



Oregon

Theodore R. Kulongoski, 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

02/12/2009

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Coos Bay Plan Amendment
DLCD File Number 002-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: Thursday, February 26, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Laura Barron, City of Coos Bay
Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA/

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: *City of Coos Bay*

Local file number: *ZON 2008-00094*

Date of Adoption: *February 3, 2009*

Date Mailed: *February 5, 2009*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: *NOV. 6, 2008*

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".
4.87 acres redesignated. Per LDO Chapter 5.14(1), the change in zone is conditional based on the use being implemented (ie., building permits issued).

Does the Adoption differ from proposal? Please select one

Subject property slightly smaller (5.5 -> 4.87 acres). Conditions attached making it "Qualified Residential Professional"

Plan Map Changed from: *General Commercial* to: *Residential High-density*

Zone Map Changed from: *General Commercial* to: *Qualified Residential Professional (QR4P)*

Location: *T. 25, R. 13, S. 21 BC, portion of TL100*

Acres Involved: *4.87 acres*

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
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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. *002-08 (17232)*

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

School District 9, 0007

Local Contact: <i>Laura Barron</i>	Phone: <i>(541) 269-8929</i>	Extension:
Address: <i>500 Central Avenue</i>	Fax Number: <i>541-269-8916</i>	
City: <i>Coos Bay</i>	Zip: <i>97420</i>	E-mail Address: <i>lbarron@coosbay.org</i>

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) 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
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



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>

February 5, 2009

FINAL ORDER

AMENDMENT TO THE COOS BAY COMPREHENSIVE PLAN AND LAND DEVELOPMENT ORDINANCE

APPLICATION: ZON2008-00094
APPLICANT: Guardian Management, LLC,
Ross Cornelius, Development Manager
710 NW 14th Avenue, 2nd Floor, Portland, OR 97209

OWNER: Jenson Family Trust, Thelma Jenson/Rebecca Burdg, Trustees
711 NE 149th Avenue, Vancouver, WA 98684

SUBJECT PROPERTY: T. 25, R. 13, S. 21BC, eastern portion of Tax Lot 100

REQUEST: Redesignate the subject property from "Commercial (C)" to
"Residential High-density (R-H)" plan designation and from
"General Commercial (C-2)" to "Qualified Residential Professional
(R-4P)" zone designation.

ORDER: Tuesday, February 3, 2009, City Council approved the plan map
amendment and zone change, with conditions, and enacted
Ordinance Nos. 411 and 412, respectively.
City Council Final Vote:

Plan map amendment:
Yea: Mayor Jeff McKeown, John Eck, Gene Melton,
Stephanie Kramer, and John Pundt
Abstain: Mark Daily **Nay:** Joanie Johnson

Zone designation amendment, with conditions:
Yea: Mayor Jeff McKeown, John Eck, Gene Melton,
Stephanie Kramer, John Pundt and Joanie Johnson
Abstain: Mark Daily **Nay:** None

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. 411 and 412, approving the plan map amendment and zone change (ZON2008-00094) redesignating the subject property from "Commercial (C)" to "Residential High-density (R-H)" plan designation and from "General Commercial (C-2)" to "Qualified Residential Professional (Q R-4P)" zone designation, **specifically for the development of up to 80 multi-family dwelling units**, with the following conditions:

1. A Site Plan and Architectural Review (SPAR) must be submitted and approved prior to the issuance of any building permits for the subject property;
2. A traffic impact analysis (TIA) must be completed and submitted as part of the application for the SPAR; and,
3. If at the end of two (2) years from the date the decision is final, no building permits for the multi-family dwelling units have been issued for the subject property, the plan and zone designation will revert automatically to the designation it possessed immediately prior to the granting of the qualified rezone; that is, the subject 4.87 acres would revert to Commercial plan and General Commercial zone designations. One two-year time extension may be granted pursuant to LDO Chapter 5.2(7)(2) whereby justification for an extension must be set forth in writing and submitted to the Public Works and Development Department for approval by the City Council, prior to the expiration of the initial two (2) year deadline.

The decision to approve will become final at **5:00 PM on February 26, 2009** unless an appeal is filed.

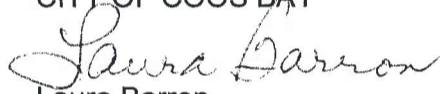
APPEAL PROVISION

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 February 26, 2009**. 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: Exhibit A, Ordinances 411 and 412, Attachment A

c: Jenson Family Trust
Ross Corneilus, Guardian Management, LLC,
Lynnette Martino, Multi/Tech Engineering Services, Inc.
Ann Falk
Mark Hewitt
Walt Larsen
Dave Perry, OR Dept. of Land Conservation & Development

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EXHIBIT A

PLAN MAP AMENDMENT

Below is the decision criteria specified in Land Development Ordinance Chapter 5.19 and the applicable Statewide Planning Goals. Findings and conclusions accompanying each of the criteria or Goal may apply to more than one criterion or Goal and may be used to support the decision of the City Council.

DECISION CRITERIA A: Identification of new planning problems and issues.

STATEMENTS OF FACT AND FINDINGS:

- A1.** The City of Coos Bay Comprehensive Plan identifies a number of problems and issues that sometimes require changes when a Plan amendment is proposed. These items are addressed in Chapter 7 and Chapter 8 of the Plan and are generally very broad in scope. The proposed amendment to the Plan map is minor. No change in the problems and issues in the plan are required in order to enact the proposed amendment.
- A2.** The subject property is located between a well-maintained single-family area on the south and large-scale commercial development on the north and east and smaller scale to the west across LaClair. Compatibility between the commercial and residential uses is addressed by the proposed R-4P zoning which will allow a combination of low-level commercial office development with apartments.
- A3.** In 2002, the City granted a comprehensive plan and zone change for the subject property from residential to commercial uses. The property has remained vacant.

CONCLUSION: Land use and zoning are expected to change as conditions change. The proposed zoning will be a transition area between the large scale commercial uses and the single-family residential area to the south of the subject property. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA B: Collection and analysis of inventories and other pertinent factual information.

STATEMENTS OF FACT AND FINDINGS:

- B1.** Slayden Construction, agent for the applicant, conducted a market inventory in December 2007 of apartments within the Coos Bay area. The market inventory consists of six market rate developments and two subsidized housing development. The significant factor in their study is that the group of apartments all had a high occupancy rate, 95-100%. See *Attachment 3* of the applicant's

submittal.

- B2.** It is likely the subject property was rejected for consideration by developers due to its size constraints.
- B3.** The US Census Bureau reports that the estimated 2006 population for Coos Bay is 15,999. The 2000 Census reports 2,537 rental units and a median income of \$31,212.00.
- B.4.** A wetland on the subject property has been addressed through the Department of State Lands July 11, 2008 Delineation Report. (See *Attachment 4*)

No natural hazards, flood plain, slide areas, sand dunes, etc., are identified on the site.

CONCLUSION: Figures indicate a high occupancy rate for multifamily units at the end of 2007. The median income for the area indicates the need for multifamily housing which is lower cost housing. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA C: Evaluation of alternative courses of action and ultimate policy choices.

STATEMENTS OF FACT AND FINDINGS:

- C1.** The alternative courses of action are:
 - a. Grant the Comprehensive Plan and zone map changes;
 - b. Deny the Comprehensive Plan and zone map changes;
 - c. Grant the Comprehensive Plan and zone map changes, subject to conditions.
- C2.** If granted, the site would be developed as proposed. This is "a," the first and preferred alternative. Development must meet planning and building standards. No variances have been requested. No new streets are proposed.

The applicant states the proposed zone change would offer an alternative housing type for residents. This option, the preferred alternative, can be supported by Plan Strategy H.1.

- H.1** Coos Bay shall endeavor to provide a wide range of housing, available at varied price and rent ranges, by exercising zoning concepts that allow flexible site and architectural design and that permit a variety of housing types such as attached and detached single-family and duplex dwellings, row houses, apartments of varying densities, cluster housing mobile homes, and condominiums, recognizing that the city should encourage a variety of housing to satisfy individual preferences and financial capabilities.

C3. If denied, multifamily housing in separate buildings could not be built on the property. The current zoning, C-2, allows limited residential on the first floor of a commercial use (30%), and above the first floor of a commercial use.

CONCLUSION: The decision criterion has been adequately addressed and approval of the third alternative can be supported.

DECISION CRITERIA D: Selection of appropriate policy directives based upon consideration of social, economic, energy, and environmental needs.

STATEMENTS OF FACT AND FINDINGS:

D1. The following policy directives in the Comprehensive Plan apply to the requested change. The strategies most applicable to the request follow:

EC.1 Coos Bay shall exercise residential site development practices consistent with sound energy conservation design principles, including where appropriate, consideration of alternatives for cluster housing, for structural orientation and landscaping design to minimize surface heat loss.

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 home and trade and service areas.

H.1 See Finding C2., above.

H.4 Coos Bay shall develop innovative regulations for planned unit development allowing flexibility in designing cluster housing, recognizing that such land development practices (1) result in lower costs per site than conventional subdivisions, (2) permit sound land economics, (3) enhance the environmental integrity of the land resources, (4) promote energy conservation, and (5) provide additional open space.

CONCLUSION: The decision criterion has been adequately addressed and approval of the proposal can be supported.

STATEWIDE PLANNING GOALS

1. Citizen Involvement

The application is being reviewed according to the public review process established by the City. The City's Plan is acknowledged to be in compliance with this goal. Notice of the proposal will be provided to property owners and published in the newspaper. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision-making process. These procedures meet the requirements of Statewide Planning Goal 1.

2. Land Use Planning

Facts and evidence have been provided that support and justify the proposed Comprehensive Plan and zone change.

3. Housing Goal

The proposal is for R-4P (Residential/Professional) zoning for the 5.5 acres site. The objective is to lower housing costs, yet permit freedom of choice in housing types, and encourage energy conservation. The location of high-density residential land capitalizes on commercial and employment centers and has convenient vehicular access to major arterial streets.

4. Air, Water and Land Resources Goal

Future development will be required to meet the standards in effect at the time to maintain or improve the quality of the air, water and land resources. The provision of public services to the property will serve to protect the air, water and land. All necessary public services are or will be available to this property at adequate levels to serve the type of future development that is indicated, multifamily dwelling units.

There will be no withdrawal of subsurface groundwater resources. Waste water from the property will be discharged into the city sewer system. The city is responsible for assuring wastewater is treated to meet applicable standards for environmental quality prior to release. Storm water runoff will be collected and removed by the city storm drainage system in a manner determined by the city to be appropriate.

The major impact to air quality in the vicinity is vehicle traffic along LaClair Street. The proposed development will not be a major contributor of additional traffic onto LaClair Street as indicated by the applicant's TPR review and addressed under Decision Criteria #6, above. The traffic generated from the site will be minor compared to the total volume of traffic in this area and will not create a significant addition air quality impact.

No significant adverse impacts to the quality of the air, water or land are expected as a result of the proposed multifamily housing or office buildings.

5. Economic Development Goal (Goal 9)

A. The proposal will not affect the economy of the local, regional or statewide area. The development will provide a short term economic boost during the construction phase. Development in this location does not negatively impact the City's downtown area, but in fact, provides the ability to house more people that are potential customers and/or employees of the nearby commercial uses. The proposal will provide a location for apartments and professional offices. The subject property is currently underutilized and unproductive and returns little value to the city. The proposed use will make the site productive and create value. In this way the proposal will contribute to the economic base of the urban area, which is consistent with this Goal.

The Bay Area Comprehensive Economic Analysis (1998) was adopted as part of the Comprehensive Plan. It estimates a population of approximately 28,622 in the Coos Bay/North Bend area by 2020. The Analysis estimates there will be a need for approximately 2,100 additional housing units by 2020. The analysis also indicates a need for an additional 65 acres of commercial land by the year 2020. The subject property, along with other high-density residential property, was rezoned from low-density residential to commercial in 2002. The figures in the Analysis reflect the subject property as residential, as was the zoning at the time of the economic analysis.

Regardless, the need for commercial, employment land, is still valid as concluded in the 1998 Analysis. The proposed change in zoning for the 5.5 acres allows for office use, which is employment land, although multifamily dwellings are proposed at the current time. The need for the additional housing units is also expressed in the Analysis. The proposed zoning designation would facilitate construction of affordable housing units, which are identified as a key component of economic growth and the overall economic well-being of the city of Coos Bay.

Using information from ESRI Business Information Solutions, the Coos Bay median household income in 2008 is \$39,637 and per capita income is \$22,515. With the price of housing increasing dramatically over the last few years, people are seeking less expensive housing, such as multi-family, in order to have more disposable income.

It is proposed at this time to change the plan and zone designation to high-density residential. The specific zone, "Residential Professional" allows office use along with the proposed multiple residential use.

B. Additional information has been submitted by the applicant (*Attachment D*) in response to a letter from the Department of Land Conservation and Development dated December 2, 2008 regarding Goal 9 (*Attachment E*).

See Attachment D for the complete analysis for Goal 9. Below is a summary of the high points of the information submitted.

The applicant discusses two objectives of the "Summary of Coos Curry Douglas Regional Investment Strategy" from Governor's executive Order 97-22,

December 16, 1997. The objectives focus on a regional strategy to create a balance between housing, transportation, jobs and energy conservation and public services. The proposal for workforce housing on the subject property minimizes urban sprawl by being located in a centralized area within the UGB and within the City limits. The apartments reduce commuting costs by being located where mass transit is available and is located within walking distance to college resources. The site is already served by municipal water and sewer. Thus the proposal for the type of housing is consistent with the above investment strategy.

The applicant states in Attachment D that according to the Oregon Bay Area Chamber of Commerce website, the major industries in the area are agriculture, commercial fishing, forestry/wood products and tourism. These major industries are generally not found within the urban core of a City on a site of the size and location of the subject property. Tourism at the beach is usually at the sites near the beach, or within the downtown area of a city that supports a tourist-oriented retail, hotel and restaurant facilities. The site itself does not contribute nor detract from any commercial or industrial inventory for agriculture, fishing, forestry/wood products or tourism uses. The proposal provides housing for workers in the major industries.

The applicant includes information from the April 1998 *Bay Area Comprehensive Economic Analysis* prepared by David Evans and Associates for the City of Coos Bay and other agencies reports that: *"The information available suggests the Bay Area will experience increases in population and employment, with a resulting need for new housing, industrial, office-commercial and retail commercial development."*

The report indicates anticipated growth will reach approximately 70,000 for Coos County by 2020. The Cities of Coos Bay and North Bend account for approximately 42% of the population of Coos County. Further, the report indicated that over 10% of Coos County households will require some type of housing other than single-family housing.

The analysis states the overall objectives for economic development are focused on the larger industries such as shipping, fishing, tourism, and waterfront development. Again, these areas of economic development are supported by the ability of the community to provide adequate, safe and attractive housing for families engaged in these job opportunities.

6. Statewide Public Facilities and Services Goal

All necessary public services and facilities are or will be provided to this property by the developer and providers of public and private service providers at levels that are adequate to serve the proposed use. The city will specify any needed changes to the existing service levels at the time building permits are requested. By providing the necessary public services and facilities for the proposed use, the requirements of this Goal will be met.

7. Statewide Transportation Goal

Access to the site is provided by the existing street system consisting of LaClair and Thomas Streets. The streets provide a direct link to Newmark Avenue and Ocean Boulevard which are the major streets linking the site to the city center. Coos Bay's Energy Strategies as part of the Comprehensive Plan encourage the location of housing along traffic corridors and in areas that are already served by public and private facilities.

No new streets are needed. The location along the collector street, LaClair, adjacent to a transit route at Newmark, and with bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The TPR is addressed within the applicant's transportation study that accompanies this application prepared by Associated Transportation Engineering and Planning, Inc.

8. Statewide Energy Conservation Goal

Coos Bay's Energy Plan Strategies encourage multi-family dwellings as part of this housing strategy, recognizing that these types of housing can be more energy efficient by involving fewer roadways, and concentration of utilities and services.

The subject property is located on a collector street, very close to major east west arterial streets that provide direct access to Highway 101 and the City core. New construction provides the opportunity to provide improved construction and building techniques which improve and conserves energy uses via current building codes. The City of Coos bay upholds current building codes which benefit energy saving new construction.

9. Statewide Urbanization Goal

The subject property is within the corporate limits of Coos Bay and has a full complement of public and private services that either are on the property or abutting the land or provided by the city such as fire, police protection, government management and library services. This proposal does not materially affect the size or location of the city limits or urban growth boundary. Urbanization can occur here because the subject property is currently vacant and surrounded by developed areas.

The Comprehensive Plan Housing strategies encourage flexibility in infilling in order to prevent urban sprawl, promote energy conservation, permit sound land economics and to respect environmental concerns and open space considerations for healthier living situations. The proposal to add apartments meets the needs of the community for a variety of housing types.

10. Statewide Areas Subject to Natural Disasters and Hazards; Estuarine Resources; Coastal Shorelands; Beaches and Dunes; and Ocean Resources Goals

There is no special agriculture, ocean beaches, dunes, destination areas or forest lands impacted by this proposal. No natural hazards have been identified that are specific to this site or which would prevent the proposed use. There are no estuaries, floodways, flood plains, identified slide areas, mines, sand dunes, rivers or streams, or other beach resource areas impacted by this proposal.

Wetlands on site are addressed through the Department of State Lands July 11, 2008 Delineation Report for this site. See Attachment 4 of the applicant's submitted information.

11. Statewide Recreational Needs Goal

The proximity of the coastal beaches, schools and parks provides local and regional recreational opportunities. The interior of the site will be developed with playground and outdoor use areas for specific use by residents of the development.

CONCLUSION: The change from a commercial designation to another type of plan map designation permits employment uses combined with residential uses. The R-4P zoning allows limited commercial uses. The potential for new work force housing is increased by the proposal. Work force housing is a component of economic development. Therefore, the proposal complies with the Statewide Planning Goals, especially Goal 9, and is consistent with the city's most recent economic opportunities analysis and the plan map change is warranted and should be granted.

ZONE CHANGE

DECISION CRITERIA, JUSTIFICATION, FINDINGS & CONCLUSIONS

The following is a list of the decision criteria applicable to the request as set forth in Land Development Ordinance Chapter 5.14(5). Findings and conclusions accompanying each of the criteria may apply to more than one criterion and may be used to support the Commission's recommendation to the City Council.

Rezone requests must be supported by criteria #1-- **OR--** by criteria #2-5.

DECISION CRITERIA #1: The existing zone designation is the product of a mistake.

STATEMENTS OF FACT AND FINDINGS:

- 1a.** It does not appear that the existing zone designation is the product of a mistake. In 2002, the City granted a Comprehensive Plan and zone change from "Residential Low-density" and "Single-family, Duplex Residential and Certified Factory-built Home District (R-6)," respectively, to Commercial plan and zone designations.

CONCLUSION: The decision criterion has not been addressed; therefore, Criteria #2 through #5 must be supported in order for the request to be approved.

DECISION CRITERIA #2: The change in zone will conform to the policies and objectives of the comprehensive plan.

STATEMENTS OF FACT AND FINDINGS:

- 2a.** The proposed zone change to “Residential Professional (R-4P)” is a buffer between the commercial designated property to the north, east and west (across LaClair) and the single-family residential uses to the south. The change in zoning will represent an expansion within an existing residential and commercial corridor. The use of the subject property should be encouraged as a means of maintaining and encouraging the improvement and renewal of the area.
- 2b.** Eighty multi-family housing units are proposed by the applicant on the subject 5.5 acres. The applicant states the current housing vacancy rates in the City support finding that this type of housing is needed. The subject property is adjacent to an area that has a mixture of residential, commercial and education zones and uses. WalMart is located adjacent to the east of the subject property and Staples is north, across Thomas Street. Southwest Oregon College is located across Newmark Avenue from WalMart. Oregon Coast Community Action (ORCCA) is currently planning a Head Start facility and a food warehouse distribution center on a portion of the remainder of the 10-acre parcel.
- 2c.** Volume I, Chapter 9.1 sets forth the objectives for residential development. *Objective 1* states that residential areas will be designated on the basis of dwelling unit densities. The strategy of this objective aims to lower housing costs, yet permit freedom of choice in housing types, and encourage energy conservation. The location of high-density residential land capitalizes on commercial and employment centers and has convenient vehicular access to major arterial streets.

The subject property is located on Thomas Street, off of LaClair Street, which is classified as a collector by the Transportation System Plan (TSP). It is about 600 feet to Newmark Avenue, which is classified as an arterial. As stated in the finding above, commercial centers WalMart, Staples, and the College, both an education center and employment opportunity, are located adjacent or in close proximity to the subject property. Multiple family housing on close-in land reduces gas consumption. Greater density supports car-sharing programs.

- 2d.** *Objective 2* bases the location of residential areas and their densities on an analysis of land characteristics and on the fiscal potential for extending access and public facilities to the site.

The subject property is currently served by Thomas Street. A portion of the 10.4 acre parent parcel is adjacent to LaClair Street and will retain its commercial zoning. The proposed use will not create a demand for additional services that would exceed the City’s service capacities.

- 2e.** *Objective 3* requires the city to protect the integrity of established land use patterns.

Most of the surrounding properties are developed except for the remainder of the parent parcel. To the south of the subject property is an area developed with well-maintained single-family dwellings. The applicant states it is more appropriate to maximize the housing rather than to develop the property with major commercial enterprises due to the proximity of the college and the near-by single-family residential uses. The site is in relatively easy walking and biking distance to shopping and the College.

The R-4P zoning allows a combination of low-level commercial office development and residential uses which acts as a transition area between intense commercial uses and the single-family residential use to the south.

- 2f.** *Objective 4* stresses the importance of maintaining the natural character of the community.

The applicant is proposing 80 multifamily units on 5.5 acres which is about 3,000 square feet per living unit. The 80 apartment units will be in different buildings of approximately 2-3 stories with a mixture of 6-12 dwelling units per building. By clustering the units into several building open space is provided. New landscaping and fencing will be provided around the perimeter of the apartments as required to enhance the site and define it. The main fronts of the buildings will be oriented toward LaClair Street and away from the residential uses on the south. The applicant states new pedestrian access will be developed linking the main front entrance to the public sidewalk system.

The interior of the site will be developed with playground and outdoor use areas for specific use by residents of the development.

Thomas Street provides somewhat of a break between the commercial and residential uses.

- 2g.** *Objective 5* addresses the need to maintain a sufficient amount of residential lands for growth.

The proposed R-4P zoning will allow multifamily housing development to be located in an appropriate area on the fringe of a commercial zone and recognize that such a use conserves energy by "infilling" a vacant parcel.

The Bay Area Comprehensive Economic Analysis (1998) was adopted as part of the Comprehensive Plan. It estimates a population of approximately 28,622 in the Coos Bay/North Bend area by 2020. The analysis estimates there will be a need for approximately 2,100 additional housing units by 2020.

CONCLUSION: The proposed rezone is intended to allow residential use and a mix of low impact office uses. The change in zone will conform to the policies and objectives of the comprehensive plan. The decision criterion has been adequately addressed and approval of the proposal can be supported with the following conditions:

CONDITIONS:

1. A Site Plan and Architectural Review (SPAR) must be submitted and approved prior to the issuance of any building permits for the subject property;
2. A traffic impact analysis (TIA) must be completed and submitted as part of the application for the SPAR; and,
3. If at the end of two (2) years from the date the decision is final, no building permits for the multi-family dwelling units have been issued for the subject property, the plan and zone designation will revert automatically to the designation it possessed immediately prior to the granting of the qualified rezone; that is, the subject 4.87 acres would revert to Commercial plan and General Commercial zone designations. One two-year time extension may be granted pursuant to LDO Chapter 5.2(7)(2) whereby justification for an extension must be set forth in writing and submitted to the Public Works and Development Department for approval by the City Council, prior to the expiration of the initial two (2) year deadline.

DECISION CRITERIA #3: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.

STATEMENTS OF FACT AND FINDINGS:

- 3a.** The area to the north and east and directly west of the subject property is zoned "General Commercial (C-2)." WalMart is adjacent to the east and Staples to the north across Thomas Street. Verizon is located across LaClair Street.

Property to the south is zoned "Single-family and Duplex Residential (R-2)" and is developed with single-family dwellings. This residential area continues to Ocean Boulevard. The area along Ocean Boulevard is developed with a mixture of residential, public and retail uses.

The campus and entrance to the College are located approximately ½ mile north of the subject property on Newmark Avenue. The area west of LaClair is developed with a mix of commercial and residential uses. This area is zoned "General Commercial (C-2)" and "Multiple Residential (R-3)."

CONCLUSION: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #4: The change will not prevent the use of other land in the vicinity.

STATEMENTS OF FACT AND FINDINGS:

- 4a. The proposed R4-P zoned area will serve as a transition area between the commercially zoned property predominantly to the north and east which are occupied with existing big box developments, Staples and WalMart.
- 4b. The area north of Thomas Street was rezoned for commercial uses in 2002, along with the subject property which has remained vacant. The existing single and multiple family dwellings to the north of Thomas Street have not converted to commercial uses at this time. The proposed zone district will not impact the redevelopment of that area, but will actually form a buffer area between any commercial use that may occur in the future and the R-2 zoned area to the south of the subject property.
- 4c. The subject property will be served by Thomas and LaClair Streets. No new streets are proposed. The Thomas Street right of way extends to the eastern boundary of the subject property. It is unlikely it will ever be extended since it abuts WalMart. There is no intention to extend Brule Street, which lies south of the subject property. The portion of Brule adjacent to the subject property was vacated shortly after the subject property was rezoned for commercial use to insure commercial traffic did not travel through the residential neighborhood.
- 4d. An increase in pedestrian traffic from users of the site to the surrounding commercial buildings, the College and any bus stops in the area is expected.

CONCLUSION:

The proposed change will not prevent the use of other land in the vicinity. The decision criterion has been adequately addressed and approval of the proposed zone change can be supported.

DECISION CRITERIA #5: It is appropriate at this time to permit the specific type of development or change in zone of the area which had not previously existed.

STATEMENTS OF FACT AND FINDINGS:

- 5a. The applicant states and the city finds this is the appropriate time to permit the zone change. The intent of the Comprehensive Plan is to recognize the need to remain responsive to changing and evolving land demands within the context of plan policies and implementing measures. The intent of this approach is to retain flexibility in order to remain responsive to changing conditions, and to recognize the legitimacy of existing zoning and plan implementation. The Plan recognizes

that land use and zoning are expected to change as conditions change.

CONCLUSION: The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #6: The change will be consistent with the functions, capacities and levels of service of facilities identified in the adopted Coos Bay Transportation System Plan (TSP).

STATEMENTS OF FACT AND FINDINGS:

6a. Access to the site is provided by the existing street system consisting of LaClair, classified as a collector by the Plan, and Thomas Streets which is designated as a local street. The streets provide a direct link to Newmark Avenue and Ocean Boulevard. LaClair Street provides a north-south connection between Newmark Avenue and Ocean Boulevard and to nearby residential and commercial uses. Newmark and Ocean are classified as arterials by the Plan.

6b. Associated Transportation Engineering & Planning, Inc. has been hired by the applicant to address the adopted TSP and the proposed comprehensive plan and zone change. Oregon land use law requires that the Transportation Planning Rule be met whenever a comprehensive plan map amendment is undertaken. It is required that the land use action not "significantly affect an existing or planned transportation facility."

If the land use action significantly affects a transportation facility, approval of the proposed action must include transportation improvements to mitigate the traffic impacts.

6c. The analysis, *Attachment 2* of the applicant's submitted information, indicates that less traffic can be generated by the permitted uses in the proposed zoning than could have been generated in the existing zoning.

A reasonable development scenario was analyzed by the consultant using a drive-in bank, fast food restaurant, pharmacy and supermarket. It was estimated that 6,123 ADT would be generated by a development with this combination of uses.

The analysis shows that if the subject property were developed with the maximum number of apartments (about 188) permitted on 5.5 acres 1,236 ADT (average daily traffic) would be generated.

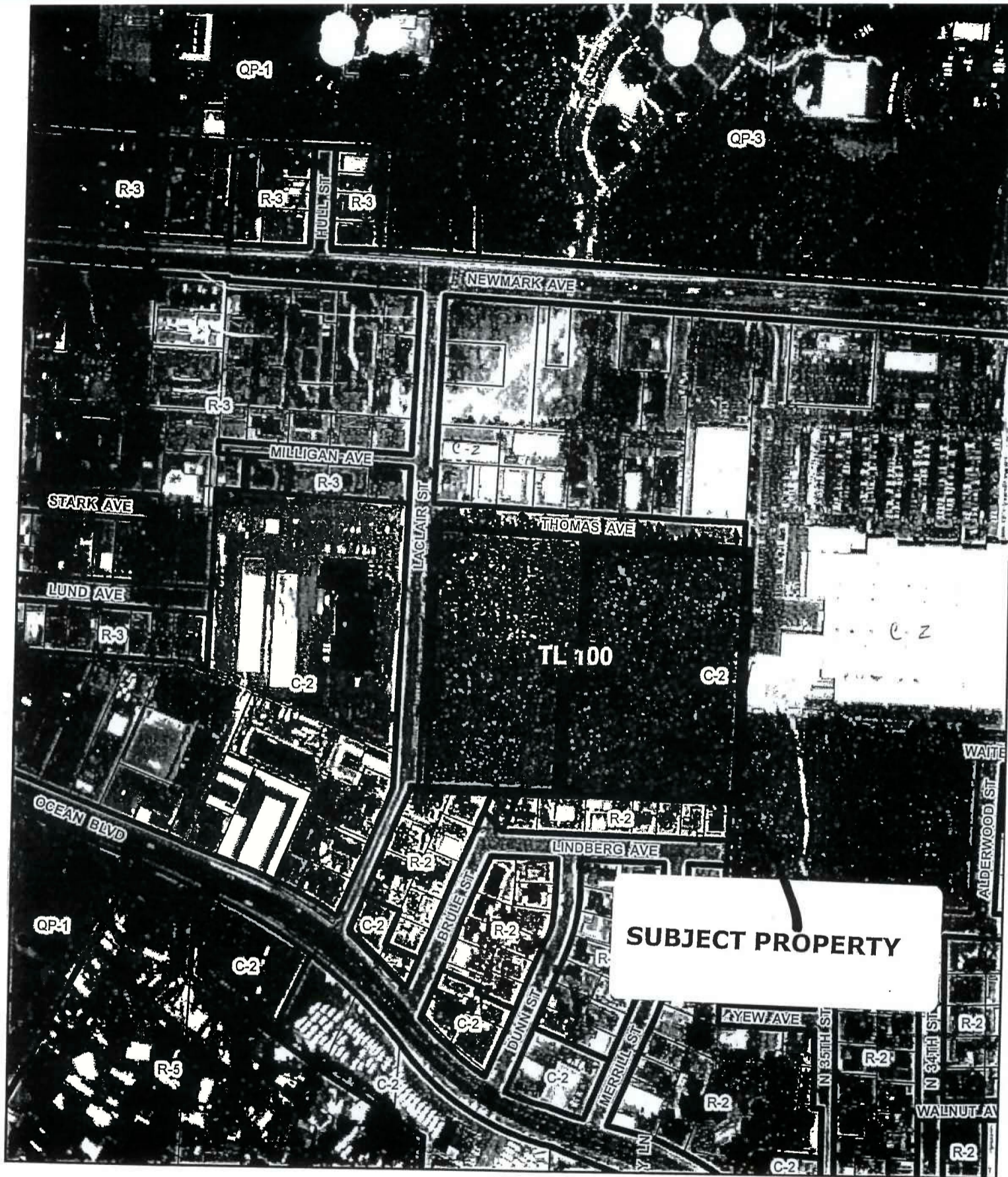
The analysis concludes that since the development under the proposed zoning does not generate more trips per day than could be generated under the existing zoning, the proposed zone change will have no significant affect on traffic or traffic facilities. The study finds 6,123 ADT is a reasonable limit for all future development on the 5.5 acre site that will not have a "significant effect" on the

transportation system as defined by the TSP.

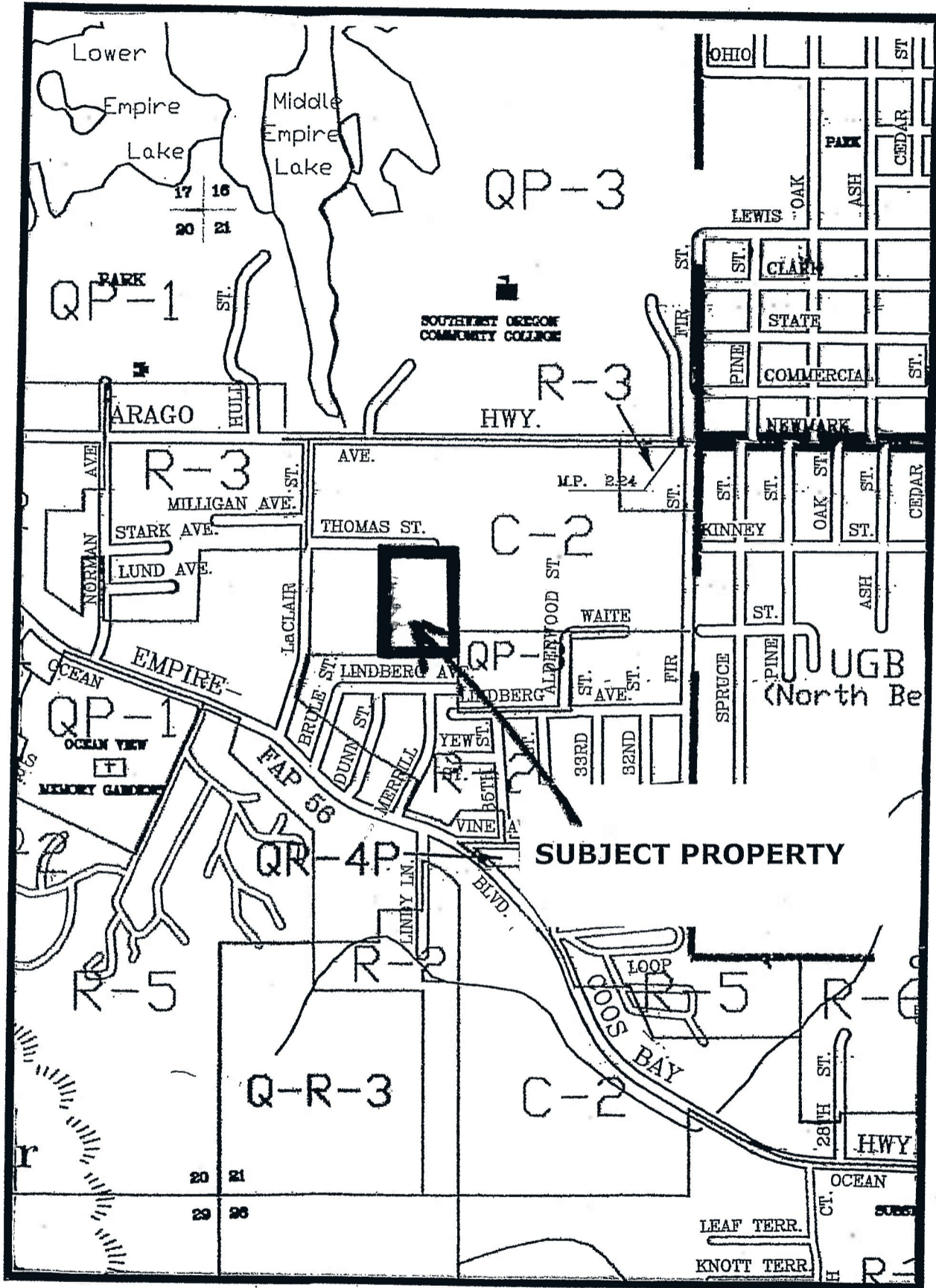
A transportation impact analysis (TIA) will need to be completed when development of the site is proposed. No site plan has been proposed with the submitted application. At the time of development, the impact of additional traffic on specific intersections that will be identified in a scope of work by the City must be completed. The analysis must also include any necessary mitigation measures as a result of the proposed development. A condition requiring a TIA is listed under Decision Criteria #2.

CONCLUSION: The decision criteria has been adequately addressed and approval of the proposal can be supported.

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1 INCH = 300 FEET



VICINITY MAP

ORDINANCE NO. 411

AN ORDINANCE CHANGING THE COMPREHENSIVE PLAN MAP DESIGNATION FOR CERTAIN REAL PROPERTY FROM "COMMERCIAL" TO "RESIDENTIAL HIGH-DENSITY"

The City of Coos Bay ordains as follows:

Section 1: Findings.

1. The applicant, Guardian Management, LLC, has filed an application, hereinafter referred to as the Application, to amend the 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 from "Commercial" to "Residential High-density" described as follows:

A portion of a 10.00 acre tract of land described in Deed Document No. 2004-13524, Coos County, Oregon Deed records, and more particularly described as follows:

Commencing at the northeast corner of the Southwest Quarter of the Northwest Quarter of Section 21, Township 25 South, Range 13 West, Willamette Meridian, Coos County, Oregon, thence South 1°20'29" East, along the east boundary of the Southwest Quarter of the Northwest Quarter of said Section 21, a distance of 479.03 feet, to the northeast corner of said deed, and the Point of Beginning; thence South 1°20'29" East, along said Quarter Section line, a distance of 587.41 feet, to the southeast corner of said deed; thence South 87°54'02" West, along the south line of said deed, common with the north line of Ocean Boulevard Heights subdivision, a duly recorded subdivision in the Coos County, Oregon Book of Town Plats, a distance of 435.00 feet; thence North °13'30" West, leaving said deed line, a distance of 266.98 feet; thence North 89°48'15" East, a distance of 144.03 feet; thence North 1°19'06" West a distance of 335.00 feet, to the north line of said deed, common with the south line of said right-of-way of Thomas Avenue; thence North 89 °48'15" East along said right-of-way, a distance of 295.00 feet, to the Point of Beginning.

The above described parcel contains 4.87 acres more or less.

All the above tract of land is located in the Southwest Quarter of the Northwest Quarter of Section 21, Township 25 South, Range 13 West of Willamette Meridian, Coos County, Oregon.

2. Notice that public hearing upon the Application would be held before the City of Coos Bay Planning Commission (the Commission) on January 13, 2009 and public hearing would be held before the Coos Bay City Council on February 3, 2009, was published in "The World," a newspaper of general circulation within Coos County, Oregon, on December 30, 2008.

3. Notice of public hearings was mailed on December 15, 2008 to all landowners within 250 feet of the area being rezoned.
4. Provisions in the Coos Bay Land Development Ordinance and Coos Bay Comprehensive Plan relating to notice have been complied with.
5. Public hearing was held on the Application on January 13, 2009, and after receiving evidence and hearing testimony, the Commission recommended approval of the Application.
6. The Commission's Findings and Justifications supporting its recommended approval of the Application are attached hereto as "Exhibit A" and incorporated herein by reference.
7. The City Council of the City of Coos Bay, after considering the Commission's Findings and Justifications hereby adopts the Findings and Justifications, and finds the Application should be granted.

Section 2: Redesignation. The designation in the City of Coos Bay Comprehensive Plan, Volume I, Plan Policy Document, 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 as described above in Section 1(1) are hereby changed from "Commercial (C)" to "Residential High-density (R-H)."

Section 3: Severability. 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, Coos County, Oregon, this 3rd day of February 2009, by the following vote.

Yes: Mayor Jeff McKeown and Councilors Jon Eck, Stephanie Kramer, Gene Melton and John Pundt. Councilor Mark Daily abstained from the vote.

No: Councilor Joanie Johnson

Absent: None


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

EXHIBIT A

PLAN MAP AMENDMENT

Below is the decision criteria specified in Land Development Ordinance Chapter 5.19 and the applicable Statewide Planning Goals. Findings and conclusions accompanying each of the criteria or Goal may apply to more than one criterion or Goal and may be used to support the decision of the City Council.

DECISION CRITERIA A: Identification of new planning problems and issues.

STATEMENTS OF FACT AND FINDINGS:

- A1.** The City of Coos Bay Comprehensive Plan identifies a number of problems and issues that sometimes require changes when a Plan amendment is proposed. These items are addressed in Chapter 7 and Chapter 8 of the Plan and are generally very broad in scope. The proposed amendment to the Plan map is minor. No change in the problems and issues in the plan are required in order to enact the proposed amendment.
- A2.** The subject property is located between a well-maintained single-family area on the south and large-scale commercial development on the north and east and smaller scale to the west across LaClair. Compatibility between the commercial and residential uses is addressed by the proposed R-4P zoning which will allow a combination of low-level commercial office development with apartments.
- A3.** In 2002, the City granted a comprehensive plan and zone change for the subject property from residential to commercial uses. The property has remained vacant.

CONCLUSION: Land use and zoning are expected to change as conditions change. The proposed zoning will be a transition area between the large scale commercial uses and the single-family residential area to the south of the subject property. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA B: Collection and analysis of inventories and other pertinent factual information.

STATEMENTS OF FACT AND FINDINGS:

- B1.** Slayden Construction, agent for the applicant, conducted a market inventory in December 2007 of apartments within the Coos Bay area. The market inventory consists of six market rate developments and two subsidized housing development. The significant factor in their study is that the group of apartments all had a high occupancy rate, 95-100%. See *Attachment 3* of the applicant's submittal.
- B2.** It is likely the subject property was rejected for consideration by developers

due to its size constraints.

B3. The US Census Bureau reports that the estimated 2006 population for Coos Bay is 15,999. The 2000 Census reports 2,537 rental units and a median income of \$31,212.00.

B.4. A wetland on the subject property has been addressed through the Department of State Lands July 11, 2008 Delineation Report. (See *Attachment 4*)

No natural hazards, flood plain, slide areas, sand dunes, etc., are identified on the site.

CONCLUSION: Figures indicate a high occupancy rate for multifamily units at the end of 2007. The median income for the area indicates the need for multifamily housing which is lower cost housing. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA C: Evaluation of alternative courses of action and ultimate policy choices.

STATEMENTS OF FACT AND FINDINGS:

C1. The alternative courses of action are:

- a. Grant the Comprehensive Plan and zone map changes;
- b. Deny the Comprehensive Plan and zone map changes;
- c. Grant the Comprehensive Plan and zone map changes, subject to conditions.

C2. If granted, the site would be developed as proposed. This is "a," the first and preferred alternative. Development must meet planning and building standards. No variances have been requested. No new streets are proposed.

The applicant states the proposed zone change would offer an alternative housing type for residents. This option, the preferred alternative, can be supported by Plan Strategy H.1.

H.1 Coos Bay shall endeavor to provide a wide range of housing, available at varied price and rent ranges, by exercising zoning concepts that allow flexible site and architectural design and that permit a variety of housing types such as attached and detached single-family and duplex dwellings, row houses, apartments of varying densities, cluster housing mobile homes, and condominiums, recognizing that the city should encourage a variety of housing to satisfy individual preferences and financial capabilities.

C3. If denied, multifamily housing in separate buildings could not be built on the property. The current zoning, C-2, allows limited residential on the first floor of a

commercial use (30%), and above the first floor of a commercial use.

CONCLUSION: The decision criterion has been adequately addressed and approval of the third alternative can be supported.

DECISION CRITERIA D: Selection of appropriate policy directives based upon consideration of social, economic, energy, and environmental needs.

STATEMENTS OF FACT AND FINDINGS:

D1. The following policy directives in the Comprehensive Plan apply to the requested change. The strategies most applicable to the request follow:

EC.1 Coos Bay shall exercise residential site development practices consistent with sound energy conservation design principles, including where appropriate, consideration of alternatives for cluster housing, for structural orientation and landscaping design to minimize surface heat loss.

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 home and trade and service areas.

H.1 See Finding C2 above.

H.4 Coos Bay shall develop innovative regulations for planned unit development allowing flexibility in designing cluster housing, recognizing that such land development practices (1) result in lower costs per site than conventional subdivisions, (2) permit sound land economics, (3) enhance the environmental integrity of the land resources, (4) promote energy conservation, and (5) provide additional open space.

CONCLUSION: The decision criterion has been adequately addressed and approval of the proposal can be supported.

STATEWIDE PLANNING GOALS

1. Citizen Involvement

The application is being reviewed according to the public review process established by the City. The City's Plan is acknowledged to be in compliance with this goal. Notice of the proposal will be provided to property owners and published in the newspaper. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision-making process. These procedures meet the

requirements of Statewide Planning Goal 1.

2. Land Use Planning

Facts and evidence have been provided that support and justify the proposed Comprehensive Plan and zone change.

3. Housing Goal

The proposal is for R-4P (Residential/Professional) zoning for the 5.5 acres site.

The objective is to lower housing costs, yet permit freedom of choice in housing types, and encourage energy conservation. The location of high-density residential land capitalizes on commercial and employment centers and has convenient vehicular access to major arterial streets.

4. Air, Water and Land Resources Goal

Future development will be required to meet the standards in effect at the time to maintain or improve the quality of the air, water and land resources. The provision of public services to the property will serve to protect the air, water and land. All necessary public services are or will be available to this property at adequate levels to serve the type of future development that is indicated, multifamily dwelling units.

There will be no withdrawal of subsurface groundwater resources. Waste water from the property will be discharged into the city sewer system. The city is responsible for assuring wastewater is treated to meet applicable standards for environmental quality prior to release. Storm water runoff will be collected and removed by the city storm drainage system in a manner determined by the city to be appropriate.

The major impact to air quality in the vicinity is vehicle traffic along LaClair Street. The proposed development will not be a major contributor of additional traffic onto LaClair Street as indicated by the applicant's TPR review and addressed under Decision Criteria #6, above. The traffic generated from the site will be minor compared to the total volume of traffic in this area and will not create a significant addition air quality impact.

No significant adverse impacts to the quality of the air, water or land are expected as a result of the proposed multifamily housing or office buildings.

5. Economic Development Goal (Goal 9)

A. The proposal will not affect the economy of the local, regional or statewide area. The development will provide a short term economic boost during the construction phase. Development in this location does not negatively impact the City's downtown area, but in fact, provides the ability to house more people that are potential customers and/or employees of the nearby commercial uses. The proposal will provide a location for apartments and professional offices. The subject property is currently underutilized and unproductive and returns little value to the city. The proposed use will make the site productive and create value. In this way the proposal will contribute to the economic base of the urban area, which is consistent with this Goal.

The Bay Area Comprehensive Economic Analysis (1998) was adopted as part of the Comprehensive Plan. It estimates a population of approximately 28,622 in the Coos Bay/North Bend area by 2020. The Analysis estimates there will be a need for

approximately 2,100 additional housing units by 2020. The analysis also indicates a need for an additional 65 acres of commercial land by the year 2020. The subject property, along with other high-density residential property, was rezoned from low-density residential to commercial in 2002. The figures in the Analysis reflect the subject property as residential, as was the zoning at the time of the economic analysis.

Regardless, the need for commercial, employment land, is still valid as concluded in the 1998 Analysis. The proposed change in zoning for the 5.5 acres allows for office use, which is employment land, although multifamily dwellings are proposed at the current time. The need for the additional housing units is also expressed in the Analysis. The proposed zoning designation would facilitate construction of affordable housing units, which are identified as a key component of economic growth and the overall economic well-being of the city of Coos Bay.

Using information from ESRI Business Information Solutions, the Coos Bay median household income in 2008 is \$39,637 and per capita income is \$22,515. With the price of housing increasing dramatically over the last few years, people are seeking less expensive housing, such as multi-family, in order to have more disposable income.

It is proposed at this time to change the plan and zone designation to high-density residential. The specific zone, "Residential Professional" allows office use along with the proposed multiple residential use.

B. Additional information has been submitted by the applicant (*Attachment D*) in response to a letter from the Department of Land Conservation and Development dated December 2, 2008 regarding Goal 9 (*Attachment E*).

See Attachment D for the complete analysis for Goal 9. Below is a summary of the high points of the information submitted.

The applicant discusses two objectives of the "Summary of Coos Curry Douglas Regional Investment Strategy" from Governor's executive Order 97-22,

December 16, 1997. The objectives focus on a regional strategy to create a balance between housing, transportation, jobs and energy conservation and public services. The proposal for workforce housing on the subject property minimizes urban sprawl by being located in a centralized area within the UGB and within the City limits. The apartments reduce commuting costs by being located where mass transit is available and is located within walking distance to college resources. The site is already served by municipal water and sewer. Thus the proposal for the type of housing is consistent with the above investment strategy.

The applicant states in Attachment D that according to the Oregon Bay Area Chamber of Commerce website, the major industries in the area are agriculture, commercial fishing, forestry/wood products and tourism. These major industries are generally not found within the urban core of a City on a site of the size and location of the subject property. Tourism at the beach is usually at the sites near the beach, or within the downtown area of a city that supports a tourist-oriented retail, hotel and restaurant facilities. The site itself does not contribute nor detract from any commercial or industrial inventory for

agriculture, fishing, forestry/wood products or tourism uses. The proposal provides housing for workers in the major industries.

The applicant includes information from the April 1998 *Bay Area Comprehensive Economic Analysis* prepared by David Evans and Associates for the City of Coos Bay and other agencies reports that: *"The information available suggests the Bay Area will experience increases in population and employment, with a resulting need for new housing, industrial, office-commercial and retail commercial development."*

The report indicates anticipated growth will reach approximately 70,000 for Coos County by 2020. The Cities of Coos Bay and North Bend account for approximately 42% of the population of Coos County. Further, the report indicated that over 10% of Coos County households will require some type of housing other than single-family housing.

The analysis states the overall objectives for economic development are focused on the larger industries such as shipping, fishing, tourism, and waterfront development. Again, these areas of economic development are supported by the ability of the community to provide adequate, safe and attractive housing for families engaged in these job opportunities.

6. Statewide Public Facilities and Services Goal

All necessary public services and facilities are or will be provided to this property by the developer and providers of public and private service providers at levels that are adequate to serve the proposed use. The city will specify any needed changes to the existing service levels at the time building permits are requested. By providing the necessary public services and facilities for the proposed use, the requirements of this Goal will be met.

7. Statewide Transportation Goal

Access to the site is provided by the existing street system consisting of LaClair and Thomas Streets. The streets provide a direct link to Newmark Avenue and Ocean Boulevard which are the major streets linking the site to the city center. Coos Bay's Energy Strategies as part of the Comprehensive Plan encourage the location of housing along traffic corridors and in areas that are already served by public and private facilities.

No new streets are needed. The location along the collector street, LaClair, adjacent to a transit route at Newmark, and with bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The TPR is addressed within the applicant's transportation study that accompanies this application prepared by Associated Transportation Engineering and Planning, Inc.

8. Statewide Energy Conservation Goal

Coos Bay's Energy Plan Strategies encourage multi-family dwellings as part of this housing strategy, recognizing that these types of housing can be more energy efficient by involving fewer roadways, and concentration of utilities and services.

The subject property is located on a collector street, very close to major east west arterial streets that provide direct access to Highway 101 and the City core. New construction provides the opportunity to provide improved construction and building

techniques which improve and conserves energy uses via current building codes. The City of Coos bay upholds current building codes which benefit energy saving new construction.

9. Statewide Urbanization Goal

The subject property is within the corporate limits of Coos Bay and has a full complement of public and private services that either are on the property or abutting the land or provided by the city such as fire, police protection, government management and library services. This proposal does not materially affect the size or location of the city limits or urban growth boundary. Urbanization can occur here because the subject property is currently vacant and surrounded by developed areas.

The Comprehensive Plan Housing strategies encourage flexibility in infilling in order to prevent urban sprawl, promote energy conservation, permit sound land economics and to respect environmental concerns and open space considerations for healthier living situations. The proposal to add apartments meets the needs of the community for a variety of housing types.

10. Statewide Areas Subject to Natural Disasters and Hazards; Estuarine Resources; Coastal Shorelands; Beaches and Dunes; and Ocean Resources Goals

There is no special agriculture, ocean beaches, dunes, destination areas or forest lands impacted by this proposal. No natural hazards have been identified that are specific to this site or which would prevent the proposed use. There are no estuaries, floodways, flood plains, identified slide areas, mines, sand dunes, rivers or streams, or other beach resource areas impacted by this proposal.

Wetlands on site are addressed through the Department of State Lands July 11, 2008 Delineation Report for this site. See Attachment 4 of the applicant's submitted information.

11. Statewide Recreational Needs Goal

The proximity of the coastal beaches, schools and parks provides local and regional recreational opportunities. The interior of the site will be developed with playground and outdoor use areas for specific use by residents of the development.

CONCLUSION: The change from a commercial designation to another type of plan map designation permits employment uses combined with residential uses. The R-4P zoning allows limited commercial uses. The potential for new work force housing is increased by the proposal. Work force housing is a component of economic development. Therefore, the proposal complies with the Statewide Planning Goals, especially Goal 9, and is consistent with the city's most recent economic opportunities analysis and the plan map change is warranted and should be granted.

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ORDINANCE NO. 412

AN ORDINANCE CHANGING THE ZONING DESIGNATION FOR CERTAIN REAL PROPERTY FROM "GENERAL COMMERCIAL" TO "QUALIFIED RESIDENTIAL PROFESSIONAL"

The City of Coos Bay ordains as follows:

Section 1: Findings.

1. Applicant, Guardian Management, LLC, has filed an application, hereinafter referred to as the Application, to amend the Coos Bay Land Development Ordinance to redesignate certain real property from "General Commercial (C-2)" to "Qualified Residential Professional (Q R-4P)," described as follows:

A portion of a 10.00 acre tract of land described in Deed Document No. 2004-13524, Coos County, Oregon Deed records, and more particularly described as follows:

Commencing at the northeast corner of the Southwest Quarter of the Northwest Quarter of Section 21, Township 25 South, Range 13 West, Willamette Meridian, Coos County, Oregon, thence South 1°20'29" East, along the east boundary of the Southwest Quarter of the Northwest Quarter of said Section 21, a distance of 479.03 feet, to the northeast corner of said deed, and the Point of Beginning; thence South 1°20'29" East, along said Quarter Section line, a distance of 587.41 feet, to the southeast corner of said deed; thence South 87°54'02" West, along the south line of said deed, common with the north line of Ocean Boulevard Heights subdivision, a duly recorded subdivision in the Coos County, Oregon Book of Town Plats, a distance of 435.00 feet; thence North 2°13'30" West, leaving said deed line, a distance of 266.98 feet; thence North 89°48'15" East, a distance of 144.03 feet; thence North 1°19'06" West a distance of 335.00 feet, to the north line of said deed, common with the south line of said right-of-way of Thomas Avenue; thence North 89°48'15" East along said right-of-way, a distance of 295.00 feet, to the Point of Beginning.

The above described parcel contains 4.87 acres more or less.

All the above tract of land is located in the Southwest Quarter of the Northwest Quarter of Section 21, Township 25 South, Range 13 West of Willamette Meridian, Coos County, Oregon.

2. Notice that public hearing upon the Application would be held before the city of Coos Bay Planning Commission (the Commission) on January 13, 2009 and public hearing would be held before the Coos Bay City Council on February 3, 2009, was published in

"The World," a newspaper of general circulation within Coos County, Oregon, on December 30, 2008.

3. Notice of the public hearings was mailed December 15, 2008 to all landowners within 250 feet of the area being rezoned.

4. Provisions in the Coos Bay Land Development Ordinance relating to notice have been complied with.

5. Public hearing was held on the Application on January 13, 2009, and after receiving evidence and hearing testimony, the Commission recommended approval of the Application.

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

7. The City Council of the city of Coos Bay, after considering the Commission's Findings and Justifications hereby adopts the Findings and Justifications, and finds the Application should be granted.

Section 2: Redesignation. The designation in the City of Coos Bay Land Development Ordinance of certain real property located within the corporate limits of the City of Coos Bay as described above in Section 1(1) are hereby changed from "General Commercial (C-2)" to "Qualified Residential Professional (QR-4P)" with the following conditions:

1. A Site Plan and Architectural Review (SPAR) must be submitted and approved prior to the issuance of any building permits for the subject property; and
2. A traffic impact analysis (TIA) must be completed and submitted as part of the application for the SPAR.
3. If at the end of two (2) years from the date the decision is final, no building permits for the multi-family dwelling units have been issued for the subject property, the plan and zone designation will revert automatically to the designation it possessed immediately prior to the granting of the qualified rezone; that is, the subject 4.87 acres would revert to Commercial plan and General Commercial zone designations. One two-year time extension may be granted pursuant to LDO Chapter 5.2(7)(2) whereby justification for an extension must be set forth in writing and submitted to the Public Works and Development Department for approval by the City Council, prior to the expiration of the initial two (2) year deadline.


Section 3: Severability. 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, Coos County, Oregon, this 3rd day of February 2009, by the following vote:


Yes: Mayor Jeff McKeown and Councilors Jon Eck, Joanie Johnson, Stephanie Kramer, Gene Melton, and John Pundt. Councilor Mark Daily abstained from the vote.

No: None

Absent: None



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

ATTEST: 

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

EXHIBIT A

ZONE CHANGE

DECISION CRITERIA, JUSTIFICATION, FINDINGS & CONCLUSIONS

The following is a list of the decision criteria applicable to the request as set forth in Land Development Ordinance Chapter 5.14(5). Findings and conclusions accompanying each of the criteria may apply to more than one criterion and may be used to support the Commission's recommendation to the City Council.

Rezone requests must be supported by criteria #1-- **OR**-- by criteria #2-5.

DECISION CRITERIA #1: The existing zone designation is the product of a mistake.

STATEMENTS OF FACT AND FINDINGS:

- 1a.** It does not appear that the existing zone designation is the product of a mistake. In 2002, the City granted a Comprehensive Plan and zone change from "Residential Low-density" and "Single-family, Duplex Residential and Certified Factory-built Home District (R-6)," respectively, to Commercial plan and zone designations.

CONCLUSION: The decision criterion has not been addressed; therefore, Criteria #2 through #5 must be supported in order for the request to be approved.

DECISION CRITERIA #2: The change in zone will conform to the policies and objectives of the comprehensive plan.

STATEMENTS OF FACT AND FINDINGS:

- 2a.** The proposed zone change to "Residential Professional (R-4P)" is a buffer between the commercial designated property to the north, east and west (across LaClair) and the single-family residential uses to the south. The change in zoning will represent an expansion within an existing residential and commercial corridor. The use of the subject property should be encouraged as a means of maintaining and encouraging the improvement and renewal of the area.
- 2b.** Eighty multi-family housing units are proposed by the applicant on the subject 5.5 acres. The applicant states the current housing vacancy rates in the City support finding that this type of housing is needed. The subject property is adjacent to an area that has a mixture of residential, commercial and education zones and uses. Wal-Mart is located adjacent to the east of the subject property and Staples is north, across Thomas Street. Southwest Oregon College is located across Newmark Avenue from Wal-Mart. Oregon Coast Community Action (ORCCA) is currently planning a Head Start facility and a food warehouse distribution center on a portion of the remainder of the 10-acre parcel.

- 2c.** Volume I, Chapter 9.1 sets forth the objectives for residential development. *Objective 1* states that residential areas will be designated on the basis of dwelling unit densities. The strategy of this objective aims to lower housing costs, yet permit freedom of choice in housing types, and encourage energy conservation. The location of high-density residential land capitalizes on commercial and employment centers and has convenient vehicular access to major arterial streets.

The subject property is located on Thomas Street, off of LaClair Street, which is classified as a collector by the Transportation System Plan (TSP). It is about 600 feet to Newmark Avenue, which is classified as an arterial. As stated in the finding above, commercial centers Wal-Mart, Staples, and the College, both an education center and employment opportunity, are located adjacent or in close proximity to the subject property. Multiple family housing on close-in land reduces gas consumption. Greater density supports car-sharing programs.

- 2d.** *Objective 2* bases the location of residential areas and their densities on an analysis of land characteristics and on the fiscal potential for extending access and public facilities to the site.

The subject property is currently served by Thomas Street. A portion of the 10.4 acre parent parcel is adjacent to LaClair Street and will retain its commercial zoning. The proposed use will not create a demand for additional services that would exceed the City's service capacities.

- 2e.** *Objective 3* requires the city to protect the integrity of established land use patterns.

Most of the surrounding properties are developed except for the remainder of the parent parcel. To the south of the subject property is an area developed with well-maintained single-family dwellings. The applicant states it is more appropriate to maximize the housing rather than to develop the property with major commercial enterprises due to the proximity of the college and the near-by single-family residential uses. The site is in relatively easy walking and biking distance to shopping and the College.

The R-4P zoning allows a combination of low-level commercial office development and residential uses which acts as a transition area between intense commercial uses and the single-family residential use to the south.

- 2f.** *Objective 4* stresses the importance of maintaining the natural character of the community.

The applicant is proposing 80 multifamily units on 5.5 acres which is about 3,000 square feet per living unit. The 80 apartment units will be in different buildings of approximately 2-3 stories with a mixture of 6-12 dwelling units per building. By clustering the units into several building open space is provided. New landscaping and fencing will be provided around the perimeter of the apartments

as required to enhance the site and define it. The main fronts of the buildings will be oriented toward LaClair Street and away from the residential uses on the south. The applicant states new pedestrian access will be developed linking the main front entrance to the public sidewalk system.

The interior of the site will be developed with playground and outdoor use areas for specific use by residents of the development.

Thomas Street provides somewhat of a break between the commercial and residential uses.

- 2g.** *Objective 5* addresses the need to maintain a sufficient amount of residential lands for growth.

The proposed R-4P zoning will allow multifamily housing development to be located in an appropriate area on the fringe of a commercial zone and recognize that such a use conserves energy by "infilling" a vacant parcel.

The Bay Area Comprehensive Economic Analysis (1998) was adopted as part of the Comprehensive Plan. It estimates a population of approximately 28,622 in the Coos Bay/North Bend area by 2020. The analysis estimates there will be a need for approximately 2,100 additional housing units by 2020.

CONCLUSION: The proposed rezone is intended to allow residential use and a mix of low impact office uses. The change in zone will conform to the policies and objectives of the comprehensive plan. The decision criterion has been adequately addressed and approval of the proposal can be supported with the following conditions:

CONDITIONS:

1. A Site Plan and Architectural Review (SPAR) must be submitted and approved prior to the issuance of any building permits for the subject property; and
2. A traffic impact analysis (TIA) must be completed and submitted as part of the application for the SPAR.
3. If at the end of two (2) years from the date the decision is final, no building permits for the multi-family dwelling units have been issued for the subject property, the plan and zone designation will revert automatically to the designation it possessed immediately prior to the granting of the qualified rezone; that is, the subject 4.87 acres would revert to Commercial plan and General Commercial zone designations. One two-year time extension may be granted pursuant to LDO Chapter 5.2(7)(2) whereby justification for an extension must be set forth in writing and submitted to the Public Works and Development Department for approval by the City Council, prior to the expiration of the initial two (2) year deadline.

DECISION CRITERIA #3: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.

STATEMENTS OF FACT AND FINDINGS:

- 3a. The area to the north and east and directly west of the subject property is zoned "General Commercial (C-2)." Wal-Mart is adjacent to the east and Staples to the north across Thomas Street. Verizon is located across LaClair Street.

Property to the south is zoned "Single-family and Duplex Residential (R-2)" and is developed with single-family dwellings. This residential area continues to Ocean Boulevard. The area along Ocean Boulevard is developed with a mixture of residential, public and retail uses.

The campus and entrance to the College are located approximately ½ mile north of the subject property on Newmark Avenue. The area west of LaClair is developed with a mix of commercial and residential uses. This area is zoned "General Commercial (C-2)" and "Multiple Residential (R-3)."

CONCLUSION: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #4: The change will not prevent the use of other land in the vicinity.

STATEMENTS OF FACT AND FINDINGS:

- 4a. The proposed R4-P zoned area will serve as a transition area between the commercially zoned property predominantly to the north and east which are occupied with existing big box developments, Staples and Wal-Mart.

- 4b. The area north of Thomas Street was rezoned for commercial uses in 2002, along with the subject property which has remained vacant. The existing single and multiple family dwellings to the north of Thomas Street have not converted to commercial uses at this time. The proposed zone district will not impact the redevelopment of that area, but will actually form a buffer area between any commercial use that may occur in the future and the R-2 zoned area to the south of the subject property.

- 4c. The subject property will be served by Thomas and LaClair Streets. No new streets are proposed. The Thomas Street right of way extends to the eastern boundary of the subject property. It is unlikely it will ever be extended since it abuts Wal-Mart. There is no intention to extend Brule Street, which lies south of the subject property. The portion of Brule adjacent to the subject property was

vacated shortly after the subject property was rezoned for commercial use to insure commercial traffic did not travel through the residential neighborhood.

- 4d. An increase in pedestrian traffic from users of the site to the surrounding commercial buildings, the College and any bus stops in the area is expected.

CONCLUSION:

The proposed change will not prevent the use of other land in the vicinity. The decision criterion has been adequately addressed and approval of the proposed zone change can be supported.

DECISION CRITERIA #5: It is appropriate at this time to permit the specific type of development or change in zone of the area which had not previously existed.

STATEMENTS OF FACT AND FINDINGS:

- 5a. The applicant states and the city finds this is the appropriate time to permit the zone change. The intent of the Comprehensive Plan is to recognize the need to remain responsive to changing and evolving land demands within the context of plan policies and implementing measures. The intent of this approach is to retain flexibility in order to remain responsive to changing conditions, and to recognize the legitimacy of existing zoning and plan implementation. The Plan recognizes that land use and zoning are expected to change as conditions change.

CONCLUSION: The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #6: The change will be consistent with the functions, capacities and levels of service of facilities identified in the adopted Coos Bay Transportation System Plan (TSP).

STATEMENTS OF FACT AND FINDINGS:

- 6a. Access to the site is provided by the existing street system consisting of LaClair, classified as a collector by the Plan, and Thomas Streets which is designated as a local street. The streets provide a direct link to Newmark Avenue and Ocean Boulevard. LaClair Street provides a north-south connection between Newmark Avenue and Ocean Boulevard and to nearby residential and commercial uses. Newmark and Ocean are classified as arterials by the Plan.
- 6b. Associated Transportation Engineering & Planning, Inc. has been hired by the applicant to address the adopted TSP and the proposed comprehensive plan and zone change. Oregon land use law requires that the Transportation Planning Rule be met whenever a comprehensive plan map amendment is undertaken. It is required that the land use action not "significantly affect an existing or planned transportation facility."

If the land use action significantly affects a transportation facility, approval of the proposed action must include transportation improvements to mitigate the traffic impacts.

- 6c. The analysis, *Attachment 2* of the applicant's submitted information, indicates that less traffic can be generated by the permitted uses in the proposed zoning than could have been generated in the existing zoning.

A reasonable development scenario was analyzed by the consultant using a drive-in bank, fast food restaurant, pharmacy and supermarket. It was estimated that 6,123 ADT would be generated by a development with this combination of uses.

The analysis shows that if the subject property were developed with the maximum number of apartments (about 188) permitted on 5.5 acres 1,236 ADT (average daily traffic) would be generated.

The analysis concludes that since the development under the proposed zoning does not generate more trips per day than could be generated under the existing zoning, the proposed zone change will have no significant affect on traffic or traffic facilities. The study finds 6,123 ADT is a reasonable limit for all future development on the 5.5 acre site that will not have a "significant effect" on the transportation system as defined by the TSP.

A transportation impact analysis (TIA) will need to be completed when development of the site is proposed. No site plan has been proposed with the submitted application. At the time of development, the impact of additional traffic on specific intersections that will be identified in a scope of work by the City must be completed. The analysis must also include any necessary mitigation measures as a result of the proposed development. A condition requiring a TIA is listed under Decision Criteria #2.

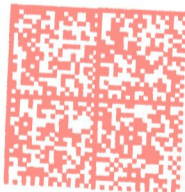
CONCLUSION: The decision criteria has been adequately addressed and approval of the proposal can be supported.

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To

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