire where potential partners would be brought together to hear a presentation by Dick about the CWB program. A facilitated conversation should take place following the presentation to gauge interest, explore potential partnerships and determine next steps.

In the realm of development feasibility, the Heritage Campus component would be highly tenant-dependent and, independently,

would unlikely be a major income generator. From a private perspective, the primary benefit of the campus would be in branding the development, increasing awareness of the area as well as providing for activity that may fuel demand. If this program element does not prove viable, the area could be developed consistent with the remainder of the site with a mix of cottages and retail space.

The project would likely be developed on a build-to-suit basis, and either leased or sold to the operator. As improvements would be for a specialized tenant with limited re-use potential, a developer would likely prefer an outright sale, or a lease that amortized the improvements over the duration. The design envisioned has the potential for commercial



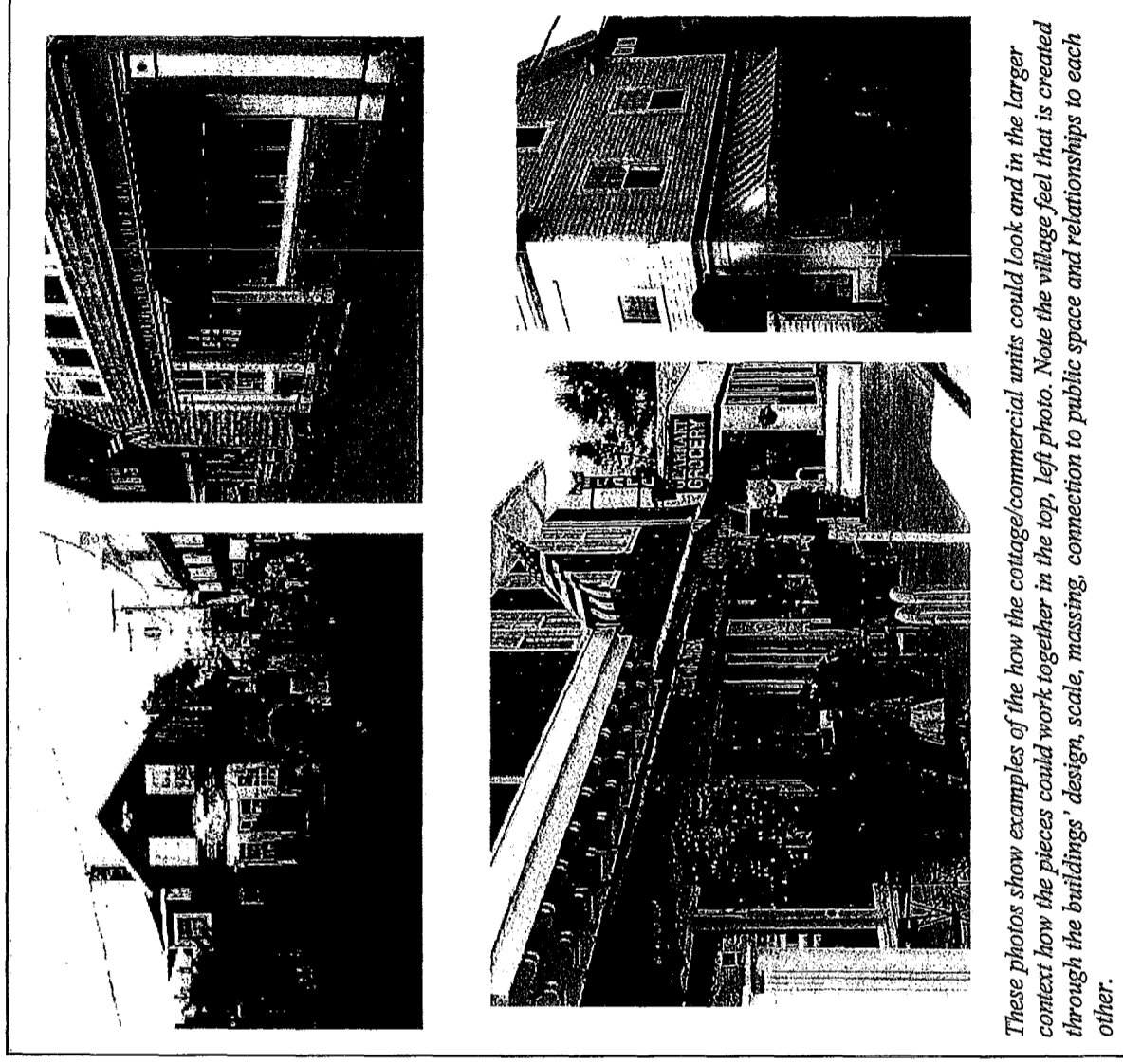
conversion, which may provide the greater interest as a leasehold.

Cottage / Retail Clusters

10 units, 2.5 floors, ground floor retail/workshops: 880 sqft ea, residential cottage w/loft: 860 sqft ea

Mixed use retail, with cottages above, are part of the develop program recommended for the lower area of the site. This scheme affords a flexible approach to development, with easy phasing and construction, and it offers flexibility in use with the ground floor units having the ability to be retail or workshops that are complementary to the Heritage Campus and Restaurant/Inn (discussed ahead).

The Hollering Place site offers a challenging retail environment, and will need to develop enough scale to generate the retail traffic needed to support commercial development.



The master plan has been created with the ability to phase development and this is one reason that it is appealing and financially workable.

The cottages should be able to capitalize on the views and they are expected to be economically viable in early stages of the development. The viability of the retail component

will be more challenging until the overall development program is in place.

Dockside Retail
Retail pavilion: 400 sqft

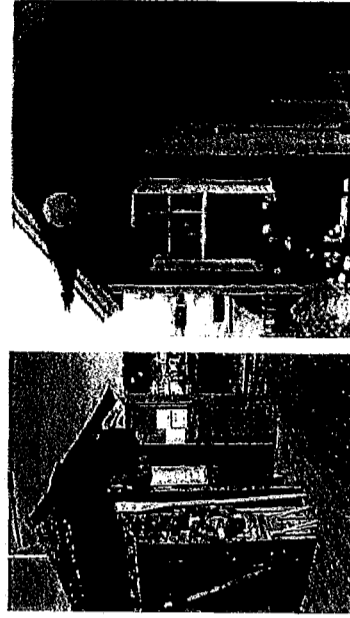
There is great interest in rebuilding at least of portion of the dock on the Hollering Place property and in promoting more water-related

activities. In response, the team proposes a small retail outlet adjacent to bayfront. It could be used to rent crab rings, wind surfboards, etc.

**COTTAGES
FOR-SALE RESIDENTIAL
OVER RETAIL
SUMMARY INFORMATION**

November 3, 2008

AREA SUMMARY:			CONSTRUCTION LOAN ASSUMPTIONS:		
Parcel Size (SF)	10,000	Construction Loan Amount	\$1,125,797		
Building Size (SF)	6,960	Interest Rate	7.00%		
Residential Units	4	Term (months)	18		
Density (Units/Acre)	17.42	Drawdown Factor	0.52		
		Construction Interest	\$57,907		
		Construction Loan Fee (%)	1.00%		
		Construction Loan Fee (\$)	\$11,258		
INCOME SUMMARY:			MEASURES OF RETURN:		
Total SF	3,440	Gross/Net Income	\$1,830,940		
Residential Units	\$250.00	\$860,000	Indicated Value @ Stabilization	164%	
Leas Commissions	5.0%	\$817,000	Value/ Cost	47.8%	
Retail Space	3,520	\$56,320	Return on Sales (ROS)	10.0%	
			Return on Cost (Retail Space)		
COST SUMMARY:			ESTIMATION OF VIABILITY GAP:		
Per SF	\$0.00	Total	\$0	Targeted Return on Sales	20.0%
Acquisition Cost	\$129.59	\$901,960	\$901,960	Calculated ROS	47.8%
Direct Construction Cost	\$31.10	\$216,470	\$216,470	Targeted Return on Cost	10.0%
Soft Costs	\$160.69	\$1,118,430	\$1,118,430	Calculated Return on Cost	10.0%
TOTAL				Calculated Gap- (excludes parking)	(\$98,370)
				Overall Gap as % of Development Cost	-8.8%
				Residual Land Value:	\$98,370



Nice examples of dockside retail.

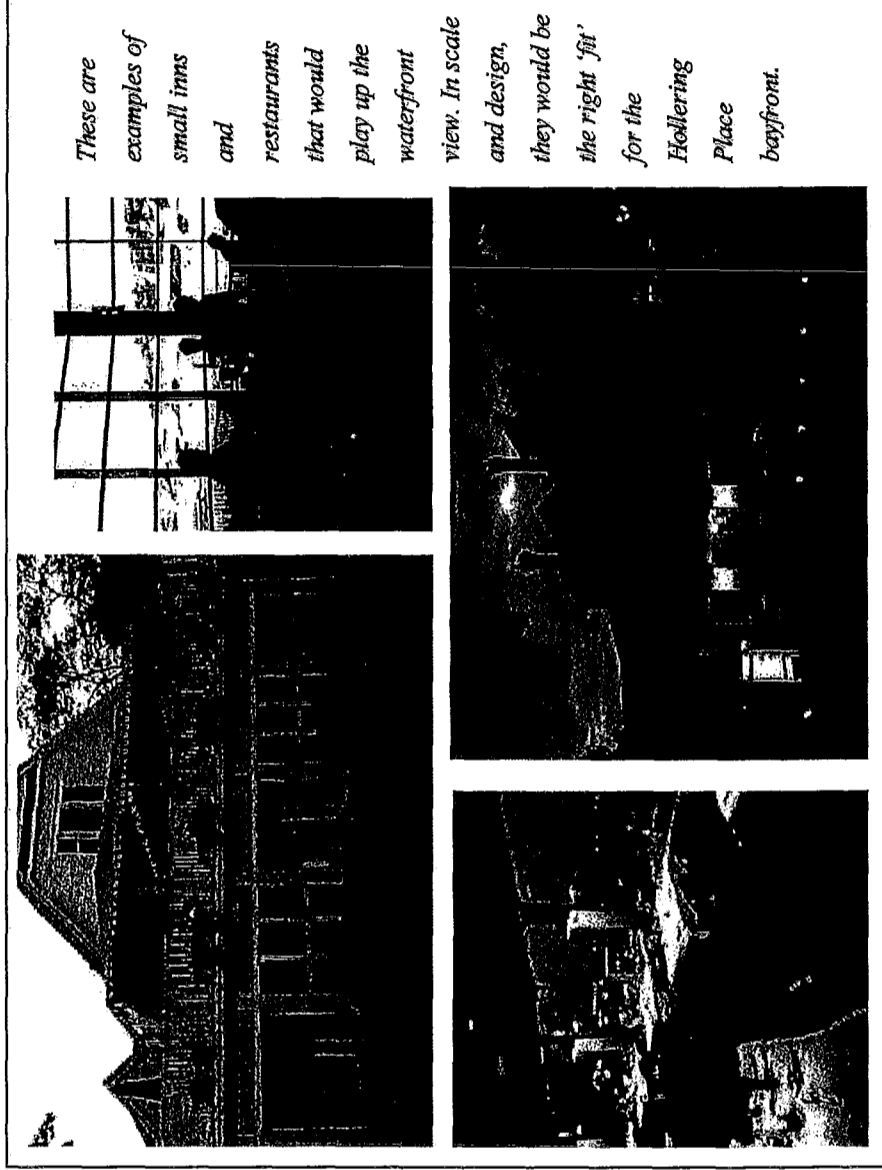


Bayside Inn & Restaurant

3 floors, approximately 20,000 sqft
Restaurant & lobby: 1st floor
Rooms: upper floors; with 3rd floor
rooms incorporated into pitched
roofline.

The site's waterfront location is considered to be highly conducive to the development of a restaurant tenant, which the master plan has included as part of a small inn. There is potential in the area to develop more of a boutique hotel, leveraging off of the water frontage as well as the larger development program at the Hollering Place site. The hotel was programmed as limited in size, reflecting the boutique concept as well as the desire of the community to keep the scale of the development somewhat limited. Development of a hotel is often complicated, and would represent a higher risk component of the program - - but

potentially a lucrative one. From a phasing perspective, it is anticipated that the restaurant/inn component would require some of the amenities of the remainder of the program to be in place prior to its construction. While the restaurant would be a required program element for the inn, it would also require support from the greater community in order to be successful. The success of restaurants is a function of the strength of the operator and concept, as well as underlying demographics.



These are examples of small inns and restaurants that would play up the waterfront view. In scale and design, they would be the right 'fit' for the Hollering Place bayfront.

A pro forma for the inn/restaurant component of the project, as there is a considerable level of variability in these types of development,

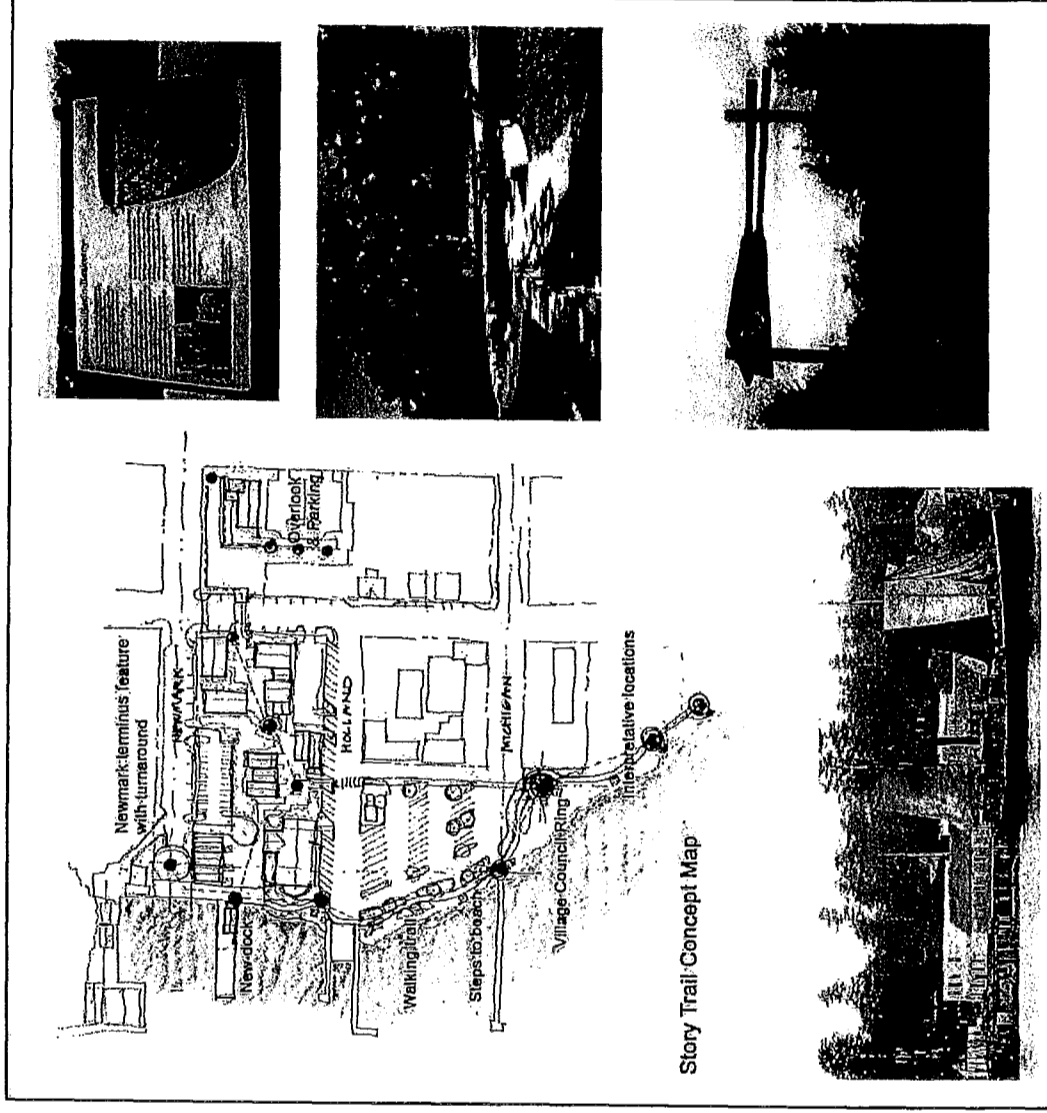
depending upon market positioning and final programming. We would expect that a waterfront location such as that shown in the master plan would be capable of supporting land values in excess of \$30 per square foot, which would allow for recovery of the pile costs (\$18 psf) as well as much of the site work (\$15 psf). The value of the site for this type of development would be highly dependent upon the quality of the adjacent development and the surrounding built environment.

It is expected the inn/restaurant, retail/cottage clusters and Mill St. Cottages to provide the primary opportunities for return.

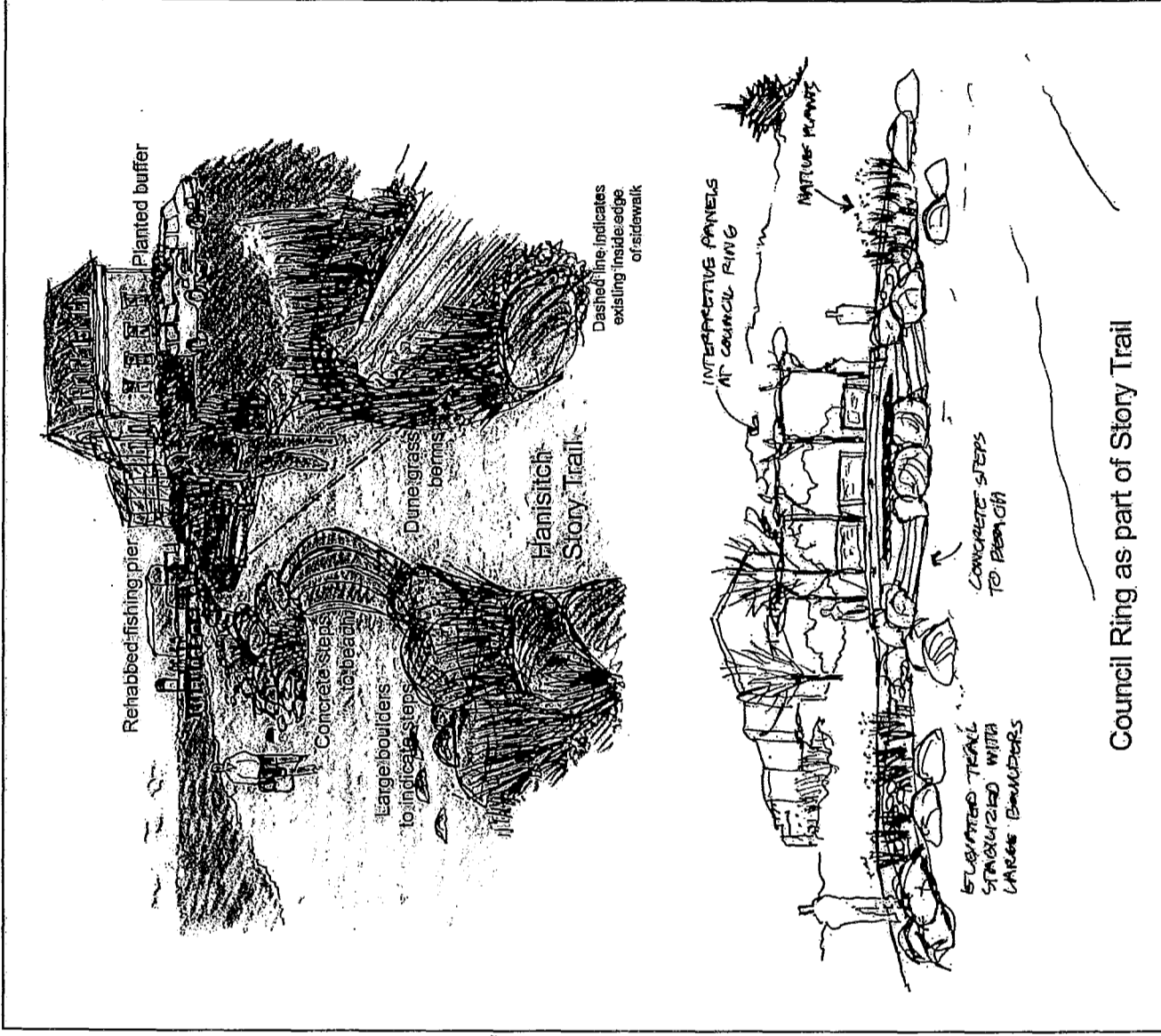
The Story Trail

From the bluff to the end of the trail at the waterfront, this pathway is about 1/4 mile long.

One of the key themes of this project is the unique history of the Hollering Place and one of the key



components of the plan is the interpretation of that story through a 'Story Trail'. Rather than depending on a single interpretative panel at the overlook, the concept of the Story Trail is to encourage people to learn about the Hollering Place, and its history, by moving through the site and encountering different interpretative points of interest along the way. From the overlook, the visitor would be 'invited' to follow the Story Trail down the hill and into the boardwalk development. Interpretative 'stations' would help move visitors through the site. Along the bayfront, the Story Trail would begin with a terminus feature at the Newmark turnaround and continue along the waterfront trail, south, where it would transition into a more natural habitat and could include a



village council ring to symbolize the original Hamisitch village.

The Story Trail component on the lower site would range in cost between \$110,000 and \$126,000. It would need to be publicly funded and could be a good candidate for grants.

to access the beach and this is something that visitors want to do. Between the boat ramp and crabbing dock, five sets of steps are proposed. They would be built to withstand the winter storm surge and would include large boulders at each end of the steps to make it easy for visitors to find them. This area, or one a little further to the south, could also serve as a launch site for sailboarders.

section' much smaller). There is great interest in bringing in large wooden ships and schooners and rebuilding the dock is one sure way to help make this endeavor successful. Having an active dock would also be very complementary with the boat building school.

Reconnecting to the Water

One aspect of the Story Trail is to rework the sidewalk that is adjacent to the existing boat launch parking lot and create a more natural habitat with connections to the water.

Creating planted berms and bioswales between the parking lot and beach will help hold and filter parking lot runoff and create a more attractive environment for a walking path. Currently, there is no safe way

The community is also very interested in reconstructing the existing dock that is now in ruins. This deepwater dock was 320' long and 50' wide and rebuilding it to its original size would prove to be prohibitively expensive. A more realistic solution might be to reduce its width by half, to 25', and rebuild it in phases; with the first phase going out to 150' feet and the next phase going out to the end of the original dock (but making the 'cross



READYING THE SITE, DEVELOPMENT PHASING, NEXT STEPS & POTENTIAL PARTNERS

The master plan for the Hollering Place anticipates a range of uses: commercial, residential, overnight lodging, and educational. The plan is designed to allow for phased development of the site, within the constraints of an overall development program. It should be understood that firms or individuals evaluating the development potential of the Hollering Place site are likely to suggest changes in the proposed program. The intent of this master plan is to provide guidelines for development, not to control all aspects of potential development. Flexibility is a key attribute of all successful master plans, and it is expected that the developers of individual components will want to vary the program to some extent. Market conditions can change

rapidly, and firms doing due diligence on individual components will likely develop more refined programs.

READYING THE SITE FOR DEVELOPMENT

The successful redevelopment of a site like the Hollering Place not only has much to do with selecting the right master developer with the right 'game plan', the site, itself, must be ready to go. As it stands now, the Hollering Place site needs to go through several processes and steps in order to be 'shovel ready'. The project team recommends the following tasks be implemented. Numbers 1 and 1a should be completed prior to the selection of a master developer, with following steps

being coordinated with the developer.

Steps Needed to Ready the Hollering Place Site for Development
1. Creation of an Advanced Financing District or similar mechanism* to help pay for common improvements
1a. Entitlement Work*: <ul style="list-style-type: none"> ▪ Update Comp Plan ▪ Update Zoning ▪ Design Standards
2. Developer RFP & Selection
3. Permitting: <ul style="list-style-type: none"> ▪ City ▪ Army Corps ▪ Depart. of State Lands ▪ F.E.M.A. (County)
4. Platting of lower bench
* can be done simultaneously

PHASING THE DEVELOPMENT PROGRAM

The Hollering Place development program could be phased as follows:

- **RFP Process and Selection of Master Developer:** Development opportunity sites are often marketed using a Request for Proposal (RFP) approach. Under this approach, a site is made available for public bid from developers, typically with a documented expectation with respect to an acceptable and/or desired development program, as well as other performance criteria. The format of these RFPs can vary substantively, but should at a minimum contain program direction and public resources available. The master plan should be made available, as well as all

Hollering Place Project Phasing & Financing Roles				
Project Category	Financing Sources			
	Private	Public	Local Financing District	Grant
1. Select Master Developer		•		
2. Empire Blvd. Overlook	•	•		•
3. ROW Site Work on Lower Bench		•	•	
4. Mill Street Cottages (could occur with wayside construction)	•			
5. Site Work on Lower Bench Development Site	•		•	•
6. Development of Lower Bench (phasing example follows)				
• Heritage Campus	•	•		•
• Retail/Cottage Units	•			
• Restaurant/Inn	•			
7. Dock		•		•



<p>legal descriptions and technical studies.</p>	<p>Land Use, Site Design & Building Typologies).</p>	<p>development is done in a piecemeal fashion, the impact of individual portions on the overall master plan and proximate sites must be prioritized. The preference is to follow the master developer approach. The Urban Renewal Agency could serve that function, but is a time intensive process.</p>
<p>A number of issues should be dealt with prior to publicly marketing the Hollering Place site. These largely relate to developing a firm understanding of what the Urban Renewal Agency is willing to accept in terms of program and performance guidelines, as well as rating criteria to evaluate potential responses. The focus of background work will be to establish answers to likely questions, such as the geo-technical characteristics of the site, sewer/water lines, and wetland/floodplain designations. The site's zoning should also be changed to allow for the designated uses envisioned in the master plan (see next chapter:</p>	<p>Under current market conditions, the timing for release of a development RFP may be unusually bad. Few developers are looking for new projects at this point in time, with the credit markets tight, tenants cautious and homebuyers on the sidelines. An offering in this market may generate very little enthusiasm or response.</p>	<p>development component is considered an important initial phase and would incorporate public/private partnerships in its implementation, including the cut back of the slope and construction of the retaining walls, parking lot, bioswale, building and interpretative overlook. The upper portion of the site should be prioritized from a logistics perspective, as the construction of</p>
<p></p>	<p>The site's potential for phased development is supportive of entertaining proposals for the development of individual components of the program. This could be done deal by deal, or facilitated through the use of a master developer. If the</p>	<p>• Empire Boulevard Overlook. This development component is considered an important initial phase and would incorporate public/private partnerships in its implementation, including the cut back of the slope and construction of the retaining walls, parking lot, bioswale, building and interpretative overlook. The upper portion of the site should be prioritized from a logistics perspective, as the construction of</p>

- the roadway would be highly detrimental to any development on the lower portion of the site.
- Site Work: Lower Bench ROW:** the next phase of work includes all improvements to the Right of Way, including sewer and water, streets, parking and lighting.
 - Mill Street Cottages:** The development of these stand-alone cottages could occur fairly early in the development process and could be coordinated with the overlook retaining wall.
 - Site Work: Lower Bench Development Site:** Prior to development, infrastructure improvements and creation of the bioswale system would need to be completed prior to any
- development of the lower bench of the site, with the boardwalk system able to be phased as needed. This portion of the work would also include the reconstruction of the sea wall and creation of the Story Trail along the waterfront.
- Heritage Campus.** The campus could be developed privately or publicly, and leased to a qualified tenant to operate. From a private perspective, the primary benefit of the campus would be in branding the development, increasing awareness of the area as well as providing for activity that may fuel demand. If this program element does not prove viable, the area could be developed consistent with the remainder of the site with
- a mix of cottages and retail space.
- Cottage / Retail Clusters.** The cottages should be able to capitalize on the view and it is expected these would be economically viable early in the stages of development. With the retail component, it will be challenging until there is enough scale and development to support a commercial component.
 - Restaurant / Inn.** From a phasing perspective, it is anticipated that the restaurant/inn component would require some of the amenities of the remainder of the development program to be in place before it is built. This likely would be the final phase of the



Hollering Place build out (besides the reconstructed dock).

even if they don't personally develop every component.

system will not be easily phased, and should probably be put in place prior to development of individual parcels on the site.

NEXT STEPS FOR THE URBAN RENEWAL AGENCY

With a multi-faceted project like the Hollering Place, it is sometimes difficult to know where to begin. Following are suggested next steps for the Urban Renewal Agency to pursue:

- Overlook Funding – The initial phase of the Hollering Place development will likely be the overlook and parking. As this is not an income generating portion of the site, the funding will need to be provided from public or institutional sources.

- Developer Selection – The URA will need to solicit developer interest for the site and the master plan. This is often done using a request for qualifications or request for proposal process, through advertisements supplemented with invitations to submit. The URA may want to select a master developer for the site, who can oversee the development process

- Grants should be pursued in all cases as a potential funding mechanism, particularly for the overlook interpretive area, shorefront improvements and Story Trail.

- Local Financing District – As the site work will need to be done for all phases of the lower bench up front, a funding mechanism will be necessary to pay for these improvements with reimbursement received as individual parcels are developed. A financing mechanism such as an Advanced Funding District or Local Improvement District would allow for this sequencing.

- Site Work, Lower Bench – The stormwater system envisioned on the lower bench will need to be engineered and estimated. The
- Entitlements – The City will need to change the entitlements on the site to allow for the development of the master plan.

- Partitioning – The site will likely need to be partitioned into a series of legal lots that allow for separate financing of individual components of the development. We would suggest that this be done when a master developer is in place and able to provide input as to the optimal parcels.

Assuming that the overlook improvements are made in an initial phase, followed closely by the infrastructure and financing district improvements on the lower bench, the cash flow for the project will likely entail a significant upfront investments followed by recovery of the financing district investments over the next several years and an ongoing stream of tax increment revenue associated with the development program.

While the overlook improvements will

not generate the lion's share of returns, they are critically important and will complement the lower bench development - - which will likely produce a decent return to the URA, covering the cost of infrastructure provision and the bio swale system.

POTENTIAL PUBLIC PARTNERSHIPS

The Hollering Place Master Plan has outlined innovative ways to manage stormwater runoff, restore native plant habitat and help minimize sedimentation flowing into the by the use of bioswales and native wetland plant communities. There may be assistance (technical assistance or funding) though one, or more, of the following agencies/organizations to help put this component of the plan into place. They include:

- US Environmental Protection Agency – Salem office/ Wetlands/ Coastal Waters
- Coos and Coquille Tribes
- US Army Corps of Engineers / Salem office
- Oregon Department of Fish and Wildlife
- US Department of Agriculture's Soil Conservation Service
- US Bureau of Land Management / Riparian Wetlands Initiative
- Oregon Department of State Lands
- Oregon Department of Ecology
- South Slough Estuarine Reserve (Charleston)
- Ocean and Coastal Resource Management (Part of NOAA)



LAND USE, SITE DESIGN & BUILDING TYPOLOGIES

LAND USE

The existing zoning on the Hollering Place site does not fit its future use as outlined in the master plan. Currently, the bluff is zoned General Commercial and the portion of the lower site that is above the high water line is zoned Urban Water Dependent and the portion of the site below the high water line is zoned Development Aquatic. Changes these zoning designations will not an easy task. However, the City has 30 acres available to remove from these zoning designations and has already gone through the process with the rezoning of the site for the new Maritime Museum on Hwy. 101.

Part of the charge of this project was to review the existing codes and

make recommendations for code updates that will support the new master plan. Those recommendations follow.

HOLLERING PLACE MIXED-USE DISTRICT (HPMU)

Section 1. INTENT

The HPMU district is included in the zoning regulations to achieve the following City objectives:

1. To create a public activity area on the waterfront that serves residents and visitors.
2. To complement surrounding properties and connect with the existing business district.
3. To provide and active mix of public, commercial, residential, and institutional uses.

NOTE: *This district is intended to replace the existing C-2 and W-1 zoning on the property.*

Section 2. PERMITTED USES

The following uses are permitted in the HPMU zoning district:

1. Residential Use Types
Accessory building
Accessory apartment
Cluster development (see Chapter 4.3)
Group residential
Single-family dwelling (individual or combined with other dwellings on the same lot)
Multiple-family dwelling
Planned unit development (see Chapter 4.6)
Zero-lot line development (see Chapter 3.5)

- Residential uses may be located in the same building with the civic or commercial use types listed in this section.
1. Those uses expressly prohibited in the Central Commercial District (see Chapter 2.8, Section 4).
 2. Any use that includes outdoor storage of equipment, vehicles, or material.

Section 5. PROPERTY DEVELOPMENT REQUIREMENTS

The following property development requirements shall apply to all land and structures in the HPMU district in addition to applicable standards of Chapter 3:

1. Lot Standards: No requirements.
2. Building Coverage: No requirements.
3. Building Height: No restrictions other than those imposed by the Building Code.
4. Yards: No requirements other than those imposed by the Building Code.

- Food and beverage retail sales
Home occupation, retail sales on the premises (see Chapter 4.4)
Personal service, general
Professional and administrative service
Retail sales, general – except adult book store
Tourist habitation: Lodging and bed and breakfast

Section 3. CONDITIONAL USES

Any of the civic or commercial use types listed in Section 2, which are proposed to exceed 30,000 square feet in gross floor area, shall be permitted in the HPMU district if authorized in accordance with the provisions of Chapter 5.13.

Section 4. EXPRESSLY PROHIBITED

The following uses are expressly prohibited in the HPMU zoning district:

- Residential uses may be located in the same building with the civic or commercial use types listed in this section.
2. Civic Use Types
Administrative service
Community recreation
Education service
Library service and cultural exhibit
Lodge, club, fraternal, or civic assembly
Public safety service
Religious assembly
Utility and service – no outside storage of equipment permitted
 3. Commercial Use Types
Child care facility
Convenience sales and personal service
Dining establishment: Sit-down
Drinking establishment



5. Landscaping and Screening:

- A. All heating and air conditioning equipment shall be appropriately screened from public view.
 - B. All storage and trash areas must be enclosed and screened from public view.
 - C. All parking areas shall be landscaped in conformity with the Off-Street Parking section.
6. Parking: The minimum parking standard for single-family, duplex, multi-family, and group residential uses in Chapter 3.15, Table 7, may be reduced to one parking space per dwelling.

Section 6. DESIGN GUIDELINES

All development in the HPMU district shall be consistent with the Hollering Place Site and Design Guidelines.

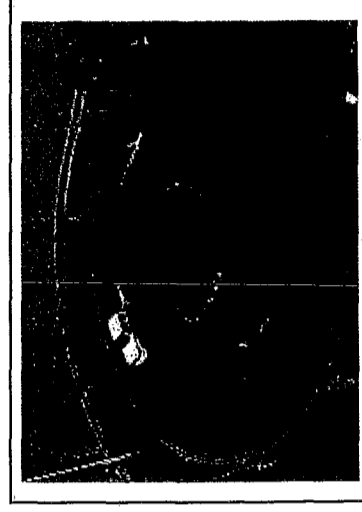
SITE DESIGN, CIRCULATION & THE PUBLIC REALM

OVERVIEW

Site design responds to environmental, cultural, and historic site features by taking advantage of existing view corridors, land use patterns, landforms, prevailing winds, and water related activities. Long-term sustainable practices should be a focus, including marine resource protection; balanced on-site cut / fill; bioswale stormwater management; native plant communities; and habitat enhancement. A primary goal should be to reveal the hidden estuarine environment and to strengthen the visual and physical connections to and from the Empire District.

VEHICLE CIRCULATION

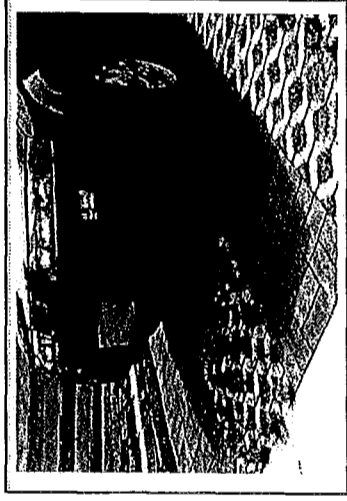
The existing street patterns, access points, and rights-of-way off of Empire Boulevard should remain. The primary entry point to the lower development will be from Newmark Avenue with a secondary access along Mill Street off of Michigan Avenue. Existing access to the boat ramp and parking lot should remain. Access to existing businesses and uses will remain, but will be modified to support on-street parking. A vehicle turn-around for the terminus of Newmark Avenue will be developed. Due to the limited 60' ROW, access will be limited automobiles and small trucks.



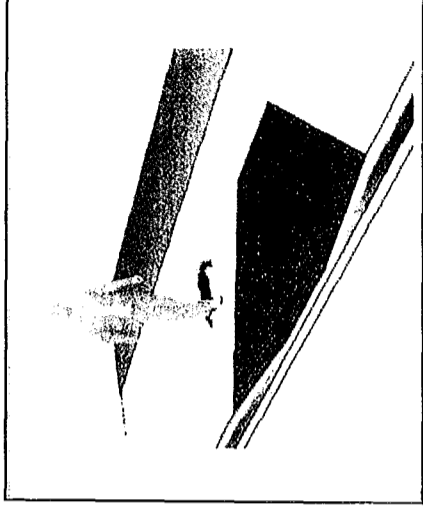
PARKING

Parallel street parking to support retail businesses and recreational opportunities is recommended along lower Newmark Avenue and Mill Street. Typical parallel parking spaces should be 8'-0" x 22'-0". Wayside visitor parking to be located to the south of the building and visually screened from Empire Boulevard with low growing (30"-36" ht.) evergreen plant material. Typical 90 degree parking dimensions should be 9'-0" x 18'-0" with 24'-0" (min.) drive aisles. Interior angled parking stalls shall be 9'-0" x 18'-0", comprised of permeable concrete pavers, and located along one way 18'-0" wide loop drives. All storm water runoff should be directed to the bioswales to minimize downstream sedimentation and maximize runoff filtration prior to entering the Coos

River. All parking areas should be supported by clear directional signage, adequate lighting, landscape buffers, and permanent wheel stops or curbs.



walks 2% to surface drainage swales. All concrete needing replacement should be saw cut to the nearest even joint and made to match as closely as possible to existing conditions. J



PEDESTRIAN CIRCULATION

Clear and strong pedestrian connectivity and continuity should be provided throughout the project with clear cross walks, curb cuts that meet code, and adequate lighting. Perimeter sidewalks should be concrete, with consistent tooled joints, a medium broom finish, and be a minimum of 6'-0" wide. Cross pitch all

INTERIOR CIRCULATION

The walkway connecting the buildings on the lower bench should be a continuous pressure treated timber boardwalk built flush to perimeter building finish floors and street grades. All support joists and beams should be



marine grade treated lumber. Footings should be concrete piers or grade beams set on a compacted rock sub-base. All fasteners should be stainless steel or hot dipped galvanized metal. Countersink all exposed bolt heads in walk surfaces. Provide a raised 2 x 6 kick curb at boardwalk edge. The boardwalk should not to exceed 18" height above finished grade, except where it crosses the bioswale. Highly efficient, low level LED lighting should be provided along boardwalk edges at approximately 20' -25' on-center spacing.



SITE DESIGN ELEMENTS
Provide high quality site furnishings suitable for coastal environments with long life and low maintenance. Incorporate the assistance of local artists or craftsman for key site features.

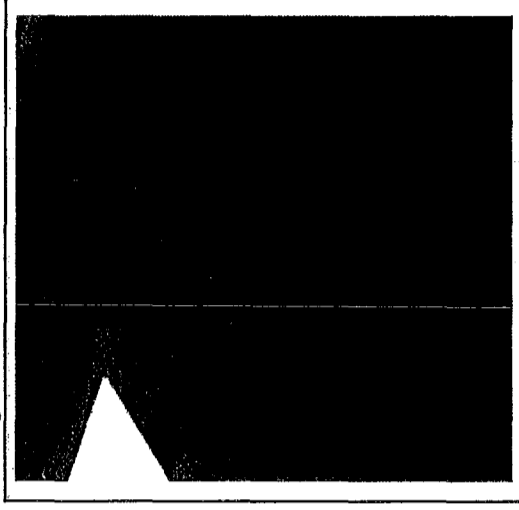
- Bollards: Stainless steel or galvanized steel, 30"-36" tall, surface mounted, 120v LED luminaires with prismatic high impact polycarbonate lenses with light shields.



- Street Lighting: 14' ht. aluminum poles with acorn LED luminaires

and banner arms to match existing lights on Newmark Street. .

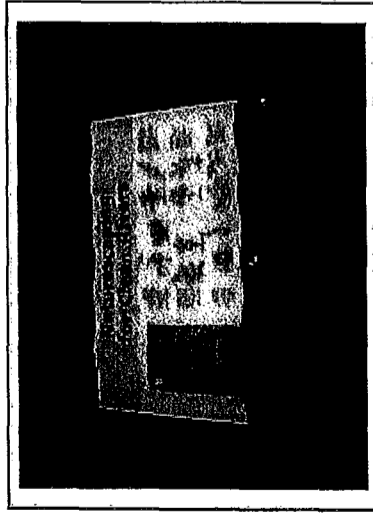
- Benches: FSC certified redwood or oak, 72" length, wood slats with steel anchor rods, surface mount. Or, custom cast concrete with embedded interpretive panels or nature themed sandblasted images.



- Railing: 1/2" stainless steel cable with brushed steel posts and flat

top rails. Surface mount to boardwalk along sea wall.

- Interpretive panels: Embedded polycarbonate graphic panels or gell coated GRP panels encapsulated in melamine mounted on stone or concrete plinths, or anodized aluminum frames. Themes to celebrate early Hanisitch settlements and stories; early settlers and industries; estuary and wildlife themes, etc.



LANDSCAPE

The coastal landscape displays a great variety of vegetation types from



wet marshes to upland hardwood forests and headlands. Select native plants acclimated to the local climate as much as possible.

However, commercial or ornamental plants, such as summer flowering perennials (lavendar, daylily, sedum and heather) can be considered for the Empire Boulevard Wayside area. The overall strategy should utilize a mix of deciduous and evergreen trees, shrubs, groundcovers and grasses to frame building entrances, screen parking lots, line bioswale channels, and restore lost habitat. In wet sites, plant native sedges, rushes,

and grasses in naturalized drifts between rip-rap and bioswale boulders. Tree selections for upland areas should include sitka spruce, red alder, beach pine, and douglas fir. Large trees must be carefully sited so as not to block views. Upland shrub communities should include salal, red osier dogwood, douglas spirea, beach willow, evergreen huckleberry and kinnikinnick.



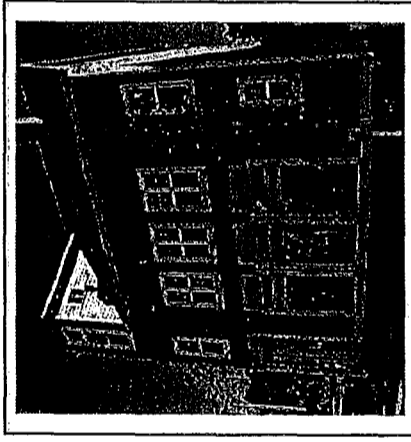
BUILDING TYPOLOGIES

Coos Bay Hollering Place Building Typology Design Guidelines

(Note: the following gives an overview of building typologies for specific components of the master plan. The full Design Guidelines are contained in a separate document.)

The desired architectural character of the Hollering Place project is that of vernacular maritime or fishing villages.

Examples of this include the many seaside villages and destinations in New England, such as Nantucket and some of the small towns on the Oregon Coast, such as Cannon Beach and Gearhearti. These qualities shall be expressed through: building articulation, scale and proportions, setbacks, architectural style, roof forms, building details and fenestration patterns, or materials.



EMPIRE BLVD OVERLOOK

Purpose:

To be a landmark building on the bluff and serve as attractor for the activities on the lower portion of the site without compromising views of the bay from Newmark Avenue and Empire Boulevard. A two-story slender tower element, which could function as a visitor overlook, is recommended to enhance visibility when approaching from Newmark Avenue.

Use:
Retail/Civic

Orientation:

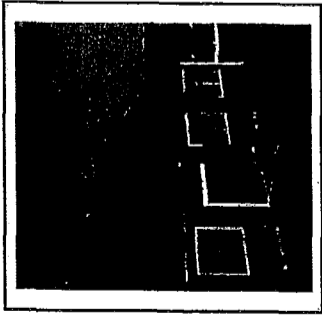
Retail uses should open onto Empire Boulevard with functional doors and display windows, canopies/awnings, recessed entrance doors, and attractive signage at an appropriate scale to the building.

Building Height:

Main building: 1 story
Tower: 2 stories

Parking:

Parking is to be located to the south side of the building. Parking between the front of the building and Empire Boulevard and between the north side of the building and Newmark Avenue is prohibited.



HERITAGE CAMPUS

Purpose:

To be used primarily for educational purposes such as a wooden boat building or glass-blowing school. A family of buildings grouped around a publicly accessible courtyard including workshops, studios, classrooms, administrative space, and a possible retail space.

Use:

Institutional/Retail

Orientation:

Building entrances may be oriented to a publicly accessible courtyard. Street facing facades should have ample windows of a scale

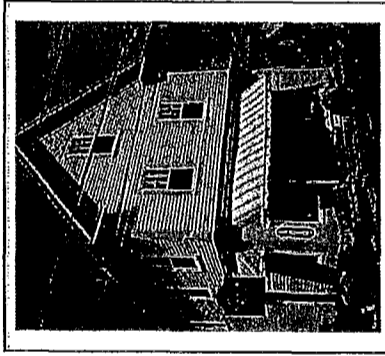
consistent with the size and function of the buildings. All entries should include metal or wood canopies complementary to the building scale and architecture.

Height:

1 story w/ possible mezzanine

Parking:

Parking is to be located to the rear or side of the buildings.



RETAIL COTTAGES

Purpose:

A ground floor retail or workshop space with a loft-style residential unit above.

Retail Cottages Use:

Mixed-Use – residential over retail
 Exception: Some units may not be conducive for retail workshop space on the ground floor and may be residential-only.

Orientation:

Cottages should be grouped in attached groups of 2 to 4 like duplexes or townhouses with varying setbacks to provide visual interest while mitigating size and bulk. Upper level residential units can be accessed from the rear with common entries for multiple units.

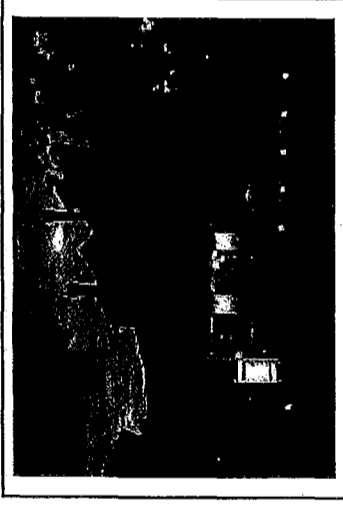
Residential units above can be set back from the ground floor retail to provide a balcony overlooking the public space below and the bay beyond. Retail space should open onto primary public circulation spaces, courtyards, or plazas with functional doors and display



windows, canopies/awnings, and attractive signage at an appropriate scale to the building.

Height:
2.5 stories

Parking:
Garage units may be free standing or grouped under one or more of the cottage units. Garage entries are prohibited on the retail frontage side of the units. Cottage units without ground-floor retail can have front-facing garages if no other accessibility option exists, however the garage can be no larger than 50% of the front ground floor façade.



Incorporate residential-style windows, doors, pitched rooflines, dormers, and other appropriate architectural details. Signage should be attractive and minimal on the building

BAYSIDE INN & RESTAURANT

Purpose:
A small inn of approximately 24 rooms with a bayside restaurant and lobby on the first floor and rooms above.

Use:
Hotel/Restaurant

Orientation:
Scaled and articulated to be compatible with other buildings on the site and adjacent historic structures. The appearance is that of a large home rather than a commercial building. The ground floor restaurant will take advantage of bay views with ample glazing and building articulation.

Height:
3 stories. Third floor should be incorporated into the pitched roofline.

Parking:
Parking is to be located to the rear or side of the buildings and shall not be located between the building and the primary pedestrian circulation on the site.

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COOS BAY URBAN RENEWAL AGENCY

CONCLUSION

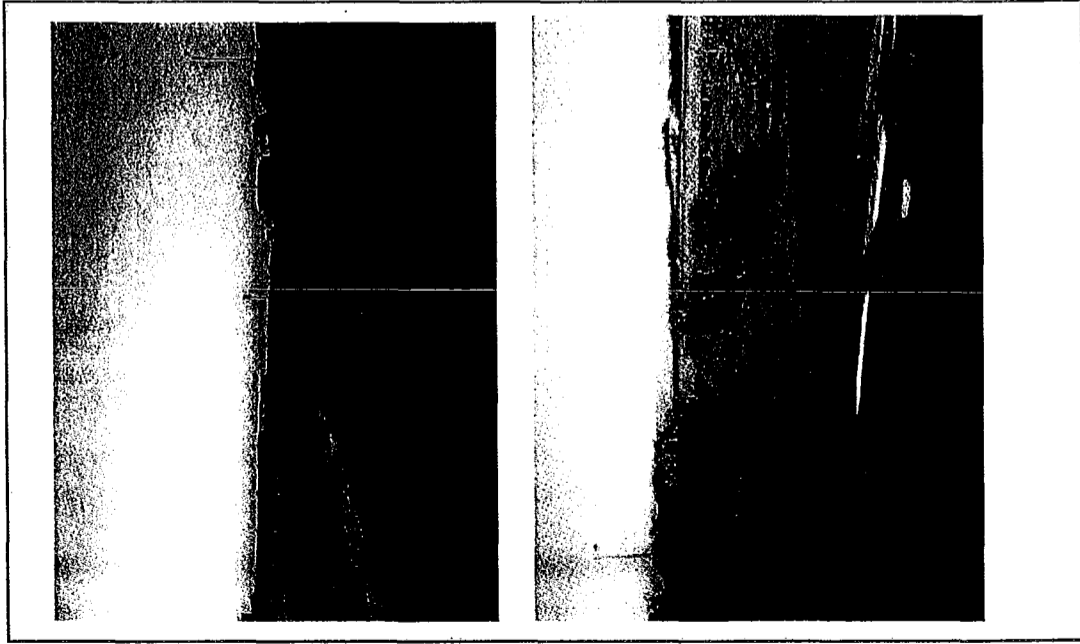
The process to develop a supported, feasible and unique master plan for the Hollering Place has resulted in a plan that also includes innovative, eco-solutions for managing stormwater, interpretation of the area's history and a plan to develop a wooden boat building school as part of the programming. Although the process to implement the plan will be complicated and includes tasks to complete before issuing an RFP, the development plan, itself, has been created to include the highest level of flexibility and phasing to make it more palatable to developers.

Above all else, it should be remembered that this master plan is a concept that that a master developer, or individual developers,

will likely want to vary. The important thing is that by updating the zoning code, implementing Design Guidelines, using the master plan as a basis, and developing performance criteria within the Request for Proposals, the Urban Renewal Agency has the ultimate say in getting the type and quality of development desired.

It is an exciting time for the Agency as they move to next steps with this project, knowing that there are several goals to achieve:

- Satisfy the public's (community's) needs for a wayside and interpretation of history
- Increase increment within the Empire District



- Capitalize on views and bayfront and recreational opportunities
- Redevelop a prime piece of property within the district
- Serve as a catalyst for other, nearby developments
- Raise the standards for quality development
- Engage the community and visitors through recreational, educational and retail opportunities associated with the site; and
- Help make the Empire District more vital overall.

After years of hoping and planning for what to do with the Hollering Place, now is the time to set this plan into action. There is interest, enthusiasm and a realistic, and detailed, roadmap. There is great interest in moving forward with the idea to

create a wooden boatbuilding school (heritage campus) on the Hollering Place Site. Dick Wagner, the director of the Center for Wooden Boats, is interested in working with Coos Bay to get this initiative off the ground. The community, in concert with the Urban Renewal Agency, is poised to move this project successfully forward.



ORDINANCE NO. 433

AN ORDINANCE AMENDING COOS BAY COMPREHENSIVE PLAN, MAP DESIGNATION FOR CERTAIN REAL PROPERTY FROM "INDUSTRIAL" TO "COMMERCIAL"

WHEREAS, the City of Coos Bay has filed an application, hereinafter referred to as the Application, to legislatively amend Coos Bay Comprehensive Plan, Comprehensive Plan Map, Volume I, Plan Policy Document, Chapter 9, Map 9.11, Land Use Plan Map 2000, to redesignate certain real property located within the corporate limits of the City of Coos Bay described as: Blocks 7 and 12, east of the mean high water line, Beltline Railroad Addition, and Block 12, Lot 4, Plat of Empire City, in the tax records of Coos County, Oregon (the Properties), from "Industrial (I)" to "Commercial (C)" plan designation;

WHEREAS, notice that public hearing would be held before the city of Coos Bay Planning Commission (the Commission) on May 11, 2010 and public hearing would be held before the Coos Bay City Council on June 15, 2010 was published in "The World," a newspaper of general circulation within Coos County, Oregon, on April 28, 2010;

WHEREAS, notice of public hearings was mailed on April 16, 2010 to all landowners within 250 feet of the designated area;

WHEREAS, provisions in the Coos Bay Municipal Code relating to notice have been complied with; and,

WHEREAS, public hearing was held on the Application on May 11, 2010, and after receiving evidence and hearing testimony, the Commission recommended approval of the Application.

NOW THEREFORE, the City Council of City of Coos Bay ordains as follows:

Section 1. The Commission's Findings and Conclusions supporting its recommended approval are attached hereto as "Exhibit A" and incorporated herein by reference.

Section 2. The City Council of the City of Coos Bay, after considering the Commission's Findings and Conclusions, hereby adopts the Findings and Conclusions, and finds the change should be approved.

Section 3. — ~~The designation in the City of Coos Bay Comprehensive Plan, Volume I, Plan Policies, Chapter 9, Map 9.11, Land Use Plan Map 2000 of certain real property located within the corporate limits of the City of Coos Bay, Blocks 7 and 12, east of the mean high water line, Beltline Railroad Addition, and Block 12, Lot 4, Plat of Empire City, in the tax records of Coos County, Oregon are hereby changed from "Industrial (I)" to "Commercial (C)" plan designation.~~


Section 4. The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.


The foregoing ordinance was enacted by the City Council of the City of Coos Bay the 15th day of June 2010.

Yes: Mayor Jeff McKeown and Councilors Mark Daily, Jon Eck, Joanie Johnson, and Gene Melton.

No: None

Absent: Councilors Stephanie Kramer and John Pundt.


Jeff McKeown
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST: 
Rae Lea Cousens
City Recorder of the City of Coos Bay
Coos County, Oregon

FINDINGS AND CONCLUSIONS

EXHIBIT A

I. BACKGROUND

The subject property, the Hollering Place, is located west of Empire Boulevard, south of Newmark Avenue, east of the bay and north of Holland Avenue. The Hollering Place was the center for transportation, commerce and communication before the first Europeans sailed into the Coos Bay estuary.

Hollering Place, or Ellekatitch as the Coos Indians called it, was on the North Spit directly across the bay from their villages at present Empire. People traveling south along the beach route would holler over to the villages for someone to paddle over and provide passage.

The City purchased the subject property in 2001. The Hollering Place Master Plan has been created to provide a vision which will encourage economic diversification while providing an opportunity for local citizens and visitors to connect with and enjoy this section of the waterfront which has played a historical role in the region's past.

The Coos Bay City Council recognizes that a sense of community pride and identity, and a healthy visitor industry are important for the future health and vitality of the City. Development of the Hollering Place will encourage economic revitalization of the Empire business district.

II. PURPOSE

The city initiated the proposed comprehensive plan, rezone and Code amendments with the intent of facilitating the revitalization of the Empire business district. The Hollering Place Master Plan is the culmination of the vision for realistic redevelopment opportunities for the Hollering Place site and still connects with the history of the site. The master plan is intended to be flexible, to provide guidelines for development, but not to control all aspects of potential development. The City's objectives are:

- To create a public activity area on the waterfront that serves residents and visitors;
- To complement surrounding properties and connect with the existing business district; and
- To provide an active mix of public, commercial, residential, and experiential uses.

III. SITE

The subject property is located at the junction of Newmark Avenue and Empire Boulevard (Cape Arago Highway) and contains a total of 2.95 acres. The upper bluff contains .84 acre and the lower bench contains 2.11 acres. The upper bluff is the terminating vista heading west through Empire before making a left turn to continue south. The site is identified as follows:

The upper bluff (T. 25, R. 13, S. 20BB):

Block 25, Lots 5-8, Plat of Empire City, also described as Tax Lot 6000, except for the west 30 feet of Lot 8; and,
Block 25, Lots 2-4, a portion of vacated Holland Avenue, Plat of Empire City, also described as Tax Lot 6700.

The lower bench (T. 25, R. 13, S. 19AA): Block 12, Lots 1-3 and 5-8, and the area above the mean high water line described as Block 7, Lots 6-14, Belt Line Railroad Addition to Empire City), also described as Tax Lot 300; Block 12, Lot 4, Plat of Empire City, also described as Tax Lot 301; also, S. 19AA, Block 25, approximately the west 30 feet of Lot 8, Plat of Empire City.

Currently, the upper bluff area is zoned "General Commercial (C-2)." The plan designation is "Commercial (C)." The lower bench, except for the area east of Mill Street, is zoned "Waterfront Industrial (W-I)" and Coos Bay Estuary Management Plan (CBEMP) 54-UW (Urban Water-dependent). The plan designation is "Industrial (I)."

The area west of Mill Street is zoned "C-2" and is designated "Commercial (C)" by the Plan.

The area below the mean high water line is designated CBEMP 54DA (Development Aquatic).

The site's physical condition varies. The bluff portion is relatively flat and open. Currently, thick vegetation keep people away from the bluff's sharp drop off. Newmark Avenue, as it continues down the hill from Empire Boulevard, is a narrow cut with the property's steep slope adjacent to the roadway. The grade change between the upper bluff and lower portion, or bench, is approximately 30 feet. Both the upper bluff and the lower bench are vacant.

A large dock lies in ruins from the site into the bay. Directly south of the lower bench, are a public boat launch, tie-up, fishing pier and public parking lot with a cleaning station and public restrooms. Nearby are Coast Guard offices, residential and industrial uses and vacant lots.

IV. ELEMENTS OF THE PROPOSED AMENDMENTS

- A. Comprehensive Plan Text Amendments
 - 1. Volume I, Part 1, Plan Policies, amend Chapter 9.1, Plan Objectives, Commercial Areas, Objective 2, Implementation, to add the new Hollering Place (HP) zoning designation and to add an explanation for the purpose of the new designation.
 - 2. Volume III, Part 1, Coos Bay Estuary Management Plan (CBEMP), Plan Provisions
 - a. Amend shoreland unit 54-UW (urban water-dependent) to allow the uses set forth by newly created zoning district Hollering Place (HP).
 - b. Revise Bay-wide Policy 16a to reflect the change in acreage available for removal from the water-dependent designation.
 - 3. Volume III, Part 2, Inventories and Factual Base, amend 5.0, Social and Economic Resources Characteristics, to reference Policy 16a for the amount of water-dependent shorelands available for removal from the inventory.

B. Comprehensive Plan Map Amendment Apply the "Commercial" plan map designation to the shoreland portion of the subject property that is currently designated "Industrial."

C. Coos Bay Municipal Code (CBMC) Text Amendment

1. Create a "Hollering Place" (HP) zoning district. The focus of this district is to provide a tool to strengthen the identity of Empire, ensure compatible development, and communicate the Hollering Place's unique story. The mixed use area includes upper floor residential with retail or workshop uses on the bottom floor, hands-on learning and amenities and attractions which encourage public access to and enjoyment of the waterfront.

This zoning district, which establishes standards and procedures for review and development, is intended to reclaim the area's waterfront heritage and express pride in its past and present by developing Hollering Place as a vital and sustainable mixed use area which includes interpretation of local history and reconnection to the water.

Two subdistricts are proposed within the zoning district:
Upper Bluff Area (HP-1), and,
Lower Bench Area (HP-2).

The intended use of each subdistrict is as follows:

The HP-1 subdistrict is set aside for a wayside and structure(s) to act as a visitor overlook and may include some retail or dining use;

The HP-2 subdistrict is intended for a mixed use development with retail/workshops on the bottom floor and living quarters on the upper floor and an inn/restaurant.

2. Amend the CBMC text to maintain internal consistency. Amend Chapter 17.280 to add limited manufacturing as a conditional use in the HP-2 subdistrict.

D. Zoning Map Amendment
Apply the HP zone to the subject property.

V. APPLICABLE STANDARDS AND CRITERIA

This application involves amendments to acknowledged comprehensive plan provisions and acknowledged land use regulations. Under Oregon's land use statutes, these amendments must be shown to comply with a wide range of standards and criteria, including the following:

- A. Statewide Planning Goals
- B. State Agency Rules
- C. Comprehensive Plan Policies
Procedures and requirements governing amendments to the Coos Bay Comprehensive Plan are set forth in Volume I, Part 1, Chapter 8. These

requirements address notice, citizen participation, and agency coordination. Chapter 8.3 imposes the following requirements for an amendment to the Plan.

1. Identification of new planning problems and issues.
2. Collection and analysis of inventories and other pertinent factual information.
3. Evaluation of alternative courses of action and ultimate policy choices.
4. Selection of appropriate policy directives based upon consideration of social, economic, energy and environmental needs.

D. Coos Bay Municipal Code Provisions

1. Chapter 17.360, Change in Zone Designation
 - a. The change in zone will conform to the policies and objectives of the comprehensive plan.
 - b. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.
 - c. The change will not prevent the use of other land in the vicinity.
 - d. It is appropriate at this time to permit the specific type of development or change in zone into the area which had not previously existed.
 - e. The change will be consistent with the function, capacities and levels of service of facilities identified in the adopted Coos Bay Transportation System Plan.

E. Industrial Lands Agreement

This intergovernmental agreement between Coos County, the cities of Coos Bay and North Bend and the Oregon International Port of Coos Bay was created as a result of the Bay Area Comprehensive Economic Analysis (David Evans & Assoc., 1998) which was adopted into the Coos Bay Comprehensive Plan. The purpose of the agreement is to ensure the timely exchange of information for the maintenance of an adequate supply of industrially zoned, developable lands in the Bay Area. The Bay Area includes the communities of Coos Bay, North Bend and Charleston.

VI. STATEWIDE PLANNING GOALS

A. Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

In 2002 a three-day charrette was held to develop a conceptual plan for the subject property. A broad range of stakeholders and the general public took part. In 2005 the city hired Shoji Planning and Development, LLC, to facilitate a public

process to discuss the Empire Waterfront Concept Vision and to help organize the concept that was developed in 2002. In the summer of 2008, a team was assembled including the Oregon Downtown Development Association, to develop a master plan for the Hollering Place with the intent that development on the subject property complement and connect with the existing business district. Development options were presented to the community as the master plan for the site evolved. Public feedback enabled the master plan to be refined. The final plan was presented and well-received at a public meeting on September 22, 2008. The plan was later adopted by the City Council on December 2, 2008.

B. Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Coos Bay has an acknowledged comprehensive plan and implementing ordinances. Volume I, Chapter 8.3, sets forth the requirements of Goal 2 for an amendment to the comprehensive plan. Chapter 8.3 is addressed below.

The state requirement of land use planning is based upon coordinating the needs of local government with counties, other state and federal agencies, special districts and community organizations. The City will be taking the lead in updating the Intergovernmental Agreement as set forth by the Bay Area Comprehensive Economic Analysis which required written notice of our proposed application to the city of North Bend, Coos County and the Oregon International Port of Coos Bay.

C. Goal 3 – Agricultural Lands

The subject property lies wholly within the city limits of Coos Bay. Agricultural lands are not affected.

D. Goal 4 – Forest Lands

The subject property lies wholly within the city limits of Coos Bay. Forest lands are not affected.

E. Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

It is the intent of the comprehensive plan to inventory, assess and where appropriate, protect those sites, structures or areas within the city of Coos Bay which have local, state or national historic or archaeological significance.

The history of the site is recognized by the "Hollering Place" designation. The Hollering Place was the center for transportation, commerce and communication. A village named Hanisitch (place of the Hanis) was established

on the narrowest crossing of the Coos Bay estuary; the area's original inhabitants recognized the value of this location for anyone traveling along the coast. Southbound travelers would holler across to the village and someone would paddle over to provide passage.

F. Goal 6 – Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

No foreseeable activities associated with the master plan development of the site will invoke the need for state or federal air quality permits. City utilities will be utilized for wastewater and sewage and the Coos Bay North Bend Water Board will provide water for the project.

An environmental cleanup was completed on the subject property in 1997 for Crowley Marine Services, Inc. The property, which is currently vacant, was used as a fuel facility.

Therefore, there are no foreseeable solid waste or other contaminants which will require any sort of environmental permits for the proposed mixed use development.

G. Goal 7 – Areas Subject to Natural Disasters and Hazards.

To protect life and property from natural disasters and hazards.

The entire subject property has been identified on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency as being in the floodplain. The Comprehensive Plan states in Chapter 4.4 that the City participates in the Federal Flood Insurance Program sponsored by HUD, and also exercises sound building code practices to safeguard from unnecessary flood damage.

The entire subject property also lies in the tsunami area as identified by the Tsunami Hazard Map of the Coos Bay Area, Coos County, Oregon, 2002, by the Oregon Department of Geology and Mineral Industries. Comprehensive Plan Chapter 7.1 sets forth Policy NRH.12 which states: Coos Bay recognizes that local and state building codes agencies require building standards that are intended to prevent collapse of structures when they are subjected to earthquake or tsunami forces. [ORD 284 10/19/1999]

These protective measures will be applicable to the subject property. There are no other natural hazards affecting the subject property known at this time.

H. Goal 8 – Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate to provide for the siting of necessary recreational facilities including destination resorts.

There are no recreational activities or uses in the subject area at this time except for the public boat ramp, parking and fish cleaning facilities to the south of the subject property.

I. Goal 9 – Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

When the Coos Bay Estuary Management Plan (CBEMP) was developed, there was an assumption the subject property would develop as an industrial area. While development in this direction seemed logical twenty years ago, increased industrial development in the communities surrounding the Coos Bay Estuary has not occurred.

The 2.11 acres lower bench portion of the subject property would not accommodate today's needs for industrial land or land for back-up requirements. The property to the north is also designated by the CBEMP for water-dependent uses. Newmark Avenue, a 60-foot-wide right of way, separates the property to the north from the subject property. This prevents using the two properties together which would also interfere with public access to the bay.

The Hollering Place Master Plan was adopted by the Coos Bay City Council on December 2, 2008. The Plan includes, not only the property on the lower bench, but also the adjacent property at the southwest corner of Newmark Avenue and Empire Boulevard. The area at the top of the bluff is intended for an overlook and maybe a small retail use.

The Master Plan was developed as a catalyst project to help spur additional development and investment in the Empire District. The Master Plan includes, besides the overlook from Empire Boulevard, retail/cottage clusters, inn/restaurant, facilities for experiential (hands-on) learning (boat building, glass blowing) and a Story Trail to encourage people to learn about the history of the site. There is great interest in rebuilding/replacing the ruined dock in the future and in promoting more water-related activities. The proposed zoning district will allow water-related uses as long as the use meets the intent of the Master Plan.

The existing public boat launch, tie-up, fishing pier, fish cleaning station and restrooms are located south of the subject property. Holland Avenue, which lies adjacent to the south property line of the subject property, is a one-way street heading east to accommodate boat launching. This is not expected to change. The boat launch and docks are very popular and patrons use both Newmark and Mill, and Michigan Avenues to reach the boat launch area.

To the north of the subject property is the newly formed boat building center. The center is in the process of getting up and running and is occupying the old Eureka Fisheries building. The building was leased because the owner stated he would not be using that facility for seafood processing in the future. If the need

arose he would go to Charleston for any processing. The center is expected to have its first building session this spring/summer.

To the east of the subject property are a few existing residences that have been in place for many years. The boat ramp and other uses in the area have been built despite these residences.

Negative impacts from industrial uses to the existing boat ramp and facilities are likely. Traffic, in and out of the water, could cause delays to daily activities of an industrial use. The number of access points is also a limiting factor.

The proposed amendments will help solve the need for additional commercial land and will reduce the surplus of water-dependent/related industrial land.

The 2009 Buildable Lands Inventory, Table 19, Overall Near-and-Long-Term Employment Land Need by Parcel Size, indicates a need for 19 commercial parcels in this size category (1 to 5 acres) in the long term (20-years). The proposed mixed-use will provide employment land although there is no net increase in employment land since the subject property was initially industrial-zoned land. Comprehensive Plan, Volume I, Chapter 7.5, Economic Development, sets forth the following goal and policy:

- 1.4 Focus industrial growth toward areas viable for industrial use; consider rezoning less viable industrial lands for redevelopment consistent with the City's overall vision and emerging market trends.

Language is included in the proposed "Hollering Place" zoning district that requires each phase of development to contain a reasonable balance of use types that will advance the intent of the Hollering Place as a whole; it is not meant to be a single-type use development, that is, all residential or all commercial.

I. Goal 10 - Housing

To provide for the housing needs of the citizens of the state.

The Housing Goal requires that buildable lands for residential use be inventoried and that the city's plan shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households. It also requires the City to allow for flexibility of housing locations, types and densities.

Volume II of the Comprehensive Plan, Chapter 5.4, Table 13, summarizes the difference between the supply of buildable land and the amount of land needed in each zone to meet projected future land needs. This assessment indicates an overall surplus of residential land of nearly 800 acres, not including a small amount of additional commercial land that potentially would be needed to meet a portion of the City's future housing needs.

The information concludes, however, a significant surplus of land is affected by a number of factors. One factor--about a third of the property is over 25 percent slope. The "relative capacity and feasibility of development in these areas will

likely be lower than on other lands in the inventory, potentially overstating the estimated supply. Furthermore, this analysis assumes maximum efficiency of land development on an average basis. This is not necessarily a realistic assumption and also may tend to overestimate the land supply or under estimate the land need.”

The proposed Hollering Place mixed use development will add additional options for housing—mostly living quarters in the upper stories of retail/workshop buildings and perhaps a few single-family dwellings. Phasing, as described in the newly created zoning district will not allow one use type to be developed, but rather requires a balance of uses be developed in each phase.

The housing is intended to be available not just for storeowners or locals, but also for those wishing to stay for the duration of a boat building session, fishing season, a week in the summer, etc.

J. Goal 11 – Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 defines a “timely, orderly and efficient arrangement of public facilities and services” as “a system or plan that coordinates the type, location, and delivery of public facilities and service in a manner that best supports the existing and proposed land uses.”

The subject property is located at the west end of the Empire business district. All urban facilities and service are available including police and fire protection, sanitary facilities, storm drainage facilities, communication services, community governmental services and health facilities. Public facilities and services were utilized by uses that existed in the area in the past.

The proposed amendments will change the demand from an industrial demand to a retail/residential type demand.

K. Goal 12 – Transportation

To provide and encourage a safe, convenient and economic transportation system.

OAR 660-12-0060, Plan and Land Use Regulation Amendments, requires that amendments to acknowledged plans and land use regulations which significantly affect a transportation facility shall assure that the allowed uses are consistent with the identified function, capacity, and level of service of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it:

- a. Changes the functional classification of an existing or planned transportation facility;
- b. Changes standards implementing a functional classification system:

- c. Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility;

Or,

- d. Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.

Newmark Avenue and Empire Boulevard are both classified as arterials by the Coos Bay Transportation System Plan. The amendments will not change these classifications. Newmark Avenue west of Empire Boulevard is considered as an arterial also. Mill Street, which runs through the eastern part of the lower bench of the subject property, is considered a local street which provides access to the public boat launch facility and a few houses located south of the subject property and east of the street.

Michigan Avenue, the next street to the south and running parallel to Newmark, is considered a neighborhood route. Michigan provides access to a small apartment complex and a few privately owned residences and businesses. Michigan intersects with Mill Street.

The number of proposed access points from Empire Boulevard will not change. Access points off of Newmark and Mill Street, abutting the subject property, will be defined by the development although access to the existing boat ramp will not change. New arterials and collectors will not be necessary to accommodate the mixed use development.

A traffic impact study was completed by Lancaster Engineering in 2007 for the subject area. Recommendations from the study, in brief, are as follows:

1. Michigan Avenue should be widened between Mill Street and Empire Boulevard to accommodate two directions of travel; a sidewalk should be included on at least one side unless pedestrians are directed to the hill at Newmark Avenue to make use of the planned sidewalks at that location;
2. Existing traffic should be allowed to use either Michigan or Newmark Avenues to help disperse traffic impacts and minimize delay at the intersections with Empire Boulevard;
3. Similarly, entering traffic should be allowed at both Newmark and Michigan Avenues. With entering traffic at both locations, northbound left-turn lanes on Empire Boulevard are not recommended.
4. Prominent signing should be installed that directs drivers visiting the Hollering Place to the west on both Michigan and Newmark Avenues. The entrance to the viewing area on top of the hill should appear to be a secondary entrance to avoid significant congestion that could affect the operation of Empire Boulevard.
5. When the parking area and accesses to Empire Boulevard are designed, it is recommended that the north/south circulation aisle for the parking area be separated from Empire Boulevard to the maximum extent possible.

6. "DO NOT ENTER" signs should be installed at the southern end of the north/south circulation aisle closest to Empire Boulevard to avoid driver confusion and wrong-way travel.

Due to its large size, the traffic impact study is available for review upon request.

L. Goal 13 – Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

The subject property will include commercial and residential uses. The development will offer the opportunity for those who own a business on site to live above the business rather than commute. Likewise, those partaking in the proposed experiential learning opportunities may opt for living on-site for the duration of a lengthy project. This will promote energy conservation.

M. Goal 14 – Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

This goal requires that comprehensive plans provide for an orderly and efficient transition from rural to urban use and from urbanizable to urban status. Goal 14 does not apply because the subject property was developed for urban uses in the past.

N. Goal 16 – Estuarine Resources

To recognize and protect the unique environmental, economic and social values of each estuary and associated wetlands.

Goal 16 requires maintaining diverse resources, values and benefits by classifying the estuary into distinct water use management units, considering adjacent upland characteristics and existing land uses, compatibility with adjacent uses and other factors.

The portion of the estuary adjacent to the subject property is designated by the Coos Bay Estuary Management Plan as an aquatic development unit, 54-DA (Development Aquatic). This unit extends east of the deep-draft channel beginning at a line Northwest from the North end of Cape Arago Mill and ending at a line that projects at an angle from the shoreline North from an extension of Johanneson Avenue and then runs Southwest 100 feet South of a city pier. The management objective for the unit states the aquatic unit shall be managed to maintain water access for water-dependent/related industrial and recreational uses located in the upland.

An "exception" was taken for the "development" designation, Exception #4, to permit dredge, fill and other activities associated with moorage and access to water-dependent shoreland uses. Findings for the exception states the "Empire waterfront will continue to be used for barge and fishing boat access for unloading, and recreational access via the

boat ramp near Holland Street. The narrow tidal flat adjacent to the shore may need to be altered at some time by dredging, fill or other activities necessary to develop shallow-draft access to the shore for expansion of existing uses in this area.”

The proposed plan and ordinance amendments will not change the uses and activities that may be allowable in this aquatic estuarine management unit. Water-related uses on the subject property are likely—the rental of crab rings, wind surfboards, etc. As set forth in the newly create “Hollering Place” zoning district, water-dependent/related uses may be permitted as long as the intent of the master plan is met.

O. Goal 17 - Coastal Shorelands

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.

The Bay Area Comprehensive Economic Analysis (BACEA), 1998, adopted into the Comprehensive Plan, provides the documentation that the need for water-dependent land is expected to remain relatively constant with current needs.

Under Goal 17, as amended in 1999, the city is required to protect a minimum of 76.18 acres of suitable estuarine shorelands for water-dependent use. This acreage amount is the result of an inventory completed in 1999 indicating there are 106.83 acres designated as “water-dependent.” The acreage is then broken down into categories showing acreage currently and formerly in water-dependent use. Also considered was whether or not a structure remained for water-dependent access, and if the site was never in water-dependent use.

Therefore, the Goal 17 changes, inventory and adopted BACEA enables the city to remove 2.04 acres of the subject property from a water-dependent designation.

The acreage that will remain designated for water-dependent uses satisfies the locational and suitability requirements because the designation of these areas as “especially suited for water dependent uses” was previously acknowledged as complying with the Statewide Planning Goals without requiring a Goal 2 exception to designate significant coastal natural resource areas for water-dependent development.

OAR660-037-0090(1) requires that any amendment to an acknowledged comprehensive plan or land use regulation that redesignates shoreland previously classified as “especially suited for water-dependent” uses must comply with all applicable Statewide Planning Goals. The goals are addressed by the findings set forth in this document.

OAR660-037-0090(2) encourages local governments to provide for water-related and water-oriented uses at such sites as much as possible. As stated under Goal 16, water-dependent/related uses may be permitted on the subject property as long as the intent of the master plan is met. The connection to the existing public boat ramp and dock is natural and will likely encourage additional uses.

O. Goal 18 Beaches and Dunes

This goal does not apply.

P. Goal 19 - Ocean Resources

To conserve the long-term values, benefits and natural resources of the nearshore ocean and the continental shelf.

This goal does not apply.

CONCLUSIONS: The Statewide Planning Goals have been adequately addressed to justify the proposed plan amendments, rezone and code amendments. The location and setting for implementation of the Hollering Place Master Plan will provide opportunities to revitalize the Empire area and provide activities necessary for the health, welfare and prosperity of the city. The subject property will remain "employment land."

VII. Comprehensive Plan, Volume I, Chapter 8.3, Land Use and Community Development Planning (CBMC 17.380.040(2))

This chapter includes the following standards for approving amendments to the comprehensive plan.

1. Identification of new planning problems and issues.

The Hollering Place was the center for transportation, commerce and communication before the first Europeans sailed into the Coos Bay estuary. A village named Hanisitch (place of the Hanis) on the narrowest crossing of the Coos Bay estuary, the area's original inhabitants recognized the value of this location for anyone traveling along the coast. Southbound travelers would holler across to the village and someone would paddle over to provide passage. The Hollering Place became the site of the first European settlement in what would later become Coos County.

The small port community grew to become Empire City, the first Coos County seat. The county seat was eventually moved to Coquille and over time the city was incorporated into the city of Coos Bay.

The site was purchased by the City in 2001 from Crowley Marine Services. The site was formerly owned by the Drummond Lighterage which used the property for fuel services. When the city purchased the property it had been vacant for about 12 years according to the Coos County Assessor's Office. In 1991 environmental correction work was completed by Crowley Marine Services and a "no further action" determination was issued by the Oregon Department of Environmental Quality.

The subject property has fallen victim to changing economic forces which has reduced the need for small water-dependent industrial properties. This fact, combined with zoning conditions which have restricted opportunities to pursue commercial and even residential use alternatives, have deprived the area of new investment. The dock was examined in 2002 by engineer William F. Dilley & Associates and concluded that rather than attempt to rebuild the wood pier, it would be prudent to construct a new pier using more efficient materials. As discussed above, the 1998 BACEA indicates that the

amount of land needed for water-dependent industrial uses does not exceed the amount of land currently in use.

The existing boat launch facilities to the south of the subject property are very popular with locals and visitors alike. The newly formed boat building center to the north is likely to also become a popular attraction for both locals and visitors.

2. Collection and analysis of inventories and other pertinent factual information.

When the Coos Bay Estuary Management Plan was developed, it was assumed that the subject property would develop as an industrial area, which seemed logical at the time; however, the development did not occur, or at best was short lived. The small size of the property would not accommodate today's berthing requirements and/or land backup requirements.

As discussed above, the BACEA indicates that no water-dependent industrial land is needed beyond the amount that is currently in use. Even though a structure that once functioned as a dock is partially standing, the engineer's review, as discussed in 1, above, indicates the dock would need to be demolished and rebuilt. As concluded in the BACEA, allowing new zoning for mixed uses will help alleviate the projected deficit of land designated for commercial use and at the same time reduce the projected surplus of industrial, water-dependent zoned land.

3. Evaluation of alternative courses of action and ultimate policy choices.

The most obvious course of action is to take no action. If no action is taken, it is likely that the subject property will continue as vacant land. It does not appear that the need for economic diversification as a result of the economy shifting away from a predominately natural resources base will change.

4. Selection of appropriate policy directives based upon consideration of social, economic energy and environmental needs.

The city recognizes the need to create an understanding of the community's heritage and historical connections to the waterfront while enhancing its cultural, recreational and economic vitality. Conveying the early waterfront culture to the public is a goal of the proposed development as seen by the "Story Trail" meant to encourage people to learn about the Hollering Place and its history. The proposed development will provide an opportunity to diversify the economy of the community and encourage public access and enjoyment of the waterfront.

When the Coos Bay Estuary Management Plan was developed, it was assumed that the subject property would develop as an industrial site, which seemed logical at the time; however, the development occurred only for a short time. In addition, the subject property contains only 2.11 acres and does not accommodate today's berthing or backup requirements. Reliance on natural resource based industries has declined.

Providing for mixed uses will provide increased retail-commercial land base along with a unique opportunity for living quarters. The experiential/hands-on learning is meant to

brand the development, increasing awareness of the area as well as provide for activity that may fuel demand. If this program element does not prove viable, the area may be developed consistent with the remainder of the site with a mix of cottages and retail space.

Comprehensive Plan, Volume I, Chapter 7.5, Economic Development, Policy 2.3, in part, states: "...the city will pursue the implementation of the Hollering Place Master Plan to create a public activity area on the waterfront that serves residents and visitors and connects with the existing business district."

These findings and the findings under III, I, Statewide Planning Goal 9, demonstrate the decision to allow mixed use is responsive to the social, economic, energy and environmental needs of this area.

The plan strategies/policies relevant to the proposed amendments have been identified below:

a. Strategy NRH.5:

Coos Bay shall continue to participate in the National Flood Insurance Program of the U.S. Department of Housing and Urban Development, recognizing that participation in this program substantially insures the health and well being of its residents and allows city residents to benefit from subsidized flood insurance rates.

b. Strategy NRH.6:

Coos Bay shall require that construction in floodprone areas shall meet certain flood proofing standards such as structure orientation to flood flow, flotation prevention measures, and a minimum elevation of the lowest story.

A portion of the lower bench of the subject property is identified as floodplain on FIRM (Federal Insurance Rate Maps). The city participates in the Federal Flood Insurance Program sponsored by HUD and also exercises sound building code practices to safeguard from unnecessary flood damage.

c. Strategy EC.4:

Coos Bay shall promote development along major transportation corridors by zoning lands adjacent to such corridors to allow commercial, industrial, and multi-family development except where such areas are irreversibly committed to low density residential development. However, ingress/egress to such development shall be designed so that it does not restrict traffic flow on the arterial streets. The city recognizes that intense development, along major transportation corridors conserves energy by providing shorter, direct access to homes and trade and service areas.

d. Strategy EC.6:

Coos Bay shall attempt to site residential apartment development in appropriate areas within or on the fringe of commercially zoned areas, recognizing that such

uses conserve energy by the centralized location of achieving the goal of "infilling," and by maximizing the potential of land uses within developed areas of the city. This strategy shall not supersede the strategy dealing with protection of the integrity of established residential neighborhoods.

e. Strategy EC.8:

Coos Bay shall encourage the "infilling" development of undeveloped parcels of land, within the city limits for residential and commercial purposes, recognizing that such development, located in the vicinity of established traffic corridors and in areas already serviced by electrical, sewer and water lines, are more energy efficient than new construction in "unserviced" undeveloped areas.

The subject property is serviced and located in a developed area of the city. The subject property is suitable for infilling and for more intense uses.

While traffic circulation patterns may need to be modified, existing city streets will be utilized. New arterials and collectors will not be necessary to accommodate the mixed use development.

f. Strategy R.5:

Coos Bay shall utilize small city-owned, deeded, or dedicated undeveloped areas as open space, recognizing that open space alone is recreationally valuable.

The uses and facilities to be included in the Hollering Place will provide recreational opportunities for future generations.

g. From Chapter 7.5, Economic Development:

1. Policy 2.3

Pursue the implementation of the Hollering Place Master Plan, adopted December 2, 2008, to create a public activity area on the waterfront that serves residents and visitors; rebuild the dilapidated dock to promote more water-related activities; and, complement surrounding properties while connecting with the existing business district. A plan amendment from industrial to commercial or mixed-use will be required.

2. Policy 6.3

Promote the waterfront as key to a recreational center and opportunity to increase awareness of Coos Bay's rich maritime and logging history.

3. Policy 6.5

Promote eco-tourism activities and the exploration and enjoyment of our natural surroundings.

g. From Chapter 7.6, Housing:

1. Policy 1.1

Coos Bay will continue to update its zoning provisions to allow for construction to provide a wide range of housing available at varied prices and rent ranges, and allow for flexible site and architectural design.

2. Goal 5

Allow for, encourage and support the development of housing units in conjunction with commercial development (eg., housing located above commercial uses).

CONCLUSION: The Hollering Place Master Plan has put in place the tools for revitalizing the Empire area and allowing new development to take advantage of the natural amenities of the site and the existing man-made amenities, such as the public boat launch and boat building center, while providing a mix of uses and unique living opportunities.

VII. COOS BAY MUNICIPAL CODE REZONE CRITERIA

Coos Bay Municipal Code Chapter 17.360, Change in Zone Designation, establishes the following standards for approving rezones:

A. The change in zone will conform to the policies and objectives of the comprehensive plan.

The portion of the subject property on the upper bluff is currently designated Commercial by the Comprehensive Plan. The area on the lower bench, which is currently designated Industrial, will be changed to Commercial plan designation.

Plan Policy 2.3 in Chapter 7.5 supports the implementation of the Hollering Place Master Plan. Other plan strategies/policies pertaining to the proposed rezone are discussed in VI, 4, above.

B. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.

The area east of the subject property is zoned General Commercial (C-2) and is the developed Empire business district along with some residences. East-southeast are a couple of residences that have been there for many years. To the north of the subject property is property zoned Waterfront Industrial (W-I) and Coos Bay Estuary Management Plan 54-UW owned by Sause Bros an ocean towing company. The property was used for log storage many years ago, but small buildings on the site are now used exclusively as offices and a training center. To the north is also a dilapidated building that is currently being repaired to make it usable for a boat building center. This is the former site of Eureka Fisheries, later purchased by OPAC, Inc. The city is leasing the facility. OPAC has stated they will not be using the facility any more for fish processing due to the downfall in the fishing industry. If necessary they will use the facility in Charleston.

The area to the south of the subject property, zoned W-I and CBEMP 54-UW, is the public boat launch facility, parking facility and fish cleaning station. Further south is a Coast Guard Station building, and private property with buildings some of which are used for boat building.

To the west is the bay.

The proposed mixed use development is compatible with the surrounding districts. Commercial development adjoins the subject area although it is geographically separated by Empire Boulevard. The proposed development will complement the boat launch facility and dock by providing the opportunity for more varied activity for those using the facilities. The area to the north is separated by the 60-foot-wide Newmark Avenue right of way. Impacts from the proposed development should be contained on the subject property.

The zone change provides an opportunity for the city and its citizens to diversify the economy of the community by developing a mixed-use area which includes amenities, the opportunity to take part in small retail/workshop experiential opportunities and an alternative living style for people with different needs.

C. The change will not prevent the use of other land in the vicinity.

The area to the south is developed with an existing public boat ramp. Market conditions have left property and facilities to the north of the subject property, across Newmark Avenue, vacant or partially used for many years. The zone change provides an opportunity for the city and its citizens to diversify the economy of the community by developing a mixed-use area to include commercial, residential and a workshop/experiential learning atmosphere. This in turn may encourage development on the property to the north.

A boat building center is in the process of being established to the north of the subject property. It will likely draw users to the proposed development and create a need for overnight accommodations to participate in a longer program.

It is likely that the residential portion of the development will be for short-term occupancy because of the limitation to the size of the living spaces. It is possible the living spaces will be occupied by participants in workshop programs, or visitors for a few days of fishing.

If a water-dependent use were to reestablish on the property to the north, chances are it would provide an added dimension and opportunity for citizens and visitors to experience a working waterfront. The 60-foot-wide Newmark Avenue right of way would provide a buffer for the subject property.

D. It is appropriate at this time to permit the specific type of development or change in zone into the area which had not previously existed.

When the Coos Bay Estuary Management Plan was developed, there was an assumption the subject property, that is, the lower bench portion, would develop as an industrial area. While development in this direction seemed logical twenty years ago, increased industrial development in the communities surrounding the Coos Bay Estuary

has not occurred. In addition, the size of the property does not accommodate today's berthing requirements and/or land backup requirements. The historical dependence of Oregon's economic base on agricultural and forest products industries has declined over the past four decades and has been replaced by a much broader range of industrial and service activity.

The Oregon Land Conservation and Development Commission amendments to Goal 17 (Coastal Shorelands) in 1999 has enabled the city to remove the water-dependent requirement for that portion of the subject property located on the lower shelf. This is the portion of the subject property that lies within the Coos Bay Estuary Management Plan.

CONCLUSIONS: Implementation of the Hollering Place Master Plan will provide unique opportunities in the area that will take advantage of the location and ambiance of the area while at the same time allowing new development with a mix of uses to take place and integrate with the existing development in all directions. Water-dependent activity to the north of the subject property would provide additional interest from participants and visitors.

VIII. INDUSTRIAL LANDS AGREEMENT

As required by the Bay Area Industrial Lands Cooperative Planning Agreement, the city of Coos Bay sent notice of the proposed action to the parties of the agreement on March 12, 2010.

IX. CONCLUSION

The standards and criteria listed above have been adequately addressed and approval of the proposal can be supported.

X. STAFF RECOMMENDATION

Staff finds that there is sufficient evidence to support approval of the proposed plan and code amendments. Therefore, staff recommends the Planning Commission recommend adoption of the plan amendments and rezone and enact the code text amendments, provided testimony during the public hearing does not render these conclusions unjustified.

XI. PLANNING COMMISSION RECOMMENDATION

The Planning Commission must make a recommendation to the City Council on the proposal (ZON2010-00015) to amend the Coos Bay Comprehensive Plan 2000 and Coos Bay Municipal Code based on the findings, justifications and conclusions set forth above.

ORDINANCE NO. 434

AN ORDINANCE CHANGING THE ZONING DESIGNATION FOR CERTAIN REAL PROPERTY FROM "WATERFRONT INDUSTRIAL" AND "GENERAL COMMERCIAL" TO "HOLLERING PLACE"

WHEREAS, the City of Coos Bay has filed an application, hereinafter referred to as the Application, to legislatively amend the Coos Bay Municipal Code for certain real property located within the corporate limits of the City of Coos Bay as follows:

Redesignate Blocks 7 and 12, east of the mean high water line, Beltline Railroad Addition, and Block 12, Lot 4, Plat of Empire City, from "Waterfront Industrial (W-I)" to "Hollering Place (HP);" and,

Redesignate Block 25, Lots 2 through 8 and the northerly portion of vacated Holland Avenue, Plat of Empire City from "General Commercial (C-2)" to "Hollering Place (HP)."

WHEREAS, notice that public hearing upon the Application would be held before the city of Coos Bay Planning Commission (the Commission) on May 11, 2010 and public hearing would be held before the Coos Bay City Council on June 15, 2010 was published in "The World," a newspaper of general circulation within Coos County, Oregon, on April 28, 2010;

WHEREAS, notice of public hearings was mailed on April 16, 2010 to all landowners within 250 feet of the area being rezoned;

WHEREAS, provisions in the Coos Bay Municipal Code relating to notice have been complied with; and,

WHEREAS, public hearing was held on the Application on May 11, 2010, and after receiving evidence and hearing testimony, the Commission recommended approval of the Application.

NOW THEREFORE, the City Council of City of Coos Bay ordains as follows:

Section 1. The Commission's Findings and Conclusions supporting its recommended approval of the Application are attached hereto as "Exhibit A" and incorporated herein by reference.

Section 2. The City Council of the Coos Bay, after considering the Commission's Findings and Conclusions, hereby adopts the Findings and Conclusions, and finds the Application should be granted.

Section 3. The designation in the Coos Bay Municipal Code of certain real property located within the corporate limits of the City of Coos Bay as described above are hereby changed from "Waterfront Industrial (W-I)" and "General Commercial (C-2)" to "Hollering Place (HP)."

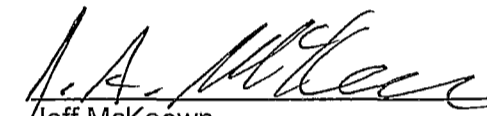
Section 4. The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

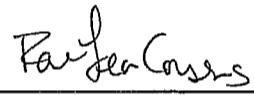
The foregoing ordinance was enacted by the City Council of the City of Coos Bay the 15th day of June 2010.

Yes: Mayor Jeff McKeown and Councilors Mark Daily, Jon Eck, Joanie Johnson, and Gene Melton.

No: None

Absent: Councilors Stephanie Kramer and John Pundt.


Jeff McKeown
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST: 
Rae Lea Cousens
City Recorder of the City of Coos Bay
Coos County, Oregon

FINDINGS AND CONCLUSIONS

EXHIBIT A

I. BACKGROUND

The subject property, the Hollering Place, is located west of Empire Boulevard, south of Newmark Avenue, east of the bay and north of Holland Avenue. The Hollering Place was the center for transportation, commerce and communication before the first Europeans sailed into the Coos Bay estuary.

Hollering Place, or Ellekatitch as the Coos Indians called it, was on the North Spit directly across the bay from their villages at present Empire. People traveling south along the beach route would holler over to the villages for someone to paddle over and provide passage.

The City purchased the subject property in 2001. The Hollering Place Master Plan has been created to provide a vision which will encourage economic diversification while providing an opportunity for local citizens and visitors to connect with and enjoy this section of the waterfront which has played a historical role in the region's past.

The Coos Bay City Council recognizes that a sense of community pride and identity, and a healthy visitor industry are important for the future health and vitality of the City. Development of the Hollering Place will encourage economic revitalization of the Empire business district.

II. PURPOSE

The city initiated the proposed comprehensive plan, rezone and Code amendments with the intent of facilitating the revitalization of the Empire business district. The Hollering Place Master Plan is the culmination of the vision for realistic redevelopment opportunities for the Hollering Place site and still connects with the history of the site. The master plan is intended to be flexible, to provide guidelines for development, but not to control all aspects of potential development. The City's objectives are:

- To create a public activity area on the waterfront that serves residents and visitors;
- To complement surrounding properties and connect with the existing business district; and
- To provide an active mix of public, commercial, residential, and experiential uses.

III. SITE

The subject property is located at the junction of Newmark Avenue and Empire Boulevard (Cape Arago Highway) and contains a total of 2.95 acres. The upper bluff contains .84 acre and the lower bench contains 2.11 acres. The upper bluff is the terminating vista heading west through Empire before making a left turn to continue south. The site is identified as follows:

The upper bluff (T. 25, R. 13, S. 20BB):

Block 25, Lots 5-8, Plat of Empire City, also described as Tax Lot 6000, except for the west 30 feet of Lot 8; and,
Block 25, Lots 2-4, a portion of vacated Holland Avenue, Plat of Empire City, also described as Tax Lot 6700.

The lower bench (T. 25, R. 13, S. 19AA): Block 12, Lots 1-3 and 5-8, and the area above the mean high water line described as Block 7, Lots 6-14, Belt Line Railroad Addition to Empire City), also described as Tax Lot 300; Block 12, Lot 4, Plat of Empire City, also described as Tax Lot 301; also, S. 19AA, Block 25, approximately the west 30 feet of Lot 8, Plat of Empire City.

Currently, the upper bluff area is zoned "General Commercial (C-2)." The plan designation is "Commercial (C)." The lower bench, except for the area east of Mill Street, is zoned "Waterfront Industrial (W-I)" and Coos Bay Estuary Management Plan (CBEMP) 54-UW (Urban Water-dependent). The plan designation is "Industrial (I)."

The area west of Mill Street is zoned "C-2" and is designated "Commercial (C)" by the Plan.

The area below the mean high water line is designated CBEMP 54DA (Development Aquatic).

The site's physical condition varies. The bluff portion is relatively flat and open. Currently, thick vegetation keep people away from the bluff's sharp drop off. Newmark Avenue, as it continues down the hill from Empire Boulevard, is a narrow cut with the property's steep slope adjacent to the roadway. The grade change between the upper bluff and lower portion, or bench, is approximately 30 feet. Both the upper bluff and the lower bench are vacant.

A large dock lies in ruins from the site into the bay. Directly south of the lower bench, are a public boat launch, tie-up, fishing pier and public parking lot with a cleaning station and public restrooms. Nearby are Coast Guard offices, residential and industrial uses and vacant lots.

IV. ELEMENTS OF THE PROPOSED AMENDMENTS

- A. Comprehensive Plan Text Amendments
 - 1. Volume I, Part 1, Plan Policies, amend Chapter 9.1, Plan Objectives, Commercial Areas, Objective 2, Implementation, to add the new Hollering Place (HP) zoning designation and to add an explanation for the purpose of the new designation.
 - 2. Volume III, Part 1, Coos Bay Estuary Management Plan (CBEMP), Plan Provisions
 - a. Amend shoreland unit 54-UW (urban water-dependent) to allow the uses set forth by newly created zoning district Hollering Place (HP).
 - b. Revise Bay-wide Policy 16a to reflect the change in acreage available for removal from the water-dependent designation.
 - 3. Volume III, Part 2, Inventories and Factual Base, amend 5.0, Social and Economic Resources Characteristics, to reference Policy 16a for the amount of water-dependent shorelands available for removal from the inventory.

B. Comprehensive Plan Map Amendment Apply the "Commercial" plan map designation to the shoreland portion of the subject property that is currently designated "Industrial."

C. Coos Bay Municipal Code (CBMC) Text Amendment

1. Create a "Hollering Place" (HP) zoning district. The focus of this district is to provide a tool to strengthen the identity of Empire, ensure compatible development, and communicate the Hollering Place's unique story. The mixed use area includes upper floor residential with retail or workshop uses on the bottom floor, hands-on learning and amenities and attractions which encourage public access to and enjoyment of the waterfront.

This zoning district, which establishes standards and procedures for review and development, is intended to reclaim the area's waterfront heritage and express pride in its past and present by developing Hollering Place as a vital and sustainable mixed use area which includes interpretation of local history and reconnection to the water.

Two subdistricts are proposed within the zoning district:
Upper Bluff Area (HP-1), and,
Lower Bench Area (HP-2).

The intended use of each subdistrict is as follows:

The HP-1 subdistrict is set aside for a wayside and structure(s) to act as a visitor overlook and may include some retail or dining use;

The HP-2 subdistrict is intended for a mixed use development with retail/workshops on the bottom floor and living quarters on the upper floor and an inn/restaurant.

2. Amend the CBMC text to maintain internal consistency. Amend Chapter 17.280 to add limited manufacturing as a conditional use in the HP-2 subdistrict.

D. Zoning Map Amendment

Apply the HP zone to the subject property.

V. APPLICABLE STANDARDS AND CRITERIA

This application involves amendments to acknowledged comprehensive plan provisions and acknowledged land use regulations. Under Oregon's land use statutes, these amendments must be shown to comply with a wide range of standards and criteria, including the following:

- A. Statewide Planning Goals
- B. State Agency Rules
- C. Comprehensive Plan Policies
Procedures and requirements governing amendments to the Coos Bay Comprehensive Plan are set forth in Volume I, Part 1, Chapter 8. These

requirements address notice, citizen participation, and agency coordination. Chapter 8.3 imposes the following requirements for an amendment to the Plan.

1. Identification of new planning problems and issues.
2. Collection and analysis of inventories and other pertinent factual information.
3. Evaluation of alternative courses of action and ultimate policy choices.
4. Selection of appropriate policy directives based upon consideration of social, economic, energy and environmental needs.

D. Coos Bay Municipal Code Provisions

1. Chapter 17.360, Change in Zone Designation
 - a. The change in zone will conform to the policies and objectives of the comprehensive plan.
 - b. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.
 - c. The change will not prevent the use of other land in the vicinity.
 - d. It is appropriate at this time to permit the specific type of development or change in zone into the area which had not previously existed.
 - e. The change will be consistent with the function, capacities and levels of service of facilities identified in the adopted Coos Bay Transportation System Plan.

E. Industrial Lands Agreement

This intergovernmental agreement between Coos County, the cities of Coos Bay and North Bend and the Oregon International Port of Coos Bay was created as a result of the Bay Area Comprehensive Economic Analysis (David Evans & Assoc., 1998) which was adopted into the Coos Bay Comprehensive Plan. The purpose of the agreement is to ensure the timely exchange of information for the maintenance of an adequate supply of industrially zoned, developable lands in the Bay Area. The Bay Area includes the communities of Coos Bay, North Bend and Charleston.

VI. STATEWIDE PLANNING GOALS

A. Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

In 2002 a three-day charrette was held to develop a conceptual plan for the subject property. A broad range of stakeholders and the general public took part. In 2005 the city hired Shoji Planning and Development, LLC, to facilitate a public

process to discuss the Empire Waterfront Concept Vision and to help organize the concept that was developed in 2002. In the summer of 2008, a team was assembled including the Oregon Downtown Development Association, to develop a master plan for the Hollering Place with the intent that development on the subject property complement and connect with the existing business district. Development options were presented to the community as the master plan for the site evolved. Public feedback enabled the master plan to be refined. The final plan was presented and well-received at a public meeting on September 22, 2008. The plan was later adopted by the City Council on December 2, 2008.

B. Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Coos Bay has an acknowledged comprehensive plan and implementing ordinances. Volume I, Chapter 8.3, sets forth the requirements of Goal 2 for an amendment to the comprehensive plan. Chapter 8.3 is addressed below.

The state requirement of land use planning is based upon coordinating the needs of local government with counties, other state and federal agencies, special districts and community organizations. The City will be taking the lead in updating the Intergovernmental Agreement as set forth by the Bay Area Comprehensive Economic Analysis which required written notice of our proposed application to the city of North Bend, Coos County and the Oregon International Port of Coos Bay.

C. Goal 3 – Agricultural Lands

The subject property lies wholly within the city limits of Coos Bay. Agricultural lands are not affected.

D. Goal 4 – Forest Lands

The subject property lies wholly within the city limits of Coos Bay. Forest lands are not affected.

E. Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

It is the intent of the comprehensive plan to inventory, assess and where appropriate, protect those sites, structures or areas within the city of Coos Bay which have local, state or national historic or archaeological significance.

The history of the site is recognized by the "Hollering Place" designation. The Hollering Place was the center for transportation, commerce and, communication. A village named Hanisitch (place of the Hanis) was established

on the narrowest crossing of the Coos Bay estuary; the area's original inhabitants recognized the value of this location for anyone traveling along the coast. Southbound travelers would holler across to the village and someone would paddle over to provide passage.

F. Goal 6 – Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

No foreseeable activities associated with the master plan development of the site will invoke the need for state or federal air quality permits. City utilities will be utilized for wastewater and sewage and the Coos Bay North Bend Water Board will provide water for the project.

An environmental cleanup was completed on the subject property in 1997 for Crowley Marine Services, Inc. The property, which is currently vacant, was used as a fuel facility.

Therefore, there are no foreseeable solid waste or other contaminants which will require any sort of environmental permits for the proposed mixed use development.

G. Goal 7 – Areas Subject to Natural Disasters and Hazards.

To protect life and property from natural disasters and hazards.

The entire subject property has been identified on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency as being in the floodplain. The Comprehensive Plan states in Chapter 4.4 that the City participates in the Federal Flood Insurance Program sponsored by HUD, and also exercises sound building code practices to safeguard from unnecessary flood damage.

The entire subject property also lies in the tsunami area as identified by the Tsunami Hazard Map of the Coos Bay Area, Coos County, Oregon, 2002, by the Oregon Department of Geology and Mineral Industries. Comprehensive Plan Chapter 7.1 sets forth Policy NRH.12 which states: Coos Bay recognizes that local and state building codes agencies require building standards that are intended to prevent collapse of structures when they are subjected to earthquake or tsunami forces. [ORD 284 10/19/1999]

These protective measures will be applicable to the subject property. There are no other natural hazards affecting the subject property known at this time.

H. Goal 8 – Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate to provide for the siting of necessary recreational facilities including destination resorts.

There are no recreational activities or uses in the subject area at this time except for the public boat ramp, parking and fish cleaning facilities to the south of the subject property.

I. Goal 9 – Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

When the Coos Bay Estuary Management Plan (CBEMP) was developed, there was an assumption the subject property would develop as an industrial area. While development in this direction seemed logical twenty years ago, increased industrial development in the communities surrounding the Coos Bay Estuary has not occurred.

The 2.11 acres lower bench portion of the subject property would not accommodate today's needs for industrial land or land for back-up requirements. The property to the north is also designated by the CBEMP for water-dependent uses. Newmark Avenue, a 60-foot-wide right of way, separates the property to the north from the subject property. This prevents using the two properties together which would also interfere with public access to the bay.

The Hollering Place Master Plan was adopted by the Coos Bay City Council on December 2, 2008. The Plan includes, not only the property on the lower bench, but also the adjacent property at the southwest corner of Newmark Avenue and Empire Boulevard. The area at the top of the bluff is intended for an overlook and maybe a small retail use.

The Master Plan was developed as a catalyst project to help spur additional development and investment in the Empire District. The Master Plan includes, besides the overlook from Empire Boulevard, retail/cottage clusters, inn/restaurant, facilities for experiential (hands-on) learning (boat building, glass blowing) and a Story Trail to encourage people to learn about the history of the site. There is great interest in rebuilding/replacing the ruined dock in the future and in promoting more water-related activities. The proposed zoning district will allow water-related uses as long as the use meets the intent of the Master Plan.

The existing public boat launch, tie-up, fishing pier, fish cleaning station and restrooms are located south of the subject property. Holland Avenue, which lies adjacent to the south property line of the subject property, is a one-way street heading east to accommodate boat launching. This is not expected to change. The boat launch and docks are very popular and patrons use both Newmark and Mill, and Michigan Avenues to reach the boat launch area.

To the north of the subject property is the newly formed boat building center. The center is in the process of getting up and running and is occupying the old Eureka Fisheries building. The building was leased because the owner stated he would not be using that facility for seafood processing in the future. If the need

arose he would go to Charleston for any processing. The center is expected to have its first building session this spring/summer.

To the east of the subject property are a few existing residences that have been in place for many years. The boat ramp and other uses in the area have been built despite these residences.

Negative impacts from industrial uses to the existing boat ramp and facilities are likely. Traffic, in and out of the water, could cause delays to daily activities of an industrial use. The number of access points is also a limiting factor.

The proposed amendments will help solve the need for additional commercial land and will reduce the surplus of water-dependent/related industrial land.

The 2009 Buildable Lands Inventory, Table 19, Overall Near-and-Long-Term Employment Land Need by Parcel Size, indicates a need for 19 commercial parcels in this size category (1 to 5 acres) in the long term (20-years). The proposed mixed-use will provide employment land although there is no net increase in employment land since the subject property was initially industrial-zoned land. Comprehensive Plan, Volume I, Chapter 7.5, Economic Development, sets forth the following goal and policy:

1.4 Focus industrial growth toward areas viable for industrial use; consider rezoning less viable industrial lands for redevelopment consistent with the City 's overall vision and emerging market trends.

Language is included in the proposed "Hollering Place" zoning district that requires each phase of development to contain a reasonable balance of use types that will advance the intent of the Hollering Place as a whole; it is not meant to be a single-type use development, that is, all residential or all commercial.

I. Goal 10 - Housing

To provide for the housing needs of the citizens of the state.

The Housing Goal requires that buildable lands for residential use be inventoried and that the city's plan shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households. It also requires the City to allow for flexibility of housing locations, types and densities.

Volume II of the Comprehensive Plan, Chapter 5.4, Table 13, summarizes the difference between the supply of buildable land and the amount of land needed in each zone to meet projected future land needs. This assessment indicates an overall surplus of residential land of nearly 800 acres, not including a small amount of additional commercial land that potentially would be needed to meet a portion of the City's future housing needs.

The information concludes, however, a significant surplus of land is affected by a number of factors. One factor--about a third of the property is over 25 percent slope. The "relative capacity and feasibility of development in these areas will

likely be lower than on other lands in the inventory, potentially overstating the estimated supply. Furthermore, this analysis assumes maximum efficiency of land development on an average basis. This is not necessarily a realistic assumption and also may tend to overestimate the land supply or under estimate the land need.”

The proposed Hollering Place mixed use development will add additional options for housing—mostly living quarters in the upper stories of retail/workshop buildings and perhaps a few single-family dwellings. Phasing, as described in the newly created zoning district will not allow one use type to be developed, but rather requires a balance of uses be developed in each phase.

The housing is intended to be available not just for storeowners or locals, but also for those wishing to stay for the duration of a boat building session, fishing season, a week in the summer, etc.

J. Goal 11 – Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 defines a “timely, orderly and efficient arrangement of public facilities and services” as “a system or plan that coordinates the type, location, and delivery of public facilities and service in a manner that best supports the existing and proposed land uses.”

The subject property is located at the west end of the Empire business district. All urban facilities and service are available including police and fire protection, sanitary facilities, storm drainage facilities, communication services, community governmental services and health facilities. Public facilities and services were utilized by uses that existed in the area in the past.

The proposed amendments will change the demand from an industrial demand to a retail/residential type demand.

K. Goal 12 – Transportation

To provide and encourage a safe, convenient and economic transportation system.

OAR 660-12-0060, Plan and Land Use Regulation Amendments, requires that amendments to acknowledged plans and land use regulations which significantly affect a transportation facility shall assure that the allowed uses are consistent with the identified function, capacity, and level of service of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it:

- a. Changes the functional classification of an existing or planned transportation facility;
- b. Changes standards implementing a functional classification system:

- c. Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility;

Or,

- d. Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.

Newmark Avenue and Empire Boulevard are both classified as arterials by the Coos Bay Transportation System Plan. The amendments will not change these classifications. Newmark Avenue west of Empire Boulevard is considered as an arterial also. Mill Street, which runs through the eastern part of the lower bench of the subject property, is considered a local street which provides access to the public boat launch facility and a few houses located south of the subject property and east of the street.

Michigan Avenue, the next street to the south and running parallel to Newmark, is considered a neighborhood route. Michigan provides access to a small apartment complex and a few privately owned residences and businesses. Michigan intersects with Mill Street.

The number of proposed access points from Empire Boulevard will not change. Access points off of Newmark and Mill Street, abutting the subject property, will be defined by the development although access to the existing boat ramp will not change. New arterials and collectors will not be necessary to accommodate the mixed use development.

A traffic impact study was completed by Lancaster Engineering in 2007 for the subject area. Recommendations from the study, in brief, are as follows:

1. Michigan Avenue should be widened between Mill Street and Empire Boulevard to accommodate two directions of travel; a sidewalk should be included on at least one side unless pedestrians are directed to the hill at Newmark Avenue to make use of the planned sidewalks at that location;
2. Existing traffic should be allowed to use either Michigan or Newmark Avenues to help disperse traffic impacts and minimize delay at the intersections with Empire Boulevard;
3. Similarly, entering traffic should be allowed at both Newmark and Michigan Avenues. With entering traffic at both locations, northbound left-turn lanes on Empire Boulevard are not recommended.
4. Prominent signing should be installed that directs drivers visiting the Hollering Place to the west on both Michigan and Newmark Avenues. The entrance to the viewing area on top of the hill should appear to be a secondary entrance to avoid significant congestion that could affect the operation of Empire Boulevard.
5. When the parking area and accesses to Empire Boulevard are designed, it is recommended that the north/south circulation aisle for the parking area be separated from Empire Boulevard to the maximum extent possible.

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6. "DO NOT ENTER" signs should be installed at the southern end of the north/south circulation aisle closest to Empire Boulevard to avoid driver confusion and wrong-way travel.

Due to its large size, the traffic impact study is available for review upon request.

L. Goal 13 – Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

The subject property will include commercial and residential uses. The development will offer the opportunity for those who own a business on site to live above the business rather than commute. Likewise, those partaking in the proposed experiential learning opportunities may opt for living on-site for the duration of a lengthy project. This will promote energy conservation.

M. Goal 14 – Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

This goal requires that comprehensive plans provide for an orderly and efficient transition from rural to urban use and from urbanizable to urban status. Goal 14 does not apply because the subject property was developed for urban uses in the past.

N. Goal 16 – Estuarine Resources

To recognize and protect the unique environmental, economic and social values of each estuary and associated wetlands.

Goal 16 requires maintaining diverse resources, values and benefits by classifying the estuary into distinct water use management units, considering adjacent upland characteristics and existing land uses, compatibility with adjacent uses and other factors.

The portion of the estuary adjacent to the subject property is designated by the Coos Bay Estuary Management Plan as an aquatic development unit, 54-DA (Development Aquatic). This unit extends east of the deep-draft channel beginning at a line Northwest from the North end of Cape Arago Mill and ending at a line that projects at an angle from the shoreline North from an extension of Johanneson Avenue and then runs Southwest 100 feet South of a city pier. The management objective for the unit states the aquatic unit shall be managed to maintain water access for water-dependent/related industrial and recreational uses located in the upland.

An "exception" was taken for the "development" designation, Exception #4, to permit dredge, fill and other activities associated with moorage and access to water-dependent shoreland uses. Findings for the exception states the "Empire waterfront will continue to be used for barge and fishing boat access for unloading, and recreational access via the

boat ramp near Holland Street. The narrow tidal flat adjacent to the shore may need to be altered at some time by dredging, fill or other activities necessary to develop shallow-draft access to the shore for expansion of existing uses in this area.”

The proposed plan and ordinance amendments will not change the uses and activities that may be allowable in this aquatic estuarine management unit. Water-related uses on the subject property are likely—the rental of crab rings, wind surfboards, etc. As set forth in the newly create “Hollering Place” zoning district, water-dependent/related uses may be permitted as long as the intent of the master plan is met.

O. Goal 17 - Coastal Shorelands

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.

The Bay Area Comprehensive Economic Analysis (BACEA), 1998, adopted into the Comprehensive Plan, provides the documentation that the need for water-dependent land is expected to remain relatively constant with current needs.

Under Goal 17, as amended in 1999, the city is required to protect a minimum of 76.18 acres of suitable estuarine shorelands for water-dependent use. This acreage amount is the result of an inventory completed in 1999 indicating there are 106.83 acres designated as “water-dependent.” The acreage is then broken down into categories showing acreage currently and formerly in water-dependent use. Also considered was whether or not a structure remained for water-dependent access, and if the site was never in water-dependent use.

Therefore, the Goal 17 changes, inventory and adopted BACEA enables the city to remove 2.04 acres of the subject property from a water-dependent designation.

The acreage that will remain designated for water-dependent uses satisfies the locational and suitability requirements because the designation of these areas as “especially suited for water dependent uses” was previously acknowledged as complying with the Statewide Planning Goals without requiring a Goal 2 exception to designate significant coastal natural resource areas for water-dependent development.

OAR660-037-0090(1) requires that any amendment to an acknowledged comprehensive plan or land use regulation that redesignates shoreland previously classified as “especially suited for water-dependent” uses must comply with all applicable Statewide Planning Goals. The goals are addressed by the findings set forth in this document.

OAR660-037-0090(2) encourages local governments to provide for water-related and water-oriented uses at such sites as much as possible. As stated under Goal 16, water-dependent/related uses may be permitted on the subject property as long as the intent of the master plan is met. The connection to the existing public boat ramp and dock is natural and will likely encourage additional uses.

O. Goal 18 Beaches and Dunes

This goal does not apply.

P. Goal 19 - Ocean Resources

To conserve the long-term values, benefits and natural resources of the nearshore ocean and the continental shelf.

This goal does not apply.

CONCLUSIONS: The Statewide Planning Goals have been adequately addressed to justify the proposed plan amendments, rezone and code amendments. The location and setting for implementation of the Hollering Place Master Plan will provide opportunities to revitalize the Empire area and provide activities necessary for the health, welfare and prosperity of the city. The subject property will remain "employment land."

VII. Comprehensive Plan, Volume I, Chapter 8.3, Land Use and Community Development Planning (CBMC 17.380.040(2))

This chapter includes the following standards for approving amendments to the comprehensive plan.

1. Identification of new planning problems and issues.

The Hollering Place was the center for transportation, commerce and communication before the first Europeans sailed into the Coos Bay estuary. A village named Hanisitch (place of the Hanis) on the narrowest crossing of the Coos Bay estuary, the area's original inhabitants recognized the value of this location for anyone traveling along the coast. Southbound travelers would holler across to the village and someone would paddle over to provide passage. The Hollering Place became the site of the first European settlement in what would later become Coos County.

The small port community grew to become Empire City, the first Coos County seat. The county seat was eventually moved to Coquille and over time the city was incorporated into the city of Coos Bay.

The site was purchased by the City in 2001 from Crowley Marine Services. The site was formerly owned by the Drummond Lighterage which used the property for fuel services. When the city purchased the property it had been vacant for about 12 years according to the Coos County Assessor's Office. In 1991 environmental correction work was completed by Crowley Marine Services and a "no further action" determination was issued by the Oregon Department of Environmental Quality.

The subject property has fallen victim to changing economic forces which has reduced the need for small water-dependent industrial properties. This fact, combined with zoning conditions which have restricted opportunities to pursue commercial and even residential use alternatives, have deprived the area of new investment. The dock was examined in 2002 by engineer William F. Dille & Associates and concluded that rather than attempt to rebuild the wood pier, it would be prudent to construct a new pier using more efficient materials. As discussed above, the 1998 BACEA indicates that the

amount of land needed for water-dependent industrial uses does not exceed the amount of land currently in use.

The existing boat launch facilities to the south of the subject property are very popular with locals and visitors alike. The newly formed boat building center to the north is likely to also become a popular attraction for both locals and visitors.

2. Collection and analysis of inventories and other pertinent factual information.

When the Coos Bay Estuary Management Plan was developed, it was assumed that the subject property would develop as an industrial area, which seemed logical at the time; however, the development did not occur, or at best was short lived. The small size of the property would not accommodate today's berthing requirements and/or land backup requirements.

As discussed above, the BACEA indicates that no water-dependent industrial land is needed beyond the amount that is currently in use. Even though a structure that once functioned as a dock is partially standing, the engineer's review, as discussed in 1, above, indicates the dock would need to be demolished and rebuilt. As concluded in the BACEA, allowing new zoning for mixed uses will help alleviate the projected deficit of land designated for commercial use and at the same time reduce the projected surplus of industrial, water-dependent zoned land.

3. Evaluation of alternative courses of action and ultimate policy choices.

The most obvious course of action is to take no action. If no action is taken, it is likely that the subject property will continue as vacant land. It does not appear that the need for economic diversification as a result of the economy shifting away from a predominately natural resources base will change.

4. Selection of appropriate policy directives based upon consideration of social, economic energy and environmental needs.

The city recognizes the need to create an understanding of the community's heritage and historical connections to the waterfront while enhancing its cultural, recreational and economic vitality. Conveying the early waterfront culture to the public is a goal of the proposed development as seen by the "Story Trail" meant to encourage people to learn about the Hollering Place and its history. The proposed development will provide an opportunity to diversify the economy of the community and encourage public access and enjoyment of the waterfront.

When the Coos Bay Estuary Management Plan was developed, it was assumed that the subject property would develop as an industrial site, which seemed logical at the time; however, the development occurred only for a short time. In addition, the subject property contains only 2.11 acres and does not accommodate today's berthing or backup requirements. Reliance on natural resource based industries has declined.

Providing for mixed uses will provide increased retail-commercial land base along with a unique opportunity for living quarters. The experiential/hands-on learning is meant to

brand the development, increasing awareness of the area as well as provide for activity that may fuel demand. If this program element does not prove viable, the area may be developed consistent with the remainder of the site with a mix of cottages and retail space.

Comprehensive Plan, Volume I, Chapter 7.5, Economic Development, Policy 2.3, in part, states: "...the city will pursue the implementation of the Hollering Place Master Plan to create a public activity area on the waterfront that serves residents and visitors and connects with the existing business district."

These findings and the findings under III, I, Statewide Planning Goal 9, demonstrate the decision to allow mixed use is responsive to the social, economic, energy and environmental needs of this area.

The plan strategies/policies relevant to the proposed amendments have been identified below:

a. Strategy NRH.5:

Coos Bay shall continue to participate in the National Flood Insurance Program of the U.S. Department of housing and Urban Development, recognizing that participation in this program substantially insures the health and well being of its residents and allows city residents to benefit from subsidized flood insurance rates.

b. Strategy NRH.6:

Coos Bay shall require that construction in floodprone areas shall meet certain flood proofing standards such as structure orientation to flood flow, flotation prevention measures, and a minimum elevation of the lowest story.

A portion of the lower bench of the subject property is identified as floodplain on FIRM (Federal Insurance Rate Maps). The city participates in the Federal Flood Insurance Program sponsored by HUD and also exercises sound building code practices to safeguard from unnecessary flood damage.

c. Strategy EC.4:

Coos Bay shall promote development along major transportation corridors by zoning lands adjacent to such corridors to allow commercial, industrial, and multi-family development except where such areas are irreversibly committed to low density residential development. However, ingress/egress to such development shall be designed so that it does not restrict traffic flow on the arterial streets. The city recognizes that intense development, along major transportation corridors conserves energy by providing shorter, direct access to homes and trade and service areas.

d. Strategy EC.6:

Coos Bay shall attempt to site residential apartment development in appropriate areas within or on the fringe of commercially zoned areas, recognizing that such

uses conserve energy by the centralized location of achieving the goal of "infilling," and by maximizing the potential of land uses within developed areas of the city. This strategy shall not supersede the strategy dealing with protection of the integrity of established residential neighborhoods.

e. Strategy EC.8:

Coos Bay shall encourage the "infilling" development of undeveloped parcels of land, within the city limits for residential and commercial purposes, recognizing that such development, located in the vicinity of established traffic corridors and in areas already serviced by electrical, sewer and water lines, are more energy efficient than new construction in "unserviced" undeveloped areas.

The subject property is serviced and located in a developed area of the city. The subject property is suitable for infilling and for more intense uses.

While traffic circulation patterns may need to be modified, existing city streets will be utilized. New arterials and collectors will not be necessary to accommodate the mixed use development.

f. Strategy R.5:

Coos Bay shall utilize small city-owned, deeded, or dedicated undeveloped areas as open space, recognizing that open space alone is recreationally valuable.

The uses and facilities to be included in the Hollering Place will provide recreational opportunities for future generations.

g. From Chapter 7.5, Economic Development:

1. Policy 2.3

Pursue the implementation of the Hollering Place Master Plan, adopted December 2, 2008, to create a public activity area on the waterfront that serves residents and visitors; rebuild the dilapidated dock to promote more water-related activities; and, complement surrounding properties while connecting with the existing business district. A plan amendment from industrial to commercial or mixed-use will be required.

2. Policy 6.3

Promote the waterfront as key to a recreational center and opportunity to increase awareness of Coos Bay's rich maritime and logging history.

3. Policy 6.5

Promote eco-tourism activities and the exploration and enjoyment of our natural surroundings.

g. From Chapter 7.6, Housing:

1. Policy 1.1

Coos Bay will continue to update its zoning provisions to allow for construction to provide a wide range of housing available at varied prices and rent ranges, and allow for flexible site and architectural design.

2. Goal 5

Allow for, encourage and support the development of housing units in conjunction with commercial development (eg., housing located above commercial uses).

CONCLUSION: The Hollering Place Master Plan has put in place the tools for revitalizing the Empire area and allowing new development to take advantage of the natural amenities of the site and the existing man-made amenities, such as the public boat launch and boat building center, while providing a mix of uses and unique living opportunities.

VII. COOS BAY MUNICIPAL CODE REZONE CRITERIA

Coos Bay Municipal Code Chapter 17.360, Change in Zone Designation, establishes the following standards for approving rezones:

A. The change in zone will conform to the policies and objectives of the comprehensive plan.

The portion of the subject property on the upper bluff is currently designated Commercial by the Comprehensive Plan. The area on the lower bench, which is currently designated Industrial, will be changed to Commercial plan designation.

Plan Policy 2.3 in Chapter 7.5 supports the implementation of the Hollering Place Master Plan. Other plan strategies/policies pertaining to the proposed rezone are discussed in VI, 4, above.

B. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.

The area east of the subject property is zoned General Commercial (C-2) and is the developed Empire business district along with some residences. East-southeast are a couple of residences that have been there for many years. To the north of the subject property is property zoned Waterfront Industrial (W-I) and Coos Bay Estuary Management Plan 54-UW owned by Sause Bros an ocean towing company. The property was used for log storage many years ago, but small buildings on the site are now used exclusively as offices and a training center. To the north is also a dilapidated building that is currently being repaired to make it usable for a boat building center. This is the former site of Eureka Fisheries, later purchased by OPAC, Inc. The city is leasing the facility. OPAC has stated they will not be using the facility any more for fish processing due to the downfall in the fishing industry. If necessary they will use the facility in Charleston.

The area to the south of the subject property, zoned W-I and CBEMP 54-UW, is the public boat launch facility, parking facility and fish cleaning station. Further south is a Coast Guard Station building, and private property with buildings some of which are used for boat building.

To the west is the bay.

The proposed mixed use development is compatible with the surrounding districts. Commercial development adjoins the subject area although it is geographically separated by Empire Boulevard. The proposed development will complement the boat launch facility and dock by providing the opportunity for more varied activity for those using the facilities. The area to the north is separated by the 60-foot-wide Newmark Avenue right of way. Impacts from the proposed development should be contained on the subject property.

The zone change provides an opportunity for the city and its citizens to diversify the economy of the community by developing a mixed-use area which includes amenities, the opportunity to take part in small retail/workshop experiential opportunities and an alternative living style for people with different needs.

C. The change will not prevent the use of other land in the vicinity.

The area to the south is developed with an existing public boat ramp. Market conditions have left property and facilities to the north of the subject property, across Newmark Avenue, vacant or partially used for many years. The zone change provides an opportunity for the city and its citizens to diversify the economy of the community by developing a mixed-use area to include commercial, residential and a workshop/experiential learning atmosphere. This in turn may encourage development on the property to the north.

A boat building center is in the process of being established to the north of the subject property. It will likely draw users to the proposed development and create a need for overnight accommodations to participate in a longer program.

It is likely that the residential portion of the development will be for short-term occupancy because of the limitation to the size of the living spaces. It is possible the living spaces will be occupied by participants in workshop programs, or visitors for a few days of fishing.

If a water-dependent use were to reestablish on the property to the north, chances are it would provide an added dimension and opportunity for citizens and visitors to experience a working waterfront. The 60-foot-wide Newmark Avenue right of way would provide a buffer for the subject property.

D. It is appropriate at this time to permit the specific type of development or change in zone into the area which had not previously existed.

When the Coos Bay Estuary Management Plan was developed, there was an assumption the subject property, that is, the lower bench portion, would develop as an industrial area. While development in this direction seemed logical twenty years ago, increased industrial development in the communities surrounding the Coos Bay Estuary

has not occurred. In addition, the size of the property does not accommodate today's berthing requirements and/or land backup requirements. The historical dependence of Oregon's economic base on agricultural and forest products industries has declined over the past four decades and has been replaced by a much broader range of industrial and service activity.

The Oregon Land Conservation and Development Commission amendments to Goal 17 (Coastal Shorelands) in 1999 has enabled the city to remove the water-dependent requirement for that portion of the subject property located on the lower shelf. This is the portion of the subject property that lies within the Coos Bay Estuary Management Plan.

CONCLUSIONS: Implementation of the Hollering Place Master Plan will provide unique opportunities in the area that will take advantage of the location and ambiance of the area while at the same time allowing new development with a mix of uses to take place and integrate with the existing development in all directions. Water-dependent activity to the north of the subject property would provide additional interest from participants and visitors.

VIII. INDUSTRIAL LANDS AGREEMENT

As required by the Bay Area Industrial Lands Cooperative Planning Agreement, the city of Coos Bay sent notice of the proposed action to the parties of the agreement on March 12, 2010.

IX. CONCLUSION

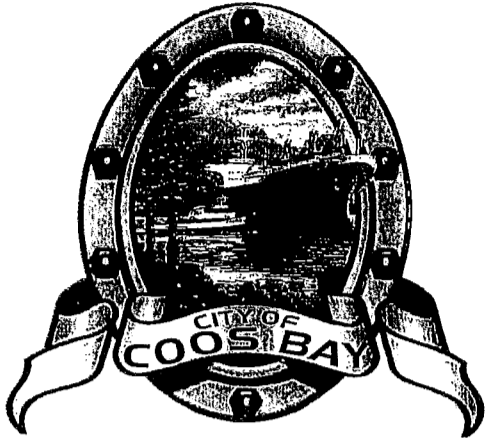
The standards and criteria listed above have been adequately addressed and approval of the proposal can be supported.

X. STAFF RECOMMENDATION

Staff finds that there is sufficient evidence to support approval of the proposed plan and code amendments. Therefore, staff recommends the Planning Commission recommend adoption of the plan amendments and rezone and enact the code text amendments, provided testimony during the public hearing does not render these conclusions unjustified.

XI. PLANNING COMMISSION RECOMMENDATION

The Planning Commission must make a recommendation to the City Council on the proposal (ZON2010-00015) to amend the Coos Bay Comprehensive Plan 2000 and Coos Bay Municipal Code based on the findings, justifications and conclusions set forth above.



City of Coos Bay

Public Works and Development Department

500 Central Avenue, Coos Bay, Oregon 97420 • Phone 541-269-8918

Fax 541-269-8916 • <http://www.coosbay.org>

June 18, 2010

FINAL ORDER

AMENDMENTS TO THE COOS BAY COMPREHENSIVE PLAN AND COOS BAY MUNICIPAL CODE

- APPLICATION:** ZON2010-00015
APPLICANT/OWNER: City of Coos Bay, 500 Central Avenue, Coos Bay, OR 97420
- SUBJECT PROPERTY:** T. 25, R. 13, S. 19AA/20BB, Tax Lots 300, 301/6000, 6700
- PROPOSAL:** Amendments to the Coos Bay Comprehensive Plan and Coos Bay Municipal Code to implement the Hollering Place Master Plan (ZON2010-00015):
- Amend Comprehensive Plan
 - Volume I, Part 1, Chapter 9.1 to add the new Hollering Place zoning designation;
 - Volume III, Part 1, Chapter 5, Shoreland Segment 54-UW;
 - Volume III, Part 1, Chapter 3.3, Bay-Wide Policies, Policy 16a;
 - Volume III, Part 2, Chapter 5.0, Social and Economic Resources Characteristics; and,
 - Plan map from "Industrial" to "Commercial."
 - Amend Coos Bay Municipal Code
 - Create Chapter 17.127, Hollering Place zoning district;
 - Chapter 17.280, for limited manufacturing; and,
 - Change the zoning from "General Commercial" and "Waterfront Industrial" to "Hollering Place."

ORDER: Tuesday, June 15, 2010, City Council approved the comprehensive plan amendments, code amendments and zone change, and enacted Ordinance Nos. 430, 431, 432, 433 and 434. City Council Final Vote:

Yea: Mayor Jeff McKeown, John Eck, Gene Melton, Mark Daily and Joanie Johnson

Abstain:

Nay:

APPEAL PROVISIONS: See page 3
DECISION CRITERIA AND THE ADOPTED FINDINGS OF FACT AND CONCLUSIONS:
See Exhibit A

FINAL ACTION

Based on the findings and conclusions, as set forth at Exhibit A, and the applicant's submitted evidence at Attachment A, the City Council enacted Ordinance Nos. 430, 431, 432, 433 and 434, approving the following: amending the plan for the creation of new zoning district, Hollering Place (HP); amending Coos Bay Estuary Management Plan 54-UW to allow residential development; create the new zoning district, HP; amend the plan map from Industrial to Commercial; and, changing the zoning to HP for the subject property, respectively.

The decision to approve will become final at **5:00 PM on July 9, 2010** unless an appeal is filed.

APPEAL PROVISION

Any person with standing has the right to request review of this land use decision by filing a Notice of Intent to Appeal with:

Oregon Land Use Board of Appeals
Public Utility Commission Bldg.
550 Capitol St.
Salem, OR 97310

Notice of Intent to Appeal must be filed no later than 21 days from the date of mailing of this decision. Therefore, **appeals must be filed no later than July 9, 2010**. Notice of Intent to Appeal must be filed and served in accordance with the Oregon Land Use Board of Appeals Rules of Procedure.

Sincerely,
CITY OF COOS BAY


Laura Barron
Planning Administrator

Attachments: Ordinances 430, 431, 432, 433 and 434

c: Dave Perry, DLCD
Coos County (without attachments)
City of North Bend

FINDINGS AND CONCLUSIONS

EXHIBIT A

I. BACKGROUND

The subject property, the Hollering Place, is located west of Empire Boulevard, south of Newmark Avenue, east of the bay and north of Holland Avenue. The Hollering Place was the center for transportation, commerce and communication before the first Europeans sailed into the Coos Bay estuary.

Hollering Place, or Ellekatitch as the Coos Indians called it, was on the North Spit directly across the bay from their villages at present Empire. People traveling south along the beach route would holler over to the villages for someone to paddle over and provide passage.

The city purchased the subject property in 2001. The Hollering Place Master Plan has been created to provide a vision which will encourage economic diversification while providing an opportunity for local citizens and visitors to connect with and enjoy this section of the waterfront which has played a historical role in the region's past.

The Coos Bay City Council recognizes that a sense of community pride and identity, and a healthy visitor industry are important for the future health and vitality of the city. Development of the Hollering Place will encourage economic revitalization of the Empire business district.

II. PURPOSE

The city initiated the proposed comprehensive plan, rezone and Code amendments with the intent of facilitating the revitalization of the Empire business district. The Hollering Place Master Plan is the culmination of the vision for realistic redevelopment opportunities for the Hollering Place site and still connects with the history of the site. The master plan is intended to be flexible, to provide guidelines for development, but not to control all aspects of potential development. The City's objectives are:

- To create a public activity area on the waterfront that serves residents and visitors;
- To complement surrounding properties and connect with the existing business district; and
- To provide an active mix of public, commercial, residential and experiential uses.

III. SITE

The subject property is located at the junction of Newmark Avenue and Empire Boulevard (Cape Arago Highway) and contains a total of 2.95 acres. The upper bluff contains .84 acre and the lower bench contains 2.11 acres. The upper bluff is the terminating vista heading west through Empire before making a left turn to continue south. The site is identified as follows:

The upper bluff (T. 25, R. 13, S. 20BB):

Block 25, Lots 5-8, Plat of Empire City, also described as Tax Lot 6000, except for the west 30 feet of Lot 8; and,

Block 25, Lots 2-4, a portion of vacated Holland Avenue, Plat of Empire City, also described as Tax Lot 6700.

The lower bench (T. 25, R. 13, S. 19AA): Block 12, Lots 1-3 and 5-8, and the area above

the mean high water line described as Block 7, Lots 6-14, Belt Line Railroad Addition to Empire City), also described as Tax Lot 300; Block 12, Lot 4, Plat of Empire City, also described as Tax Lot 301; also, S. 19AA, Block 25, approximately the west 30 feet of Lot 8, Plat of Empire City.

Currently, the upper bluff area is zoned "General Commercial (C-2)." The plan designation is "Commercial (C)." The lower bench, except for the area east of Mill Street, is zoned "Waterfront Industrial (W-I)" and Coos Bay Estuary Management Plan (CBEMP) 54-UW (Urban Water-dependent). The plan designation is "Industrial (I)."

The area west of Mill Street is zoned "C-2" and is designated "Commercial (C)" by the Plan.

The area below the mean high water line is designated CBEMP 54DA (Development Aquatic).

The site's physical condition varies. The bluff portion is relatively flat and open. Currently, thick vegetation keep people away from the bluff's sharp drop off. Newmark Avenue, as it continues down the hill from Empire Boulevard, is a narrow cut with the property's steep slope adjacent to the roadway. The grade change between the upper bluff and lower portion, or bench, is approximately 30 feet. Both the upper bluff and the lower bench are vacant.

A large dock lies in ruins from the site into the bay. Directly south of the lower bench, are a public boat launch, tie-up, fishing pier and public parking lot with a cleaning station and public restrooms. Nearby are Coast Guard offices, residential and industrial uses and vacant lots.

IV. ELEMENTS OF THE PROPOSED AMENDMENTS

- A. Comprehensive Plan Text Amendments
 - 1. Volume I, Part 1, Plan Policies, amend Chapter 9.1, Plan Objectives, Commercial Areas, Objective 2, Implementation, to add the new Hollering Place (HP) zoning designation and to add an explanation for the purpose of the new designation.
 - 2. Volume III, Part 1, Coos Bay Estuary Management Plan (CBEMP), Plan Provisions
 - a. Amend shoreland unit 54-UW (urban water-dependent) to allow the uses set forth by newly created zoning district Hollering Place (HP).
 - b. Revise Bay-wide Policy 16a to reflect the change in acreage available for removal from the water-dependent designation.
 - 3. Volume III, Part 2, Inventories and Factual Base, amend 5.0, Social and Economic Resources Characteristics, to reference Policy 16a for the amount of water-dependent shorelands available for removal from the inventory.
- B. Comprehensive Plan Map Amendment

Apply the "Commercial" plan map designation to the shoreland portion of the subject property that is currently designated "Industrial."

- C. Coos Bay Municipal Code (CBMC) Text Amendment
1. Create a "Hollering Place" (HP) zoning district. The focus of this district is to provide a tool to strengthen the identity of Empire, ensure compatible development, and communicate the Hollering Place's unique story. The mixed use area includes upper floor residential with retail or workshop uses on the bottom floor, hands-on learning and amenities and attractions which encourage public access to and enjoyment of the waterfront.

This zoning district, which establishes standards and procedures for review and development, is intended to reclaim the area's waterfront heritage and express pride in its past and present by developing Hollering Place as a vital and sustainable mixed use area which includes interpretation of local history and reconnection to the water.

Two subdistricts are proposed within the zoning district:
Upper Bluff Area (HP-1), and,
Lower Bench Area (HP-2).

The intended use of each subdistrict is as follows:
The HP-1 subdistrict is set aside for a wayside and structure(s) to act as a visitor overlook and may include some retail or dining use;
The HP-2 subdistrict is intended for a mixed use development with retail/workshops on the bottom floor and living quarters on the upper floor and an inn/restaurant.
 2. Amend the CBMC text to maintain internal consistency. Amend Chapter 17.280 to add limited manufacturing as a conditional use in the HP-2 subdistrict.
- D. Zoning Map Amendment
Apply the HP zone to the subject property.

V. APPLICABLE STANDARDS AND CRITERIA

This application involves amendments to acknowledged comprehensive plan provisions and acknowledged land use regulations. Under Oregon's land use statutes, these amendments must be shown to comply with a wide range of standards and criteria, including the following:

- A. Statewide Planning Goals
- B. State Agency Rules
- C. Comprehensive Plan Policies
Procedures and requirements governing amendments to the Coos Bay Comprehensive Plan are set forth in Volume I, Part 1, Chapter 8. These requirements address notice, citizen participation, and agency

coordination. Chapter 8.3 imposes the following requirements for an amendment to the Plan.

1. Identification of new planning problems and issues.
2. Collection and analysis of inventories and other pertinent factual information.
3. Evaluation of alternative courses of action and ultimate policy choices.
4. Selection of appropriate policy directives based upon consideration of social, economic, energy and environmental needs.

D. Coos Bay Municipal Code Provisions

1. Chapter 17.360, Change in Zone Designation
 - a. The change in zone will conform to the policies and objectives of the comprehensive plan.
 - b. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.
 - c. The change will not prevent the use of other land in the vicinity.
 - d. It is appropriate at this time to permit the specific type of development or change in zone into the area which had not previously existed.
 - e. The change will be consistent with the function, capacities and levels of service of facilities identified in the adopted Coos Bay Transportation System Plan.

E. Industrial Lands Agreement

This intergovernmental agreement between Coos County, the cities of Coos Bay and North Bend and the Oregon International Port of Coos Bay was created as a result of the Bay Area Comprehensive Economic Analysis (David Evans & Assoc., 1998) which was adopted into the Coos Bay Comprehensive Plan. The purpose of the agreement is to ensure the timely exchange of information for the maintenance of an adequate supply of industrially zoned, developable lands in the Bay Area. The Bay Area includes the communities of Coos Bay, North Bend and Charleston.

VI. STATEWIDE PLANNING GOALS

A. Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

In 2002 a three-day charrette was held to develop a conceptual plan for the subject property. A broad range of stakeholders and the general public took part. In 2005 the city hired Shoji Planning and Development, LLC, to facilitate a public process to discuss the Empire Waterfront Concept Vision and to help organize the concept that was developed in 2002. In the summer of 2008, a team was

assembled including the Oregon Downtown Development Association, to develop a master plan for the Hollering Place with the intent that development on the subject property complement and connect with the existing business district. Development options were presented to the community as the master plan for the site evolved. Public feedback enabled the master plan to be refined. The final plan was presented and well-received at a public meeting on September 22, 2008. The plan was later adopted by the City Council on December 2, 2008.

B. Goal 2 – Land Use Planning
To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Coos Bay has an acknowledged comprehensive plan and implementing ordinances. Volume I, Chapter 8.3, sets forth the requirements of Goal 2 for an amendment to the comprehensive plan. Chapter 8.3 is addressed below.

The state requirement of land use planning is based upon coordinating the needs of local government with counties, other state and federal agencies, special districts and community organizations. The City will be taking the lead in updating the Intergovernmental Agreement as set forth by the Bay Area Comprehensive Economic Analysis which required written notice of our proposed application to the city of North Bend, Coos County and the Oregon International Port of Coos Bay.

C. Goal 3 – Agricultural Lands

The subject property lies wholly within the city limits of Coos Bay. Agricultural lands are not affected.

D. Goal 4 – Forest Lands

The subject property lies wholly within the city limits of Coos Bay. Forest lands are not affected.

E. Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

It is the intent of the comprehensive plan to inventory, assess and where appropriate, protect those sites, structures or areas within the city of Coos Bay which have local, state or national historic or archaeological significance.

The history of the site is recognized by the "Hollering Place" designation. The Hollering Place was the center for transportation, commerce and communication. A village named Hanisitch (place of the Hanis) was established on the narrowest crossing of the Coos Bay estuary; the area's original inhabitants recognized the value of this location for anyone traveling along the coast. Southbound travelers would holler across to the village and someone would paddle over to provide passage.

F. Goal 6 – Air, Water and Land Resources Quality
To maintain and improve the quality of the air, water and land resources of the state.

No foreseeable activities associated with the master plan development of the site will invoke the need for state or federal air quality permits. City utilities will be utilized for wastewater and sewage and the Coos Bay North Bend Water Board will provide water for the project.

An environmental cleanup was completed on the subject property in 1997 for Crowley Marine Services, Inc. The property, which is currently vacant, was used as a fuel facility.

Therefore, there are no foreseeable solid waste or other contaminants which will require any sort of environmental permits for the proposed mixed use development.

G. Goal 7 – Areas Subject to Natural Disasters and Hazards.
To protect life and property from natural disasters and hazards.

The entire subject property has been identified on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency as being in the floodplain. The Comprehensive Plan states in Chapter 4.4 that the City participates in the Federal Flood Insurance Program sponsored by HUD, and also exercises sound building code practices to safeguard from unnecessary flood damage.

The entire subject property also lies in the tsunami area as identified by the Tsunami Hazard Map of the Coos Bay Area, Coos County, Oregon, 2002, by the Oregon Department of Geology and Mineral Industries. Comprehensive Plan Chapter 7.1 sets forth Policy NRH.12 which states: Coos Bay recognizes that local and state building codes agencies require building standards that are intended to prevent collapse of structures when they are subjected to earthquake or tsunami forces. [ORD 284 10/19/1999]

These protective measures will be applicable to the subject property. There are no other natural hazards affecting the subject property known at this time.

H. Goal 8 – Recreational Needs
To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate to provide for the siting of necessary recreational facilities including destination resorts.

There are no recreational activities or uses in the subject area at this time except for the public boat ramp, parking and fish cleaning facilities to the south of the subject property.

I. Goal 9 – Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

When the Coos Bay Estuary Management Plan (CBEMP) was developed, there was an assumption the subject property would develop as an industrial area. While development in this direction seemed logical twenty years ago, increased industrial development in the communities surrounding the Coos Bay Estuary has not occurred.

The 2.11 acres lower bench portion of the subject property would not accommodate today's needs for industrial land or land for back-up requirements. The property to the north is also designated by the CBEMP for water-dependent uses. Newmark Avenue, a 60-foot-wide right of way, separates the property to the north from the subject property. This prevents using the two properties together which would also interfere with public access to the bay.

The Hollering Place Master Plan was adopted by the Coos Bay City Council on December 2, 2008. The Plan includes, not only the property on the lower bench, but also the adjacent property at the southwest corner of Newmark Avenue and Empire Boulevard. The area at the top of the bluff is intended for an overlook and maybe a small retail use.

The Master Plan was developed as a catalyst project to help spur additional development and investment in the Empire District. The Master Plan includes, besides the overlook from Empire Boulevard, retail/cottage clusters, inn/restaurant, facilities for experiential (hands-on) learning (boat building, glass blowing) and a Story Trail to encourage people to learn about the history of the site. There is great interest in rebuilding/replacing the ruined dock in the future and in promoting more water-related activities. The proposed zoning district will allow water-related uses as long as the use meets the intent of the Master Plan.

The existing public boat launch, tie-up, fishing pier, fish cleaning station and restrooms are located south of the subject property. Holland Avenue, which lies adjacent to the south property line of the subject property, is a one-way street heading east to accommodate boat launching. This is not expected to change. The boat launch and docks are very popular and patrons use both Newmark and Mill, and Michigan Avenues to reach the boat launch area.

To the north of the subject property is the newly formed boat building center. The center is in the process of getting up and running and is occupying the old Eureka Fisheries building. The building was leased because the owner stated he would not be using that facility for seafood processing in the future. If the need arose he would go to Charleston for any processing. The center is expected to have its first building session this spring/summer.

To the east of the subject property are a few existing residences that have been in place for many years. The boat ramp and other uses in the area have been built despite these residences.

Negative impacts from industrial uses to the existing boat ramp and facilities are likely. Traffic, in and out of the water, could cause delays to daily activities of an industrial use. The number of access points is also a limiting factor.

The proposed amendments will help solve the need for additional commercial land and will reduce the surplus of water-dependent/related industrial land.

The 2009 Buildable Lands Inventory, Table 19, Overall Near-and-Long-Term Employment Land Need by Parcel Size, indicates a need for 19 commercial parcels in this size category (1 to 5 acres) in the long term (20-years). The proposed mixed-use will provide employment land although there is no net increase in employment land since the subject property was initially industrial-zoned land. Comprehensive Plan, Volume I, Chapter 7.5, Economic Development, sets forth the following goal and policy:

1.4 Focus industrial growth toward areas viable for industrial use; consider rezoning less viable industrial lands for redevelopment consistent with the City "s overall vision and emerging market trends.

Language is included in the proposed "Hollering Place" zoning district that requires each phase of development to contain a reasonable balance of use types that will advance the intent of the Hollering Place as a whole; it is not meant to be a single-type use development, that is, all residential or all commercial.

I. Goal 10 - Housing
To provide for the housing needs of the citizens of the state.

The Housing Goal requires that buildable lands for residential use be inventoried and that the city's plan shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households. It also requires the City to allow for flexibility of housing locations, types and densities.

Volume II of the Comprehensive Plan, Chapter 5.4, Table 13, summarizes the difference between the supply of buildable land and the amount of land needed in each zone to meet projected future land needs. This assessment indicates an overall surplus of residential land of nearly 800 acres, not including a small amount of additional commercial land that potentially would be needed to meet a portion of the City's future housing needs.

The information concludes, however, a significant surplus of land is affected by a number of factors. One factor--about a third of the property is over 25 percent slope. The "relative capacity and feasibility of development in these areas will likely be lower than on other lands in the inventory, potentially overstating the estimated supply. Furthermore, this analysis assumes maximum efficiency of land development on an average basis. This is not necessarily a realistic assumption and also may tend to overestimate the land supply or under estimate the land need."

The proposed Hollering Place mixed use development will add additional options for housing—mostly living quarters in the upper stories of retail/workshop buildings and perhaps a few single-family dwellings. Phasing, as described in the newly created zoning district will not allow one use type to be developed, but rather requires a balance of uses be developed in each phase.

The housing is intended to be available not just for storeowners or locals, but also for those wishing to stay for the duration of a boat building session, fishing season, a week in the summer, etc.

J. Goal 11 – Public Facilities and Services
To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 defines a “timely, orderly and efficient arrangement of public facilities and services” as “a system or plan that coordinates the type, location, and delivery of public facilities and service in a manner that best supports the existing and proposed land uses.”

The subject property is located at the west end of the Empire business district. All urban facilities and service are available including police and fire protection, sanitary facilities, storm drainage facilities, communication services, community governmental services and health facilities. Public facilities and services were utilized by uses that existed in the area in the past.

The proposed amendments will change the demand from an industrial demand to a retail/residential type demand.

K. Goal 12 – Transportation
To provide and encourage a safe, convenient and economic transportation system.

OAR 660-12-0060, Plan and Land Use Regulation Amendments, requires that amendments to acknowledged plans and land use regulations which significantly affect a transportation facility shall assure that the allowed uses are consistent with the identified function, capacity, and level of service of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it:

- a. Changes the functional classification of an existing or planned transportation facility;
- b. Changes standards implementing a functional classification system;
- c. Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility;

Or,

- d. Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.

Newmark Avenue and Empire Boulevard are both classified as arterials by the Coos Bay Transportation System Plan. The amendments will not change these classifications. Newmark Avenue west of Empire Boulevard is considered as an arterial also. Mill Street, which runs through the eastern part of the lower bench of the subject property, is considered a local street which provides access to the public boat launch facility and a few houses located south of the subject property and east of the street.

Michigan Avenue, the next street to the south and running parallel to Newmark, is considered a neighborhood route. Michigan provides access to a small apartment complex and a few privately owned residences and businesses. Michigan intersects with Mill Street.

The number of proposed access points from Empire Boulevard will not change. Access points off of Newmark and Mill Street, abutting the subject property, will be defined by the development although access to the existing boat ramp will not change. New arterials and collectors will not be necessary to accommodate the mixed use development.

A traffic impact study was completed by Lancaster Engineering in 2007 for the subject area. Recommendations from the study, in brief, are as follows:

1. Michigan Avenue should be widened between Mill Street and Empire Boulevard to accommodate two directions of travel; a sidewalk should be included on at least one side unless pedestrians are directed to the hill at Newmark Avenue to make use of the planned sidewalks at that location;
2. Existing traffic should be allowed to use either Michigan or Newmark Avenues to help disperse traffic impacts and minimize delay at the intersections with Empire Boulevard;
3. Similarly, entering traffic should be allowed at both Newmark and Michigan Avenues. With entering traffic at both locations, northbound left-turn lanes on Empire Boulevard are not recommended.
4. Prominent signing should be installed that directs drivers visiting the Hollering Place to the west on both Michigan and Newmark Avenues. The entrance to the viewing area on top of the hill should appear to be a secondary entrance to avoid significant congestion that could affect the operation of Empire Boulevard.
5. When the parking area and accesses to Empire Boulevard are designed, it is recommended that the north/south circulation aisle for the parking area be separated from Empire Boulevard to the maximum extent possible.
6. "DO NOT ENTER" signs should be installed at the southern end of the north/south circulation aisle closest to Empire Boulevard to avoid driver confusion and wrong-way travel.

Due to its large size, the traffic impact study is available for review upon request.

L. Goal 13 – Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

The subject property will include commercial and residential uses. The development will offer the opportunity for those who own a business on site to live above the business rather than commute. Likewise, those partaking in the proposed experiential learning opportunities may opt for living on-site for the duration of a lengthy project. This will promote energy conservation.

M. Goal 14 – Urbanization
To provide for an orderly and efficient transition from rural to urban land use.

This goal requires that comprehensive plans provide for an orderly and efficient transition from rural to urban use and from urbanizable to urban status. Goal 14 does not apply because the subject property was developed for urban uses in the past.

N. Goal 16 – Estuarine Resources
To recognize and protect the unique environmental, economic and social values of each estuary and associated wetlands.

Goal 16 requires maintaining diverse resources, values and benefits by classifying the estuary into distinct water use management units, considering adjacent upland characteristics and existing land uses, compatibility with adjacent uses and other factors.

The portion of the estuary adjacent to the subject property is designated by the Coos Bay Estuary Management Plan as an aquatic development unit, 54-DA (Development Aquatic). This unit extends east of the deep-draft channel beginning at a line Northwest from the North end of Cape Arago Mill and ending at a line that projects at an angle from the shoreline North from an extension of Johanneson Avenue and then runs Southwest 100 feet South of a city pier. The management objective for the unit states the aquatic unit shall be managed to maintain water access for water-dependent/related industrial and recreational uses located in the upland.

An “exception” was taken for the “development” designation, Exception #4, to permit dredge, fill and other activities associated with moorage and access to water-dependent shoreland uses. Findings for the exception states the “Empire waterfront will continue to be used for barge and fishing boat access for unloading, and recreational access via the boat ramp near Holland Street. The narrow tidal flat adjacent to the shore may need to be altered at some time by dredging, fill or other activities necessary to develop shallow-draft access to the shore for expansion of existing uses in this area.”

The proposed plan and ordinance amendments will not change the uses and activities that may be allowable in this aquatic estuarine management unit. Water-related uses on the subject property are likely—the rental of crab rings, wind surfboards, etc. As set forth in the newly create “Hollering Place” zoning district, water-dependent/related uses may be permitted as long as the intent of the master plan is met.

O. Goal 17 - Coastal Shorelands

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.

The Bay Area Comprehensive Economic Analysis (BACEA), 1998, adopted into the Comprehensive Plan, provides the documentation that the need for water-dependent land is expected to remain relatively constant with current needs.

Under Goal 17, as amended in 1999, the city is required to protect a minimum of 76.18 acres of suitable estuarine shorelands for water-dependent use. This acreage amount is the result of an inventory completed in 1999 indicating there are 106.83 acres designated as "water-dependent." The acreage is then broken down into categories showing acreage currently and formerly in water-dependent use. Also considered was whether or not a structure remained for water-dependent access, and if the site was never in water-dependent use.

Therefore, the Goal 17 changes, inventory and adopted BACEA enables the city to remove 2.04 acres of the subject property from a water-dependent designation.

The acreage that will remain designated for water-dependent uses satisfies the locational and suitability requirements because the designation of these areas as "especially suited for water dependent uses" was previously acknowledged as complying with the Statewide Planning Goals without requiring a Goal 2 exception to designate significant coastal natural resource areas for water-dependent development.

OAR660-037-0090(1) requires that any amendment to an acknowledged comprehensive plan or land use regulation that redesignates shoreland previously classified as "especially suited for water-dependent" uses must comply with all applicable Statewide Planning Goals. The goals are addressed by the findings set forth in this document.

OAR660-037-0090(2) encourages local governments to provide for water-related and water-oriented uses at such sites as much as possible. As stated under Goal 16, water-dependent/related uses may be permitted on the subject property as long as the intent of the master plan is met. The connection to the existing public boat ramp and dock is natural and will likely encourage additional uses.

O. Goal 18 Beaches and Dunes

This goal does not apply.

P. Goal 19 - Ocean Resources

To conserve the long-term values, benefits and natural resources of the nearshore ocean and the continental shelf.

This goal does not apply.

CONCLUSIONS: The Statewide Planning Goals have been adequately addressed to justify the proposed plan amendments, rezone and code amendments. The location and setting for implementation of the Hollering Place Master Plan will provide opportunities to revitalize the Empire area and provide activities necessary for the health, welfare and prosperity of the city. The subject property will remain "employment land."

VII. Comprehensive Plan, Volume I, Chapter 8.3, Land Use and Community Development Planning (CBMC 17.380.040(2))

This chapter includes the following standards for approving amendments to the comprehensive plan.

1. Identification of new planning problems and issues.

The Hollering Place was the center for transportation, commerce and communication before the first Europeans sailed into the Coos Bay estuary. A village named Hanisitch (place of the Hanis) on the narrowest crossing of the Coos Bay estuary, the area's original inhabitants recognized the value of this location for anyone traveling along the coast. Southbound travelers would holler across to the village and someone would paddle over to provide passage. The Hollering Place became the site of the first European settlement in what would later become Coos County.

The small port community grew to become Empire City, the first Coos County seat. The county seat was eventually moved to Coquille and over time the city was incorporated into the city of Coos Bay.

The site was purchased by the City in 2001 from Crowley Marine Services. The site was formerly owned by the Drummond Lighterage which used the property for fuel services. When the city purchased the property it had been vacant for about 12 years according to the Coos County Assessor's Office. In 1991 environmental correction work was completed by Crowley Marine Services and a "no further action" determination was issued by the Oregon Department of Environmental Quality.

The subject property has fallen victim to changing economic forces which has reduced the need for small water-dependent industrial properties. This fact, combined with zoning conditions which have restricted opportunities to pursue commercial and even residential use alternatives, have deprived the area of new investment. The dock was examined in 2002 by engineer William F. Dilley & Associates and concluded that rather than attempt to rebuild the wood pier, it would be prudent to construct a new pier using more efficient materials. As discussed above, the 1998 BACEA indicates that the amount of land needed for water-dependent industrial uses does not exceed the amount of land currently in use.

The existing boat launch facilities to the south of the subject property are very popular with locals and visitors alike. The newly formed boat building center to the north is likely to also become a popular attraction for both locals and visitors.

2. Collection and analysis of inventories and other pertinent factual information.

When the Coos Bay Estuary Management Plan was developed, it was assumed that the subject property would develop as an industrial area, which seemed logical at the time; however, the development did not occur, or at best was short lived. The small size of the property would not accommodate today's berthing requirements and/or land backup requirements.

As discussed above, the BACEA indicates that no water-dependent industrial land is needed beyond the amount that is currently in use. Even though a structure that once functioned as a dock is partially standing, the engineer's review, as discussed in 1, above, indicates the dock would need to be demolished and rebuilt. As concluded in the BACEA, allowing new zoning for mixed uses will help alleviate the projected deficit of land designated for commercial use and at the same time reduce the projected surplus of industrial, water-dependent zoned land.

3. Evaluation of alternative courses of action and ultimate policy choices.

The most obvious course of action is to take no action. If no action is taken, it is likely that the subject property will continue as vacant land. It does not appear that the need for economic diversification as a result of the economy shifting away from a predominately natural resources base will change.

4. Selection of appropriate policy directives based upon consideration of social, economic energy and environmental needs.

The city recognizes the need to create an understanding of the community's heritage and historical connections to the waterfront while enhancing its cultural, recreational and economic vitality. Conveying the early waterfront culture to the public is a goal of the proposed development as seen by the "Story Trail" meant to encourage people to learn about the Hollering Place and its history. The proposed development will provide an opportunity to diversify the economy of the community and encourage public access and enjoyment of the waterfront.

When the Coos Bay Estuary Management Plan was developed, it was assumed that the subject property would develop as an industrial site, which seemed logical at the time; however, the development occurred only for a short time. In addition, the subject property contains only 2.11 acres and does not accommodate today's berthing or backup requirements. Reliance on natural resource based industries has declined.

Providing for mixed uses will provide increased retail-commercial land base along with a unique opportunity for living quarters. The experiential/hands-on learning is meant to brand the development, increasing awareness of the area as well as provide for activity that may fuel demand. If this program element does not prove viable, the area may be developed consistent with the remainder of the site with a mix of cottages and retail space.

Comprehensive Plan, Volume I, Chapter 7.5, Economic Development, Policy 2.3, in part, states: "...the city will pursue the implementation of the Hollering Place Master Plan to create a public activity area on the waterfront that serves residents and visitors and connects with the existing business district."

These findings and the findings under III, I, Statewide Planning Goal 9, demonstrate the decision to allow mixed use is responsive to the social, economic, energy and environmental needs of this area.

The plan strategies/policies relevant to the proposed amendments have been identified below:

a. Strategy NRH.5:

Coos Bay shall continue to participate in the National Flood Insurance Program of the U.S. Department of housing and Urban Development, recognizing that participation in this program substantially insures the health and well being of its residents and allows city residents to benefit from subsidized flood insurance rates.

b. Strategy NRH.6:

Coos Bay shall require that construction in floodprone areas shall meet certain flood proofing standards such as structure orientation to flood flow, flotation prevention measures, and a minimum elevation of the lowest story.

A portion of the lower bench of the subject property is identified as floodplain on FIRM (Federal Insurance Rate Maps). The city participates in the Federal Flood Insurance Program sponsored by HUD and also exercises sound building code practices to safeguard from unnecessary flood damage.

c. Strategy EC.4:

Coos Bay shall promote development along major transportation corridors by zoning lands adjacent to such corridors to allow commercial, industrial, and multi-family development except where such areas are irreversibly committed to low density residential development. However, ingress/egress to such development shall be designed so that it does not restrict traffic flow on the arterial streets. The city recognizes that intense development, along major transportation corridors conserves energy by providing shorter, direct access to homes and trade and service areas.

d. Strategy EC.6:

Coos Bay shall attempt to site residential apartment development in appropriate areas within or on the fringe of commercially zoned areas, recognizing that such uses conserve energy by the centralized location of achieving the goal of "infilling," and by maximizing the potential of land uses within developed areas of the city. This strategy shall not supersede the strategy dealing with protection of the integrity of established residential neighborhoods.

e. Strategy EC.8:

Coos Bay shall encourage the "infilling" development of undeveloped parcels of land, within the city limits for residential and commercial purposes, recognizing that such development, located in the vicinity of established traffic corridors and

in areas already serviced by electrical, sewer and water lines, are more energy efficient than new construction in “unserved” undeveloped areas.

The subject property is serviced and located in a developed area of the city. The subject property is suitable for infilling and for more intense uses.

While traffic circulation patterns may need to be modified, existing city streets will be utilized. New arterials and collectors will not be necessary to accommodate the mixed use development.

f. Strategy R.5:

Coos Bay shall utilize small city-owned, deeded, or dedicated undeveloped areas as open space, recognizing that open space alone is recreationally valuable.

The uses and facilities to be included in the Hollering Place will provide recreational opportunities for future generations.

g. From Chapter 7.5, Economic Development:

1. Policy 2.3

Pursue the implementation of the Hollering Place Master Plan, adopted December 2, 2008, to create a public activity area on the waterfront that serves residents and visitors; rebuild the dilapidated dock to promote more water-related activities; and, complement surrounding properties while connecting with the existing business district. A plan amendment from industrial to commercial or mixed-use will be required.

2. Policy 6.3

Promote the waterfront as key to a recreational center and opportunity to increase awareness of Coos Bay’s rich maritime and logging history.

3. Policy 6.5

Promote eco-tourism activities and the exploration and enjoyment of our natural surroundings.

g. From Chapter 7.6, Housing:

1. Policy 1.1

Coos Bay will continue to update its zoning provisions to allow for construction to provide a wide range of housing available at varied prices and rent ranges, and allow for flexible site and architectural design.

2. Goal 5

Allow for, encourage and support the development of housing units in conjunction with commercial development (eg., housing located above commercial uses).

CONCLUSION: The Hollering Place Master Plan has put in place the tools for revitalizing the Empire area and allowing new development to take advantage of the natural amenities of the site and the existing man-made amenities, such as the public boat launch and boat building center, while providing a mix of uses and unique living opportunities.

VII. COOS BAY MUNICIPAL CODE REZONE CRITERIA

Coos Bay Municipal Code Chapter 17.360, Change in Zone Designation, establishes the following standards for approving rezones:

A. The change in zone will conform to the policies and objectives of the comprehensive plan.

The portion of the subject property on the upper bluff is currently designated Commercial by the Comprehensive Plan. The area on the lower bench, which is currently designated Industrial, will be changed to Commercial plan designation.

Plan Policy 2.3 in Chapter 7.5 supports the implementation of the Hollering Place Master Plan. Other plan strategies/policies pertaining to the proposed rezone are discussed in VI, 4, above.

B. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.

The area east of the subject property is zoned General Commercial (C-2) and is the developed Empire business district along with some residences. East-southeast are a couple of residences that have been there for many years. To the north of the subject property is property zoned Waterfront Industrial (W-I) and Coos Bay Estuary Management Plan 54-UW owned by Sause Bros an ocean towing company. The property was used for log storage many years ago, but small buildings on the site are now used exclusively as offices and a training center. To the north is also a dilapidated building that is currently being repaired to make it usable for a boat building center. This is the former site of Eureka Fisheries, later purchased by OPAC, Inc. The city is leasing the facility. OPAC has stated they will not be using the facility any more for fish processing due to the downfall in the fishing industry. If necessary they will use the facility in Charleston.

The area to the south of the subject property, zoned W-I and CBEMP 54-UW, is the public boat launch facility, parking facility and fish cleaning station. Further south is a Coast Guard Station building, and private property with buildings some of which are used for boat building.

To the west is the bay.

The proposed mixed use development is compatible with the surrounding districts. Commercial development adjoins the subject area although it is geographically

separated by Empire Boulevard. The proposed development will complement the boat launch facility and dock by providing the opportunity for more varied activity for those using the facilities. The area to the north is separated by the 60-foot-wide Newmark Avenue right of way. Impacts from the proposed development should be contained on the subject property.

The zone change provides an opportunity for the city and its citizens to diversify the economy of the community by developing a mixed-use area which includes amenities, the opportunity to take part in small retail/workshop experiential opportunities and an alternative living style for people with different needs.

C. The change will not prevent the use of other land in the vicinity.

The area to the south is developed with an existing public boat ramp. Market conditions have left property and facilities to the north of the subject property, across Newmark Avenue, vacant or partially used for many years. The zone change provides an opportunity for the city and its citizens to diversify the economy of the community by developing a mixed-use area to include commercial, residential and a workshop/experiential learning atmosphere. This in turn may encourage development on the property to the north.

A boat building center is in the process of being established to the north of the subject property. It will likely draw users to the proposed development and create a need for overnight accommodations to participate in a longer program.

It is likely that the residential portion of the development will be for short-term occupancy because of the limitation to the size of the living spaces. It is possible the living spaces will be occupied by participants in workshop programs, or visitors for a few days of fishing.

If a water-dependent use were to reestablish on the property to the north, chances are it would provide an added dimension and opportunity for citizens and visitors to experience a working waterfront. The 60-foot-wide Newmark Avenue right of way would provide a buffer for the subject property.

D. It is appropriate at this time to permit the specific type of development or change in zone into the area which had not previously existed.

When the Coos Bay Estuary Management Plan was developed, there was an assumption the subject property, that is, the lower bench portion, would develop as an industrial area. While development in this direction seemed logical twenty years ago, increased industrial development in the communities surrounding the Coos Bay Estuary has not occurred. In addition, the size of the property does not accommodate today's berthing requirements and/or land backup requirements. The historical dependence of Oregon's economic base on agricultural and forest products industries has declined over the past four decades and has been replaced by a much broader range of industrial and service activity.

The Oregon Land Conservation and Development Commission amendments to Goal 17 (Coastal Shorelands) in 1999 has enabled the city to remove the water-dependent

requirement for that portion of the subject property located on the lower shelf. This is the portion of the subject property that lies within the Coos Bay Estuary Management Plan.

CONCLUSIONS: Implementation of the Hollering Place Master Plan will provide unique opportunities in the area that will take advantage of the location and ambiance of the area while at the same time allowing new development with a mix of uses to take place and integrate with the existing development in all directions. Water-dependent activity to the north of the subject property would provide additional interest from participants and visitors.

VIII. INDUSTRIAL LANDS AGREEMENT

As required by the Bay Area Industrial Lands Cooperative Planning Agreement, the city of Coos Bay sent notice of the proposed action to the parties of the agreement on March 12, 2010.

IX. CONCLUSION

The standards and criteria listed above have been adequately addressed and approval of the proposal can be supported.

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