



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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NOTICE OF ADOPTED AMENDMENT

7/19/2010

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 002-10

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 30, 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
Bill Holmstrom, DLCD Regional Representative

<paa> YA/I



FORM **2**

DLCD

Notice of Adoption

DLCD e-mail mailed

DEPT OF

JUL 12 2010

LAND CONSERVATION AND DEVELOPMENT

DATE STAMP

For Office Use Only

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

Jurisdiction: *CITY of COOS BAY*

Local file number: *ZON 2010-00012*

Date of Adoption: *July 6, 2010*

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: *MARCH 5, 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".

Applicant has redesignated 2.59 acres from Industrial to residential land use. Also, eliminated the water-dependant designation from the subject property.

Does the Adoption differ from proposal? Please select one

More language was added to the proposed change to Shoreland Segment 28-UW to clarify. Otherwise, the same.

Plan Map Changed from: *Industrial (I)* to: *Residential High-density (R-H) + Residential Low-density (R-L)*

Zone Map Changed from: *Waterfront Industrial (W-I)* to: *Multiple Residential (R-3) and Single-family Duplex Residential (R2)*

Location: *T 25, R 13, S. 366D, TL 700*

Specify Density: Previous:

New:

2.59 acres

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 002-10 (18155) [16207]

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

Coos Co, North Bend, 0007, DSL

Local Contact: *Laura Barron*

Phone: () 541 - 269-8929 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.

ORDINANCE NO. 435

AN ORDINANCE AMENDING COOS BAY COMPREHENSIVE PLAN 2000, VOLUME III, COOS BAY ESTUARY MANAGEMENT PLAN TO FACILITATE RESIDENTIAL DEVELOPMENT

WHEREAS, the applicant, Mr. Gary Angell, Angell Asset Group, LLC, has filed an application, hereinafter referred to as the Application, to amend Coos Bay Comprehensive Plan, Volume III, Coos Bay Estuary Management Plan, to allow residential development on a portion of Shoreland Segment 28-Urban Water-dependent.

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 15, 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;

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; and,

WHEREAS, public hearing was held before the City Council on June 15, 2010 and was continued to July 6, 2010.

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

Section 1. Revised Commission's Findings and Conclusions supporting its recommended approval of the Application are attached hereto as "Exhibit A" and incorporated herein by reference. The revised findings and conclusions reflect the elimination of the redesignation of the adjacent tidelands owned by Georgia Pacific West, Inc.

Section 2. The City Council of the City of Coos Bay, after considering the revised Commission's Findings and Conclusions, hereby adopts the Findings and Conclusions, and finds the Application 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."

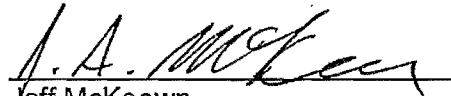
Section 4. The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.


The foregoing ordinance was enacted by the City Council of the City of Coos Bay the 6th day of July 2010.

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

No: None

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

REVISED FINDINGS AND CONCLUSIONS

I. BACKGROUND

The 2.59 acre subject property, owned by Angell Asset Group, LLC, is located west of 6th Avenue, north of H Street, east of the tidelands and 5th Avenue and south of F Street in the Eastside area and is described as T. 25, R. 13, S. 36BD, Tax Lot 700. The subject property has been used as a heavy construction equipment storage and repair facility and for stockpiling sand and gravel for nearby projects.

The subject property is currently zoned "Waterfront-Industrial (W-I)" and Coos Bay Estuary Management Plan (CBEMP) shoreland segment 28-UW (Urban Water-dependent). The plan map designation is "Industrial (I)."

II. PURPOSE

The applicant/owner is proposing to redesignate the subject property for residential use. It is proposed to redesignate the north 1.31 acre portion of the property to "Multiple Residential (R-3)" zone and "Residential High-density (RH)" plan designation. The south 1.28 acre portion of the property, the remainder of the property, is proposed to be redesignated to "Single-family and Duplex Residential (R-2)" zone and "Residential Low-density (RL)" plan designation.

In addition, the CBEMP water-dependent designation will be eliminated to facilitate residential development.

III. SITE

The subject property is split roughly in half by an inlet from the slough created by a drainage channel culvert, draining the lowland area to the east of 6th Avenue. Georgia Pacific West, Inc, owns the inlet, Tax Lot 800, which extends as tidelands along the western boundary of the subject property. There are no watercourses on the subject property. According to FEMA floodplain maps, the subject property lies in the 100-year floodplain. About 80 percent of the property lies in a tsunami hazard area.

The subject property ranges from one percent to three percent slope. The toe of the bank adjacent to the tidelands is at three foot above Mean Sea Level, while the top of the bank is at 9 foot above Mean Sea Level. From the aerial photo, there appears to be very little if any vegetation on the property.

Currently, there is a shop/office building on the north portion of the property which is used for heavy equipment repair. There is also a smaller shop which extends into the 5th Avenue right of way and an outbuilding on the site. Heavy equipment is stored on the site. The south portion of the property has no structures.

IV. ELEMENTS OF THE PROPOSED AMENDMENTS

- A. Amendments to the text of Coos Bay Comprehensive Plan, Volume III, Coos Bay Estuary Management Plan (CBEMP), Part 1:
 - 1. Chapter 3.3, Bay-Wide Policies, Policy 16a, Minimum Protected Acreage Required for County Estuarine Shorelands, to reflect removing the water-dependent designation for 2.59 acres currently designated 28-UW.
 - 2. Chapter 5, Designation of Site-Specific Management Segment, Uses and Activities, Shoreland Segment 28-UW, to allow residential uses on the subject property.
- B. Amend the text of CBEMP, Part 2, Inventories and Factual Base, 5.0, Social and Economic Resources Characteristics, 5.1.4, to track the change in water-dependent acreage required to be protected for water-dependent use.
- C. Comprehensive Plan Map will be changed from Industrial to "Residential High-density" for the north 1.31 acres. This is the area north of the drainage outlet. The remaining south 1.28 acres will be redesignated to "Residential Low-density."
- D. Amend Coos Bay Municipal Code zone designation from "Waterfront Industrial (W-I)" to "Multiple Residential (R-3)" for the north portion and "Single-family and Duplex Residential (R-2)" for the south portion.

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 Coos Bay Municipal Code Chapter 17.380 and CBEMP Policy 35 as follows:

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

D. Coos Bay Municipal Code Provisions

Chapter 17.360, Change in Zone Designation

1. The change in zone will conform with the policies and objectives of the comprehensive plan;
2. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts;
3. The change will not prevent the use of other land in the vicinity; and,
4. 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. 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.

As set forth in Coos Bay Municipal Code (CBMC) Chapter 17.300, Public Hearings, notice of the proposed action will be published in “The World” newspaper and landowners within 250 feet of the subject property will receive written notice. Included in the notices will be the times and location of public hearings before the Planning Commission and City Council.

B. Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions 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 requires written notice of our proposed

application to the City of North Bend, Coos County and the Oregon International Port of Coos Bay. Written notice was sent on March 12, 2010.

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.

There are no known historic or archaeological sites on the subject property. The Confederated Tribes of Coos, Lower Umpqua and Siuslaw will be notified of the pending changes and have ample opportunity for input.

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 development of the site, based on the possible uses of the residential zoning districts, 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.

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

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 a Special Flood Hazard Area. 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.

About 80 percent of the subject property 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. The subject property abuts tidelands owned by the Oregon Department of State Lands. All bodies of water are adjacent to the subject property and do not course through or over it.

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.

Location:

Prime commercial/industrial areas of Coos Bay are located along the US 101 highway corridor, Bunker Hill, with vast open mill and dock areas south of Coos Bay, the central City of Coos Bay, the waterfront area from Bunker Hill to the north city limits, Ocean Boulevard, Empire and most of the waterfront areas of Charleston. These geographic areas have always fulfilled and provided for the needs and wants of commerce and industry. These areas most likely will continue to be the sites where new and future commerce will take place.

The Eastside area of Coos Bay has never been much of an industrial area. Only a handful of industrial operations have taken place there during the last sixty years. Ben Billeter marine is the only original operation still up and running. The Burley Industries, Nelson Log Bronc and Bob Angell sites have not been operational for many years. These properties have not returned to an industrial use, nor is it likely that they ever will. It appears business entities do not want to be located in an area that is perceived to be out of the way or out of step with an area that is becoming more residential in nature.

While the expansion of a local barge builders operation to a remote area of Eastside has brought much needed development and employment, we are told it has also spawned an on-going string of complaints from an established neighborhood. A great deal of capital, commitment and planning went into the site selection, which was the best possible location available for the operation and community. However, businesses and residents of the remote residential area are dealing with noise, light and other issues daily. An industrial operation on the subject property would likely be an unending source of tension. Dealing with these issues would be a drain on the resources of time, money and livability of all those involved.

Industrial

Included in Comprehensive Plan Volume II, Inventory, is the Buildable Lands Inventory, completed in 2009, which indicates there are approximately 12 acres of vacant industrial land in the city. This figure was calculated after removing property with wetlands or slopes over 25 percent. According to the inventory, "in the near term," the next five years, there is a need for 21 acres, and "in the long-term," the next 20-years, there is a need for 52 acres.

Comprehensive Plan, Volume I, Chapter 6.3, Industrial and Commercial Land, states the city should seek to create parcels of suitable size to accommodate commercial and industrial development. Given the high number of small sites (sites less than 1 acre, with an average size of .5 acre), to fully utilize this land for industrial and commercial purposes will require assembly of smaller, contiguous parcels into larger sites. Table 19, Overall Near-and-Long-Term Employment Land Need by Parcel Size, from Volume II, Inventory, is included as *Attachment A*.

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.

The subject property, located to the south and across the slough from the main part of the city, contains 2.59 acres which is "divided" by a drainage outlet. The property under the drainage area is owned by the Georgia-Pacific West Inc. It is unlikely the north 1.31 acres and the south 1.28 acres could be utilized as one unit. The entire subject property is a Special Flood Hazard Area as defined by FEMA and about 80 percent lies within a tsunami hazard area.

Across 6th Avenue is property zoned commercial. There is a restaurant on the corner of 6th and F Street. To the south is a building originally built as a mini-warehouse storage facility that is being used by several small businesses, such as carpet installation, construction company, art signs and graphics. These are not the typical businesses that people go to daily or even weekly. Further south, across from the south portion of the property is a 7-acre parcel that is about 90 percent wetlands. This is owned by Willamette Beverage Company. Adjacent to the southeast of this parcel is the distributing facility for Willamette Beverage Company on a 3-acre parcel. A map of the wetlands areas is at *Attachment B*.

Industrial use of the property would likely bring increased large truck traffic, smoke, dust, noise and night time light pollution on the edge of a currently quiet residential neighborhood.

The primary access out of the Eastside area is via the Isthmus Slough Bridge. The wooden structure is deteriorating with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. According to Oregon Department of Transportation (ODOT) Region 3, Tom Guevara, ODOT is currently working on a repair project to replace the timber spans on the east end of the bridge. Once this repair is completed the current posted weight restrictions will remain in place. There is no funding for construction of a new bridge.

The current bridge restrictions are: single axle – 20,000 lbs; tandem axle – 34,000 lbs; max gross weight – 80,000 lbs. Alternative accesses are Olive Barber Road, extending south, or East Bay Drive, to the north; both county roads are narrow, windy and an inefficient use of fuel and time.

Water-dependent

The 2.59 acre subject property is designated as urban water-dependent, yet there is no usable water/land interface area for water dependant transportation to access the site. Water access to the site would require water transportation to sit on the mud bay bottom both during and between high tides. It has never been used in a water dependant industrial manner because there is no deep water access.

North portion of the subject property

The north 1.31 acres is used for equipment storage and repair. There is a shop on the site and a small out building. As seen from the attached GIS map, the site is under-utilized which is likely due to the size, location of the property and difficult access from Highway 101. To lay out an entire industrial use would be difficult or impossible—parking, staging, circulation areas, buildings and equipment along with maneuvering for trucks/trailers.

South portion of the subject property

The south 1.28 acres has been used for sand and gravel storage which was placed there incidental to nearby land construction operations and were temporary in nature. The long, narrow shape of the property makes it difficult, maybe impossible for a highway truck and trailer to turn around or maneuver in. If you try to lay out the necessary parking, staging, circulation areas, buildings and equipment, you quickly realize its limitations.

Surrounding area

The community around the subject property is predominantly residential. The thin ribbon of commercial operations directly across the highway (6th Avenue) does not provide an adequate buffer for the residential neighborhood to the east. The industrial, commercial operations do not accurately reflect the true character and

use of the area as residential. Comparing the slow but steady decline of industrial use in the immediate area to that of the steady growth and build out of the Mathews Subdivision to the east, it becomes apparent that people want to live in this area. An industrial zoning of the subject property will likely inhibit and degrade the continued natural development of the residential community. One can only anticipate negative responses from the neighborhood should an industrial use occur.

J. 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.

Chapter 7.6, Housing, sets forth the following goal and 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.

Comprehensive Plan, Volume II, 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 is that about 40 percent 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 underestimate the land need."

The east side of the slough, Eastside, is residential in nature and will continue to develop in this way. No available residential lands exist of the type that are proposed that have the unique qualities of the subject property such as the estuarine view waterfront or proximity to downtown Coos Bay, while feeling removed from the hustle of the downtown, and its quaint charm/character while being an extension of an existing, established residential neighborhood. The applicant states these homes are to be moderately priced and of a smaller footprint than has historically been offered for similar waterfront locations. These will not be "trophy" homes, as some would normally associate with a waterfront

location since Coos Bay will not support large, high priced homes envisioned by some for a waterfront location.

The north portion of the subject property is proposed to be redesignated to R-3. The applicant states is the submitted information that as the surrounding area continues to expand the nature of its existing quiet, residential neighborhood characteristics, there will be an increasing need for small convenience sales and personal service businesses, such as those that may be allowed in the R-3 zone.

“Convenience sales and personal services” is a conditional use in the R-3 zone. The use is defined as “...establishments or places of business primarily engaged in the provision of frequently or reoccurring needed small personal items or services. These include various general retail sales and personal services of an appropriate size and scale to meet the above criterion. Typical uses include neighborhood grocery, drug stores, laundromat/dry cleaners, or barbershops.”

The south portion is proposed to be redesignated R-2. A conceptual drawing has been submitted by the applicant which indicates one row of single-family dwellings served by one access driveway.

The commercially-zoned property east of 6th Avenue contains about 90 percent wetlands which will make it costly to develop and therefore, will probably not develop because of the location and likely low return on any investment.

K. 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 west of 6th Avenue and north of H Street and south of F Street in Eastside. 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 are utilized by existing uses in the area.

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

L. 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.

Sixth Avenue abuts the eastern edge of the subject property. Formerly this was State Highway 242 but was "exchanged" from the State to the city in the early 2000s. Sixth Avenue has a 60-foot-wide right of way and is paved to a width of 24 feet. Up through the 1960s and into the 70s this highway serviced the timber industry hauling timber from Allegany, past the subject property to mills at Bunker Hill by Weyerhaeuser, Georgia Pacific and Coos Head Timber. It was built to handle the heaviest (90,000lbs) of trucks and is still at that capacity. The intense, heavy truck traffic is gone, resulting in a reduction of the number of daily trips. The net gain in traffic density from an industrial use to a residential use is a negative number and will be illustrated in the traffic study provided at the time of submittal for building permits.

M. 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 residential uses. The entire length of the property abuts 6th Avenue which is a well-established arterial. No new roads are necessary other than an access driveway which will serve to limit the number of points of ingress and egress off of 6th Avenue.

N. 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/designated for urban uses in the past.

O. 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.

A letter dated March 30, 2010 from the Oregon Department of Land Conservation and Development suggested the adjacent tidelands, owned by Georgia Pacific West, Inc., be redesignated. However, a follow-up e-mail (attached), dated June 10, 2010, sets out an option whereby redesignating tidelands that are not owned by the applicant would not be part of this proposal mainly because the practical use of the tidelands is limited by their size and by environmental regulations.

P. 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 the subject 2.59 acres 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 here.

OAR660-037-0090(2) encourages local governments to provide for water-related and water-oriented uses at such sites as much as possible. It is most probable that the resulting residential uses will be water-oriented, taking advantage of the unique estuarine setting.

Q. Goal 18 Beaches and Dunes

This goal does not apply.

R. 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 subject property has never been used for a water-dependent use and has no direct access to the water. Although city documentation indicates there is a need for 52 acres of industrial land in the next 20 years, the subject property is not conducive to an industrial use because of the following factors:

- Limited in size and divided by a drainage outlet owned by the OR Department of State Lands;
- The east side of Isthmus Slough, Eastside, is residential in nature and will continue to develop in this way;
- Location across the slough and south of the heart and activity of the city; and,
- Primary access across a dilapidated wooden bridge where alternative routes are time and fuel inefficient.

The Statewide Planning Goals have been adequately address and approval of the proposal can be supported.

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 applicant states in their submitted information the subject property has never been used for a “water-dependent” use although it is designated as such. The subject property is only dry ground. There is no usable water/land interface area for water dependent transportation to access the site.

The applicant does not control the area needed to alter the water depth to conform to the needs of water-based transportation. Even so, the water depth is not adequate to allow water borne transportation to dock or berth at the shore line, even at high tide. The shore land area is exposed between tides. Any attempt to deepen the channel to allow

unhampered industrial water dependant transportation to utilize the site would be a monetary and physical permitting impossibility.

Year ago, there were pilings and dolphins out as far as 50 feet from the bank which had log rafts moored to them. However, they have since been removed.

The 2.59 acre subject property, "divided" in half by an outlet channel, is located across the slough and south of the heart of city activity and the main populace. Access from the subject property is limited for a land-based industrial use. The Isthmus Slough Bridge is a deteriorating wooden structure. The Oregon Department of Transportation is currently working on a repair project to replace the timber spans on the east end of the bridge. The current posted weight limits will remain in place after the repair. There is no funding for construction of a new bridge. The bridge is the most direct route to the heart of the city and local commerce. Alternative routes through the county are long, narrow and windy and therefore, costly since more fuel is expended and employee time spent.

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

There is no usable water/land interface area for water dependant transportation to access the subject property. The tidelands abutting the subject property, where shore land area is exposed between tides, are owned by the Georgia-Pacific West, Inc. Besides not having control of the tidal area, any attempt to deepen the channel to allow unhampered industrial water-dependant transportation to utilize the subject property would be a monetary and physical permitting impossibility.

The recent Buildable Lands Inventory indicated a shortage of 52 acres of developable commercial/industrial land in the city. This may not be accurate based on the existing conditions or characteristics of available commercial/industrial lands. The existing conditions are that a great amount of industrial/commercial land exists within the estuary having underutilized, dormant or abandoned capacities. Those facilities are available lands which, when included in the industrial water dependant lands inventory would exhibit additional, available lands.

The primary access for trucks and equipment is by way of the Isthmus Slough Bridge, a deteriorating wooden bridge with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. There are no current plans by the State to replace it, only to repair the worst conditions for now.

It is physically impossible to use the entire 2.59 acre subject property as one unit due to an inlet from the bay created by a drainage channel culver which drains the lowland area to the east of 6th Avenue.

The residential nature of the Eastside area has continued to expand over time and this trend is expected to continue. Waterfront and industrial zoning allows increased truck traffic, smoke, dust, noise and night time light pollution on the edge of a currently quiet residential neighborhood area.

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, the 2.59 acre subject property will remain a low rent, under-utilized, land-based, construction equipment and maintenance yard with attached office.

Land-based usage is limited or non-existent for industrial uses because of the size of the divided property, location across the slough and south of the heartland of commerce, and access limitations.

It is physically impossible to use the subject property as water-dependant industrial. Even if there was not an intervening ownership, Georgia Pacific West, Inc., access to the water is impossible because the tidal flats dry out between tides. Any water-borne transportation would have to sit on the bay bottom between tides, thereby creating unacceptable issues for other responsible agencies.

Changing the usage to a residential zone will allow the development of variously priced housing. The change to residential zoning will also reflect the existing residential nature of the area.

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

SOCIAL. The area has developed as residential and there could be possible negative effects from an economically viable industrial use, such as noise, pollution, light pollution, heavy truck traffic, congestion, etc.

ECONOMIC. It is not likely the site would ever be used for its intended purpose, thereby precluding any benefit of economic development to the community. The subject property contains 2.59 acres and is basically divided by an intervening ownership, an inlet from the bay created by a drainage channel culvert which drains the lowland area to the east of 6th Avenue. The inlet is owned by the Georgia-Pacific West, Inc.

The proposed residential redesignation will provide a broader mix of housing types, from single-family to multi-family, making this a transition area between established residential neighborhoods and the adjacent newly developed housing types.

ENERGY. As stated previously, there is difficulty in transportation for an industrial use, both from land and water. The primary access from heavy trucks and equipment is by way of the Isthmus Slough Bridge, a deteriorating wooden bridge with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. There are no current plans by the State to replace it, only to repair the worst conditions, for now. Alternative routes are long, narrow, windy and time-consuming therefore expending more fuel and employee time.

Access to the water does not exist. The adjacent tidal flats dry out between tides. Any water-borne transportation would have to sit on the bay bottom between tides, thereby creating unacceptable issues for other responsible agencies.

ENVIRONMENTAL. Eastside is residential in nature and will likely continue to develop in this way. Development of the subject property would be short term whereas an industrial use would negatively impact the existing residential neighborhoods with noise,

dust, fumes, safety, etc. Access to Highway 101 is across a dilapidated wooden bridge or long, narrow, windy routes to the north and south.

The findings above demonstrate the decision to allow residential uses 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:

EC.7 Coos Bay shall encourage multi-family dwellings as part of its housing strategy, recognizing that these types of dwellings are relatively more energy efficient than single family units. The centralization of these dwellings require the extension of fewer service lines and fewer roadways, and the nature of their construction lends to the conservation of heating energy.

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.

7.6 Housing. 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.

CONCLUSIONS: To remove the water-dependent designation would allow the site to be utilized for industrial uses other than those that are non-preemptive to a water-dependent use. However, because of the size, location, access and neighboring uses, the site is better suited for residential use that will provide a unique experience because of its location.

VIII. 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.

Comprehensive Plan Volume III, Coos Bay Estuary Management Plan, Part 2, 4.2.5.11, Isthmus Slough Subsystem, states the following:

The narrow subtidal/intertidal strips bordering the authorized channels on the west/south side from the mouth of the slough to Eastside bridge and on the north/east side from opposite the Georgia-Pacific facility to the bridge, are considered "areas of minimal biological significance" and "deep water areas adjacent to the shoreline" (ODFW, 1981). They should therefore be placed in a "Development" management unit.

The abutting tidal area is dry when the tide is out. However, the aquatic area to the northwest of the subject property does have sufficient depth for water-dependent activities and is currently being used under this designation. The manner in which the water drains from the outlet channel that bisects the subject property scours that area

making it deeper. The flow from the outlet channel does not have the same effect on the tidelands abutting the subject property.

The change from industrial zoning, regardless of the water-dependent designation, is addressed in VII (4), above. The size of the divided subject property, location, and access issues are not conducive to the needs for an industrial site, nor would the site be fuel (energy) or time efficient.

Comprehensive Plan Volume I, Chapter 9.1, Coos Bay Land Use Plan 2000, Industrial Areas, states the following Objective:

Industrial land is intended to provide an area where more intense uses are allowed to located. Such land use activities are those which are not generally compatible with less intense commercial and other industrial uses. Land should be set aside that is suitable for this purpose, that is, lands of sufficient size with supporting facilities readily available (streets, transportation services, and so forth).

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

The proposed residential zoning for the subject property will conform to the trend now existing in this area which is towards less intrusive industrialization and more of a quiet, residential nature.

To the northwest of the subject property, across 5th Avenue is a 5-acre parcel currently being utilized for water-dependent uses, a business which performs marine construction and needs water borne transportation to fulfill its mission. Because of the drainage inlet and scouring, this property has sufficient working water depth for barges and tugs.

To the north of the subject property is F Street, which contains the city sewage transfer pumping station. Access to the facility for city maintenance services is from 6th Avenue. F Street will probably never be developed due to the location of the pump station.

North of F Street, between 5th Avenue and 6th Avenue, north of F Street lays wetlands. North of this is a block of residential sized lots zoned W-I and 28-UW. Beyond this, to the north, everything is zoned residential.

To the east of the northern portion of the subject property, across 6th Street, is the Coach House Restaurant and a building that was originally built as mini-warehouse storage that is now occupied by small businesses. The business-types are more "destination" or specialty services, such as artistic signage and graphics, construction company, carpet installation, etc. The businesses are not the type that people would generally shop at. Continuing east is a storage unit and then a mobile home park and residential development.

To the east of the southern portion of the subject property is property owned by Willamette Beverage Company. The facility is located to the southeast. Property adjacent to the facility on the north and west is about 90 percent wetlands. Just north of H Street is a garage door business, another small specialty business. To the east is residential development.

Across 6th Street to the east and south of H Street lays an R-3 parcel on the corner of 6th Avenue and H Street with a single home on it. Beyond this to the east and south, it is residential.

The parcel south of H Street and west of 6th Avenue, also owned by the applicant, is a parcel zoned W-I and 28-UW, 811 6th Avenue. This very small parcel is in the process of replacing the permitted residence that was at one time destroyed by weather and was torn down.

The parcel south of 811 6th Avenue is zoned W-I and 28-UW and is small, has a high bank, narrow and access challenges, both by land and water.

The area to the west of the subject property is tidelands owned by the DSL. The area is dry between tides thereby eliminating water dependant transportation access.

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

It is not expected that there will be effects to properties in the vicinity in operations, access or transportation routes.

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.

It is appropriate at this time to permit the change to residential zoning since it mirrors existing adjacent uses currently in the vicinity.

The subject property is not likely large enough to support an industrial use. Access to the water is non-existent. The primary access out of the Eastside area is via the Isthmus Slough Bridge. The wooden structure is deteriorating with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. Alternative accesses are Olive Barber Road, extending south, or East Bay Drive, to the north; both county roads to Highway 101 are narrow, windy and not time or fuel efficient.

The east side of the slough, Eastside, is residential in nature and will continue to develop in this way. No available residential lands exist of the type that are proposed that have the unique qualities of the subject property such as the estuarine view waterfront or proximity to downtown Coos Bay, while feeling removed from the hustle of the downtown, and its quaint charm/character while being an extension of an existing, established residential neighborhood.

CONCLUSIONS: The subject property has never been used and never will be used for water-dependent uses. The objective for industrial lands, as set forth by the Comprehensive Plan, shows the inadequacy of the subject property, located where it is difficult to reach the heart of commerce, to be utilized for industrial uses. Development in the vicinity of the subject property is either small, struggling specialty businesses or residential. Wetlands across 6th Avenue are likely to preclude use of the property due to the cost of permits and the return on investment.

The Eastside area is residential in nature and will continue to develop in this manner because of its location away from the downtown and the existence of the quaint charm

and character of the existing neighborhoods. Development of the subject property as residential will be an extension of the predominant use in the vicinity.

The review criteria has been adequately addressed and approval of the proposal can be supported.

IX. 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.

X. CONCLUSION

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

Attachments: A – Comprehensive Plan, Volume II, Table 19, Overall Near-and-Long-Term Employment Land Need by Parcel Size.
B – USGS Wetlands Map
C – Letter/E-mail from OR Department of Land Conservation and Development

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EXHIBIT B

1. Amend the text of CBEMP, Volume III, Part 1, 5.0, Designation of Site-Specific Management Segments, Uses and Activities, 28-UW, to read as follows:

ISTHMUS SLOUGH – EASTSIDE (Part)

SHORELAND SEGMENT - 28

MANAGEMENT CLASSIFICATION: UW (inside Eastside)
D (outside Eastside)

BOUNDARIES:

Northeastern Boundary – A line extending South from First Avenue.

Southern Boundary – A line extending east from the Northern edge of Kennedy Field.

MANAGEMENT OBJECTIVE:

This shoreland segment which is substantially committed to a mix of residential, commercial and industrial uses shall be managed for continuation of these existing uses. Uses within the Eastside city limits shall be water-dependent, as this area is “especially suited” for water-dependent uses (but see General Condition #4). However, a portion of this segment, the area is south of F Street, west of 6th Avenue north of H Street and east of 5th Avenue and the tidelands, has been redesignated to allow residential uses.

USES:

1.	Agriculture	N
2.	Airports.....	N
3.	Aquaculture	A
4.	Commercial	A
5.	Dryland Moorage.....	N
6.	Industrial and Port Facilities.....	A
7.	Land Transportation Facilities.....	A
8.	Log Storage/Sorting Yard (land)	A
9.	Marinas	N
10.	Mining/Mineral Extraction	N
11.	Recreation Facilities	
	a. Low-intensity.....	A
	b. High-intensity	A
12.	Residential.....	*
13.	Solid Waste Disposal.....	*
14.	Timber Farming/Harvesting	N
15.	Utilities	
	a. Low-intensity	A
	b. High-intensity	A

ACTIVITIES

1.	Stream Alteration.....	A
2.	Dikes	
	a. New Construction.....	A
	b. Maintenance/Repair.....	A
3.	Dredged Material Disposal	N
4.	Excavation to Create New Water Surface.....	A
5.	Fill	
6.	Shoreline Stabilization	
	a. Vegetative.....	A
	b. Rip-rap.....	*
	c. Retaining Wall.....	*
7.	Navigation Aids	A
8.	Mitigation.....	A
9.	a. Active.....	*
	b. Passive	A
10.	Land Divisions	*

GENERAL CONDITIONS

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
2. Uses in this segment outside Eastside city limits are only permitted as stated in Policy #14 "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are only allowed subject to the findings in this policy.
3. All permitted uses shall be consistent with the respective flood regulations or local governments, as required in Policy #27.
4. All uses shall be consistent with Policy #16, regarding protection of areas "especially-suited for water-dependent uses".
5. Non-water-dependent uses are only allowed as per Policy #16a, inside Eastside city limits.

SPECIAL CONDITIONS

Uses

12. Within the portion designated "UW", existing dwellings may be altered, expanded, and reconstructed if destroyed by natural causes. However, new dwellings may not be constructed in this portion of the segment. This restriction does not apply to the portion designated "D".
However, in the area where the zoning has been changed from Waterfront-Industrial to residential, uses within the Coos Bay Municipal Code shall prevail and no further estuarine review is required.
13. This use is limited to disposal of wood wastes from wood products operations.

Activities

- 6b, c These activities are only permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a Active restoration shall be allowed only when consistent with Policy #22b.
- 10 Land divisions outside Eastside city limits are only permitted where they meet the conditions in Policy #15
2. **Amend the text of Volume III, Part 1, Coos Bay Estuary Management Plan (CBEMP), Chapter 3.3, Bay-Wide Policies, Policy 16a, Minimum Protected Acreage Required for County Estuarine Shorelands, 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.
4. 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.

5. As of July 6, 2010, 2.59 acres of shoreland designated for water-dependent use was removed from the total of 104.79 acre inventory (ZON2010-00012). As a result, there are 102.20 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.

3. **Amend the text of CBEMP, Volume III, Part 2, Inventories and Factual Base, 5.0, Social and Economic Resources Characteristics, 5.1.4, 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. Again in 2010, 2.59 acres were removed from the inventory to rezone property for residential use (ZON2010-00012) leaving a balance of 102.20 acres designated for water-dependent use.

ORDINANCE NO. 436

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION FOR CERTAIN REAL PROPERTY FROM "INDUSTRIAL" TO "RESIDENTIAL HIGH-DENSITY" AND "RESIDENTIAL LOW-DENSITY"

WHEREAS, the applicant, Mr. Gary Angell, Angell Assets, 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, T. 25, R. 13, S. 36BD, Tax Lot 700, as follows:

Redesignate the north 1.31 acres of property described as follows from "Industrial (I)" to "Residential High-density (R-H)":

That certain portion of Government Lot 2 of Section 36, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, lying West of 6th Avenue in the City of Coos Bay (formerly Eastside); being more particularly described as follows: Beginning at an iron survey stake in the center of the dredged channel (inlet) to Isthmus Slough; thence Northerly along the west line of 6th Avenue a distance of about 250 feet to the South boundary of "F" Street, Plat of Eastside, Coos County, Oregon; thence West along the said boundary of "F" Street a distance of about 270 feet to the east boundary of 5th Avenue; thence South along said boundary of 5th Avenue about 250 feet; thence East about 270 feet to the place of beginning.

SAVE AND EXCEPT, any property lying below the ordinary high water line.

Redesignate the south 1.28 acres of property described as follows from "Industrial (I)" to "Residential Low-density (R-L)":

A parcel of land located in Government Lot 2, Section 36, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows: Beginning at a 5/8 inch iron rod on the West boundary of 6th Avenue, from which the 3/4 inch iron pipe marking the northwest corner of Block 69, Plat of Eastside, Coos County, Oregon, bears S. 38 degrees, 26' 34" E a distance of 94.27 feet; thence along a curve left N 0 degrees 5' 57" W a distance of 44.73 feet through a central angle of 0 degree 54' 15" to the point of tangent; thence continuing along 6th Avenue N 0 degrees 33' 04" W a distance of 15.31 feet to the north boundary of the newly dedicated "H" Street per Instrument No. 2007-11552, Coos County Deed Records and the true point of beginning, thence continuing along the west boundary of 6th Avenue North 0 degrees 33' 04" West a distance of 558 feet, more or less, to an iron survey stake at the approximate centerline of a dredged channel (inlet); thence West along the said

channel for a distance of 185 feet, more or less, to the low water line of Isthmus Slough; thence Southerly upstream along the said low water line for a distance of 562 feet, more or less, to a point on the above mentioned north boundary of "H" Street extended westerly to the low water line; thence South 88 degrees 11'30" East along said north boundary for a distance of 83 feet, more or less, to the point of beginning.

SAVE AND EXCEPT, any property lying below the ordinary high water line.

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 15, 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.

WHEREAS, public hearing was held before the City Council on June 15, 2010 and was continued to July 6, 2010.

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

Section 1. Revised Commission's Findings and Conclusions supporting its recommended approval of the Application are attached hereto as "Exhibit A" and incorporated herein by reference. The revised findings and conclusions reflect the elimination of the redesignation of the adjacent tidelands owned by Georgia Pacific West, Inc.

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

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, are hereby changed from "Industrial (I)" to "Residential High-density (R-H)" for the north 1.31 acres and "Residential Low-density (R-L)" for the south 1.28 acres, for the subject property described above.

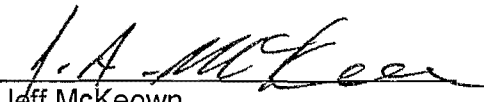
Section 4. The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay the 6th day of June 2010.


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

No: None

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

REVISED FINDINGS AND CONCLUSIONS

I. BACKGROUND

The 2.59 acre subject property, owned by Angell Asset Group, LLC, is located west of 6th Avenue, north of H Street, east of the tidelands and 5th Avenue and south of F Street in the Eastside area and is described as T. 25, R. 13, S. 36BD, Tax Lot 700. The subject property has been used as a heavy construction equipment storage and repair facility and for stockpiling sand and gravel for nearby projects.

The subject property is currently zoned "Waterfront-Industrial (W-I)" and Coos Bay Estuary Management Plan (CBEMP) shoreland segment 28-UW (Urban Water-dependent). The plan map designation is "Industrial (I)."

II. PURPOSE

The applicant/owner is proposing to redesignate the subject property for residential use. It is proposed to redesignate the north 1.31 acre portion of the property to "Multiple Residential (R-3)" zone and "Residential High-density (RH)" plan designation. The south 1.28 acre portion of the property, the remainder of the property, is proposed to be redesignated to "Single-family and Duplex Residential (R-2)" zone and "Residential Low-density (RL)" plan designation.

In addition, the CBEMP water-dependent designation will be eliminated to facilitate residential development.

III. SITE

The subject property is split roughly in half by an inlet from the slough created by a drainage channel culvert, draining the lowland area to the east of 6th Avenue. Georgia Pacific West, Inc, owns the inlet, Tax Lot 800, which extends as tidelands along the western boundary of the subject property. There are no watercourses on the subject property. According to FEMA floodplain maps, the subject property lies in the 100-year floodplain. About 80 percent of the property lies in a tsunami hazard area.

The subject property ranges from one percent to three percent slope. The toe of the bank adjacent to the tidelands is at three foot above Mean Sea Level, while the top of the bank is at 9 foot above Mean Sea Level. From the aerial photo, there appears to be very little if any vegetation on the property.

Currently, there is a shop/office building on the north portion of the property which is used for heavy equipment repair. There is also a smaller shop which extends into the 5th Avenue right of way and an outbuilding on the site. Heavy equipment is stored on the site. The south portion of the property has no structures.

IV. ELEMENTS OF THE PROPOSED AMENDMENTS

- A. Amendments to the text of Coos Bay Comprehensive Plan, Volume III, Coos Bay Estuary Management Plan (CBEMP), Part 1:
 - 1. Chapter 3.3, Bay-Wide Policies, Policy 16a, Minimum Protected Acreage Required for County Estuarine Shorelands, to reflect removing the water-dependent designation for 2.59 acres currently designated 28-UW.
 - 2. Chapter 5, Designation of Site-Specific Management Segment, Uses and Activities, Shoreland Segment 28-UW, to allow residential uses on the subject property.
- B. Amend the text of CBEMP, Part 2, Inventories and Factual Base, 5.0, Social and Economic Resources Characteristics, 5.1.4, to track the change in water-dependent acreage required to be protected for water-dependent use.
- C. Comprehensive Plan Map will be changed from Industrial to “Residential High-density” for the north 1.31 acres. This is the area north of the drainage outlet. The remaining south 1.28 acres will be redesignated to “Residential Low-density.”
- D. Amend Coos Bay Municipal Code zone designation from “Waterfront Industrial (W-I)” to “Multiple Residential (R-3)” for the north portion and “Single-family and Duplex Residential (R-2)” for the south portion.

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 Coos Bay Municipal Code Chapter 17.380 and CBEMP Policy 35 as follows:

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

D. Coos Bay Municipal Code Provisions

Chapter 17.360, Change in Zone Designation

1. The change in zone will conform with the policies and objectives of the comprehensive plan;
2. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts;
3. The change will not prevent the use of other land in the vicinity; and,
4. 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. 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.

As set forth in Coos Bay Municipal Code (CBMC) Chapter 17.300, Public Hearings, notice of the proposed action will be published in “The World” newspaper and landowners within 250 feet of the subject property will receive written notice. Included in the notices will be the times and location of public hearings before the Planning Commission and City Council.

B. Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions 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 requires written notice of our proposed

application to the City of North Bend, Coos County and the Oregon International Port of Coos Bay. Written notice was sent on March 12, 2010.

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.

There are no known historic or archaeological sites on the subject property. The Confederated Tribes of Coos, Lower Umpqua and Siuslaw will be notified of the pending changes and have ample opportunity for input.

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 development of the site, based on the possible uses of the residential zoning districts, 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.

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

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 a Special Flood Hazard Area. 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.

About 80 percent of the subject property 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. The subject property abuts tidelands owned by the Oregon Department of State Lands. All bodies of water are adjacent to the subject property and do not course through or over it.

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.

Location:

Prime commercial/industrial areas of Coos Bay are located along the US 101 highway corridor, Bunker Hill, with vast open mill and dock areas south of Coos Bay, the central City of Coos Bay, the waterfront area from Bunker Hill to the north city limits, Ocean Boulevard, Empire and most of the waterfront areas of Charleston. These geographic areas have always fulfilled and provided for the needs and wants of commerce and industry. These areas most likely will continue to be the sites where new and future commerce will take place.

The Eastside area of Coos Bay has never been much of an industrial area. Only a handful of industrial operations have taken place there during the last sixty years. Ben Billeter marine is the only original operation still up and running. The Burley Industries, Nelson Log Bronc and Bob Angell sites have not been operational for many years. These properties have not returned to an industrial use, nor is it likely that they ever will. It appears business entities do not want to be located in an area that is perceived to be out of the way or out of step with an area that is becoming more residential in nature.

While the expansion of a local barge builders operation to a remote area of Eastside has brought much needed development and employment, we are told it has also spawned an on-going string of complaints from an established neighborhood. A great deal of capital, commitment and planning went into the site selection, which was the best possible location available for the operation and community. However, businesses and residents of the remote residential area are dealing with noise, light and other issues daily. An industrial operation on the subject property would likely be an unending source of tension. Dealing with these issues would be a drain on the resources of time, money and livability of all those involved.

Industrial

Included in Comprehensive Plan Volume II, Inventory, is the Buildable Lands Inventory, completed in 2009, which indicates there are approximately 12 acres of vacant industrial land in the city. This figure was calculated after removing property with wetlands or slopes over 25 percent. According to the inventory, "in the near term," the next five years, there is a need for 21 acres, and "in the long-term," the next 20-years, there is a need for 52 acres.

Comprehensive Plan, Volume I, Chapter 6.3, Industrial and Commercial Land, states the city should seek to create parcels of suitable size to accommodate commercial and industrial development. Given the high number of small sites (sites less than 1 acre, with an average size of .5 acre), to fully utilize this land for industrial and commercial purposes will require assembly of smaller, contiguous parcels into larger sites. Table 19, Overall Near-and-Long-Term Employment Land Need by Parcel Size, from Volume II, Inventory, is included as *Attachment A*.

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.

The subject property, located to the south and across the slough from the main part of the city, contains 2.59 acres which is "divided" by a drainage outlet. The property under the drainage area is owned by the Georgia-Pacific West Inc. It is unlikely the north 1.31 acres and the south 1.28 acres could be utilized as one unit. The entire subject property is a Special Flood Hazard Area as defined by FEMA and about 80 percent lies within a tsunami hazard area.

Across 6th Avenue is property zoned commercial. There is a restaurant on the corner of 6th and F Street. To the south is a building originally built as a mini-warehouse storage facility that is being used by several small businesses. such as carpet installation, construction company, art signs and graphics. These are not the typical businesses that people go to daily or even weekly. Further south, across from the south portion of the property is a 7-acre parcel that is about 90 percent wetlands. This is owned by Willamette Beverage Company. Adjacent to the southeast of this parcel is the distributing facility for Willamette Beverage Company on a 3-acre parcel. A map of the wetlands areas is at *Attachment B*.

Industrial use of the property would likely bring increased large truck traffic, smoke, dust, noise and night time light pollution on the edge of a currently quiet residential neighborhood.

The primary access out of the Eastside area is via the Isthmus Slough Bridge. The wooden structure is deteriorating with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. According to Oregon Department of Transportation (ODOT) Region 3, Tom Guevara, ODOT is currently working on a repair project to replace the timber spans on the east end of the bridge. Once this repair is completed the current posted weight restrictions will remain in place. There is no funding for construction of a new bridge.

The current bridge restrictions are: single axle – 20,000 lbs; tandem axle – 34,000 lbs; max gross weight – 80,000 lbs. Alternative accesses are Olive Barber Road, extending south, or East Bay Drive, to the north; both county roads are narrow, windy and an inefficient use of fuel and time.

Water-dependent

The 2.59 acre subject property is designated as urban water-dependent, yet there is no usable water/land interface area for water dependant transportation to access the site. Water access to the site would require water transportation to sit on the mud bay bottom both during and between high tides. It has never been used in a water dependant industrial manner because there is no deep water access.

North portion of the subject property

The north 1.31 acres is used for equipment storage and repair. There is a shop on the site and a small out building. As seen from the attached GIS map, the site is under-utilized which is likely due to the size, location of the property and difficult access from Highway 101. To lay out an entire industrial use would be difficult or impossible—parking, staging, circulation areas, buildings and equipment along with maneuvering for trucks/trailers.

South portion of the subject property

The south 1.28 acres has been used for sand and gravel storage which was placed there incidental to nearby land construction operations and were temporary in nature. The long, narrow shape of the property makes it difficult, maybe impossible for a highway truck and trailer to turn around or maneuver in. If you try to lay out the necessary parking, staging, circulation areas, buildings and equipment, you quickly realize its limitations.

Surrounding area

The community around the subject property is predominantly residential. The thin ribbon of commercial operations directly across the highway (6th Avenue) does not provide an adequate buffer for the residential neighborhood to the east. The industrial, commercial operations do not accurately reflect the true character and

use of the area as residential. Comparing the slow but steady decline of industrial use in the immediate area to that of the steady growth and build out of the Mathews Subdivision to the east, it becomes apparent that people want to live in this area. An industrial zoning of the subject property will likely inhibit and degrade the continued natural development of the residential community. One can only anticipate negative responses from the neighborhood should an industrial use occur.

J. 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.

Chapter 7.6, Housing, sets forth the following goal and 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.

Comprehensive Plan, Volume II, 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 is that about 40 percent 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 underestimate the land need."

The east side of the slough, Eastside, is residential in nature and will continue to develop in this way. No available residential lands exist of the type that are proposed that have the unique qualities of the subject property such as the estuarine view waterfront or proximity to downtown Coos Bay, while feeling removed from the hustle of the downtown, and its quaint charm/character while being an extension of an existing, established residential neighborhood. The applicant states these homes are to be moderately priced and of a smaller footprint than has historically been offered for similar waterfront locations. These will not be "trophy" homes, as some would normally associate with a waterfront

location since Coos Bay will not support large, high priced homes envisioned by some for a waterfront location.

The north portion of the subject property is proposed to be redesignated to R-3. The applicant states is the submitted information that as the surrounding area continues to expand the nature of its existing quiet, residential neighborhood characteristics, there will be an increasing need for small convenience sales and personal service businesses, such as those that may be allowed in the R-3 zone.

"Convenience sales and personal services" is a conditional use in the R-3 zone. The use is defined as "...establishments or places of business primarily engaged in the provision of frequently or reoccurring needed small personal items or services. These include various general retail sales and personal services of an appropriate size and scale to meet the above criterion. Typical uses include neighborhood grocery, drug stores, laundromat/dry cleaners, or barbershops."

The south portion is proposed to be redesignated R-2. A conceptual drawing has been submitted by the applicant which indicates one row of single-family dwellings served by one access driveway.

The commercially-zoned property east of 6th Avenue contains about 90 percent wetlands which will make it costly to develop and therefore, will probably not develop because of the location and likely low return on any investment.

K. 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 west of 6th Avenue and north of H Street and south of F Street in Eastside. 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 are utilized by existing uses in the area.

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

L. 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.

Sixth Avenue abuts the eastern edge of the subject property. Formerly this was State Highway 242 but was "exchanged" from the State to the city in the early 2000s. Sixth Avenue has a 60-foot-wide right of way and is paved to a width of 24 feet. Up through the 1960s and into the 70s this highway serviced the timber industry hauling timber from Allegany, past the subject property to mills at Bunker Hill by Weyerhaeuser, Georgia Pacific and Coos Head Timber. It was built to handle the heaviest (90,000lbs) of trucks and is still at that capacity. The intense, heavy truck traffic is gone, resulting in a reduction of the number of daily trips. The net gain in traffic density from an industrial use to a residential use is a negative number and will be illustrated in the traffic study provided at the time of submittal for building permits.

M. 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 residential uses. The entire length of the property abuts 6th Avenue which is a well-established arterial. No new roads are necessary other than an access driveway which will serve to limit the number of points of ingress and egress off of 6th Avenue.

N. 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/designated for urban uses in the past.

O. 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.

A letter dated March 30, 2010 from the Oregon Department of Land Conservation and Development suggested the adjacent tidelands, owned by Georgia Pacific West, Inc., be redesignated. However, a follow-up e-mail (attached), dated June 10, 2010, sets out an option whereby redesignating tidelands that are not owned by the applicant would not be part of this proposal mainly because the practical use of the tidelands is limited by their size and by environmental regulations.

P. 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 the subject 2.59 acres 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 here.

OAR660-037-0090(2) encourages local governments to provide for water-related and water-oriented uses at such sites as much as possible. It is most probable that the resulting residential uses will be water-oriented, taking advantage of the unique estuarine setting.

Q. Goal 18 Beaches and Dunes

This goal does not apply.

R. 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 subject property has never been used for a water-dependent use and has no direct access to the water. Although city documentation indicates there is a need for 52 acres of industrial land in the next 20 years, the subject property is not conducive to an industrial use because of the following factors:

- Limited in size and divided by a drainage outlet owned by the OR Department of State Lands;
- The east side of Isthmus Slough, Eastside, is residential in nature and will continue to develop in this way;
- Location across the slough and south of the heart and activity of the city; and,
- Primary access across a dilapidated wooden bridge where alternative routes are time and fuel inefficient.

The Statewide Planning Goals have been adequately address and approval of the proposal can be supported.

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 applicant states in their submitted information the subject property has never been used for a "water-dependent" use although it is designated as such. The subject property is only dry ground. There is no usable water/land interface area for water dependent transportation to access the site.

The applicant does not control the area needed to alter the water depth to conform to the needs of water-based transportation. Even so, the water depth is not adequate to allow water borne transportation to dock or berth at the shore line, even at high tide. The shore land area is exposed between tides. Any attempt to deepen the channel to allow

unhampered industrial water dependant transportation to utilize the site would be a monetary and physical permitting impossibility.

Year ago, there were pilings and dolphins out as far as 50 feet from the bank which had log rafts moored to them. However, they have since been removed.

The 2.59 acre subject property, "divided" in half by an outlet channel, is located across the slough and south of the heart of city activity and the main populace. Access from the subject property is limited for a land-based industrial use. The Isthmus Slough Bridge is a deteriorating wooden structure. The Oregon Department of Transportation is currently working on a repair project to replace the timber spans on the east end of the bridge. The current posted weight limits will remain in place after the repair. There is no funding for construction of a new bridge. The bridge is the most direct route to the heart of the city and local commerce. Alternative routes through the county are long, narrow and windy and therefore, costly since more fuel is expended and employee time spent.

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

There is no usable water/land interface area for water dependant transportation to access the subject property. The tidelands abutting the subject property, where shore land area is exposed between tides, are owned by the Georgia-Pacific West, Inc. Besides not having control of the tidal area, any attempt to deepen the channel to allow unhampered industrial water-dependant transportation to utilize the subject property would be a monetary and physical permitting impossibility.

The recent Buildable Lands Inventory indicated a shortage of 52 acres of developable commercial/industrial land in the city. This may not be accurate based on the existing conditions or characteristics of available commercial/industrial lands. The existing conditions are that a great amount of industrial/commercial land exists within the estuary having underutilized, dormant or abandoned capacities. Those facilities are available lands which, when included in the industrial water dependant lands inventory would exhibit additional, available lands.

The primary access for trucks and equipment is by way of the Isthmus Slough Bridge, a deteriorating wooden bridge with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. There are no current plans by the State to replace it, only to repair the worst conditions for now.

It is physically impossible to use the entire 2.59 acre subject property as one unit due to an inlet from the bay created by a drainage channel culver which drains the lowland area to the east of 6th Avenue.

The residential nature of the Eastside area has continued to expand over time and this trend is expected to continue. Waterfront and industrial zoning allows increased truck traffic, smoke, dust, noise and night time light pollution on the edge of a currently quiet residential neighborhood area.

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, the 2.59 acre subject property will remain a low rent, under-utilized, land-based, construction equipment and maintenance yard with attached office.

Land-based usage is limited or non-existent for industrial uses because of the size of the divided property, location across the slough and south of the heartland of commerce, and access limitations.

It is physically impossible to use the subject property as water-dependant industrial. Even if there was not an intervening ownership, Georgia Pacific West, Inc., access to the water is impossible because the tidal flats dry out between tides. Any water-borne transportation would have to sit on the bay bottom between tides, thereby creating unacceptable issues for other responsible agencies.

Changing the usage to a residential zone will allow the development of variously priced housing. The change to residential zoning will also reflect the existing residential nature of the area.

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

SOCIAL. The area has developed as residential and there could be possible negative effects from an economically viable industrial use, such as noise, pollution, light pollution, heavy truck traffic, congestion, etc.

ECONOMIC. It is not likely the site would ever be used for its intended purpose, thereby precluding any benefit of economic development to the community. The subject property contains 2.59 acres and is basically divided by an intervening ownership, an inlet from the bay created by a drainage channel culvert which drains the lowland area to the east of 6th Avenue. The inlet is owned by the Georgia-Pacific West, Inc.

The proposed residential redesignation will provide a broader mix of housing types, from single-family to multi-family, making this a transition area between established residential neighborhoods and the adjacent newly developed housing types.

ENERGY. As stated previously, there is difficulty in transportation for an industrial use, both from land and water. The primary access from heavy trucks and equipment is by way of the Isthmus Slough Bridge, a deteriorating wooden bridge with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. There are no current plans by the State to replace it, only to repair the worst conditions, for now. Alternative routes are long, narrow, windy and time-consuming therefore expending more fuel and employee time.

Access to the water does not exist. The adjacent tidal flats dry out between tides. Any water-borne transportation would have to sit on the bay bottom between tides, thereby creating unacceptable issues for other responsible agencies.

ENVIRONMENTAL. Eastside is residential in nature and will likely continue to develop in this way. Development of the subject property would be short term whereas an industrial use would negatively impact the existing residential neighborhoods with noise,

dust, fumes, safety, etc. Access to Highway 101 is across a dilapidated wooden bridge or long, narrow, windy routes to the north and south.

The findings above demonstrate the decision to allow residential uses 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:

EC.7 Coos Bay shall encourage multi-family dwellings as part of its housing strategy, recognizing that these types of dwellings are relatively more energy efficient than single family units. The centralization of these dwellings require the extension of fewer service lines and fewer roadways, and the nature of their construction lends to the conservation of heating energy.

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.

7.6 Housing. 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.

CONCLUSIONS: To remove the water-dependent designation would allow the site to be utilized for industrial uses other than those that are non-preemptive to a water-dependent use. However, because of the size, location, access and neighboring uses, the site is better suited for residential use that will provide a unique experience because of its location.

VIII. 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.**

Comprehensive Plan Volume III, Coos Bay Estuary Management Plan, Part 2, 4.2.5.11, Isthmus Slough Subsystem, states the following:

The narrow subtidal/intertidal strips bordering the authorized channels on the west/south side from the mouth of the slough to Eastside bridge and on the north/east side from opposite the Georgia-Pacific facility to the bridge, are considered "areas of minimal biological significance" and "deep water areas adjacent to the shoreline" (ODFW, 1981). They should therefore be placed in a "Development" management unit.

The abutting tidal area is dry when the tide is out. However, the aquatic area to the northwest of the subject property does have sufficient depth for water-dependent activities and is currently being used under this designation. The manner in which the water drains from the outlet channel that bisects the subject property scours that area

making it deeper. The flow from the outlet channel does not have the same effect on the tidelands abutting the subject property.

The change from industrial zoning, regardless of the water-dependent designation, is addressed in VII (4), above. The size of the divided subject property, location, and access issues are not conducive to the needs for an industrial site, nor would the site be fuel (energy) or time efficient.

Comprehensive Plan Volume I, Chapter 9.1, Coos Bay Land Use Plan 2000, Industrial Areas, states the following Objective:

Industrial land is intended to provide an area where more intense uses are allowed to located. Such land use activities are those which are not generally compatible with less intense commercial and other industrial uses. Land should be set aside that is suitable for this purpose, that is, lands of sufficient size with supporting facilities readily available (streets, transportation services, and so forth).

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

The proposed residential zoning for the subject property will conform to the trend now existing in this area which is towards less intrusive industrialization and more of a quiet, residential nature.

To the northwest of the subject property, across 5th Avenue is a 5-acre parcel currently being utilized for water-dependent uses, a business which performs marine construction and needs water borne transportation to fulfill its mission. Because of the drainage inlet and scouring, this property has sufficient working water depth for barges and tugs.

To the north of the subject property is F Street, which contains the city sewage transfer pumping station. Access to the facility for city maintenance services is from 6th Avenue. F Street will probably never be developed due to the location of the pump station.

North of F Street, between 5th Avenue and 6th Avenue, north of F Street lays wetlands. North of this is a block of residential sized lots zoned W-I and 28-UW. Beyond this, to the north, everything is zoned residential.

To the east of the northern portion of the subject property, across 6th Street, is the Coach House Restaurant and a building that was originally built as mini-warehouse storage that is now occupied by small businesses. The business-types are more "destination" or specialty services, such as artistic signage and graphics, construction company, carpet installation, etc. The businesses are not the type that people would generally shop at. Continuing east is a storage unit and then a mobile home park and residential development.

To the east of the southern portion of the subject property is property owned by Willamette Beverage Company. The facility is located to the southeast. Property adjacent to the facility on the north and west is about 90 percent wetlands. Just north of H Street is a garage door business, another small specialty business. To the east is residential development.

Across 6th Street to the east and south of H Street lays an R-3 parcel on the corner of 6th Avenue and H Street with a single home on it. Beyond this to the east and south, it is residential.

The parcel south of H Street and west of 6th Avenue, also owned by the applicant, is a parcel zoned W-I and 28-UW, 811 6th Avenue. This very small parcel is in the process of replacing the permitted residence that was at one time destroyed by weather and was torn down.

The parcel south of 811 6th Avenue is zoned W-I and 28-UW and is small, has a high bank, narrow and access challenges, both by land and water.

The area to the west of the subject property is tidelands owned by the DSL. The area is dry between tides thereby eliminating water dependant transportation access.

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

It is not expected that there will be effects to properties in the vicinity in operations, access or transportation routes.

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.

It is appropriate at this time to permit the change to residential zoning since it mirrors existing adjacent uses currently in the vicinity.

The subject property is not likely large enough to support an industrial use. Access to the water is non-existent. The primary access out of the Eastside area is via the Isthmus Slough Bridge. The wooden structure is deteriorating with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. Alternative accesses are Olive Barber Road, extending south, or East Bay Drive, to the north; both county roads to Highway 101 are narrow, windy and not time or fuel efficient.

The east side of the slough, Eastside, is residential in nature and will continue to develop in this way. No available residential lands exist of the type that are proposed that have the unique qualities of the subject property such as the estuarine view waterfront or proximity to downtown Coos Bay, while feeling removed from the hustle of the downtown, and its quaint charm/character while being an extension of an existing, established residential neighborhood.

CONCLUSIONS: The subject property has never been used and never will be used for water-dependent uses. The objective for industrial lands, as set forth by the Comprehensive Plan, shows the inadequacy of the subject property, located where it is difficult to reach the heart of commerce, to be utilized for industrial uses. Development in the vicinity of the subject property is either small, struggling specialty businesses or residential. Wetlands across 6th Avenue are likely to preclude use of the property due to the cost of permits and the return on investment.

The Eastside area is residential in nature and will continue to develop in this manner because of its location away from the downtown and the existence of the quaint charm

and character of the existing neighborhoods. Development of the subject property as residential will be an extension of the predominant use in the vicinity.

The review criteria has been adequately addressed and approval of the proposal can be supported.

IX. 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.

X. CONCLUSION

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

Attachments: A – Comprehensive Plan, Volume II, Table 19, Overall Near-and-Long-Term Employment Land Need by Parcel Size.
B – USGS Wetlands Map
C – Letter/E-mail from OR Department of Land Conservation and Development

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ORDINANCE NO. 437

AN ORDINANCE CHANGING THE ZONING DESIGNATION FOR CERTAIN REAL PROPERTY FROM "WATERFRONT INDUSTRIAL" TO "MULTIPLE RESIDENTIAL" AND "SINGLE-FAMILY AND DUPLEX RESIDENTIAL"

WHEREAS, the applicant, Mr. Gary Angell, Angell Asset Group, LLC, has filed an application, hereinafter referred to as the Application, to amend the Coos Bay Municipal Code to redesignate certain real property, T. 25, R. 13, S. 36BD, Tax Lot 700 as follows:

Redesignate the north 1.31 acres of property, described as follows, from "Waterfront Industrial (W-I)" to "Multiple Residential (R-3)":

That certain portion of Government Lot 2 of Section 36, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, lying West of 6th Avenue in the City of Coos Bay (formerly Eastside); being more particularly described as follows: Beginning at an iron survey stake in the center of the dredged channel (inlet) to Isthmus Slough; thence Northerly along the west line of 6th Avenue a distance of about 250 feet to the South boundary of "F" Street, Plat of Eastside, Coos County, Oregon; thence West along the said boundary of "F" Street a distance of about 270 feet to the east boundary of 5th Avenue; thence South along said boundary of 5th Avenue about 250 feet; thence East about 270 feet to the place of beginning.

SAVE AND EXCEPT, any property lying below the ordinary high water line.

Redesignate the south 1.28 acres of property, described as follows, from "Waterfront Industrial (W-I)" to "Single-family and Duplex Residential (R-L)":

A parcel of land located in Government Lot 2, Section 36, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows: Beginning at a 5/8 inch iron rod on the West boundary of 6th Avenue, from which the 3/4 inch iron pipe marking the northwest corner of Block 69, Plat of Eastside, Coos County, Oregon, bears S. 38 degrees, 26' 34" E a distance of 94.27 feet; thence along a curve left N 0 degrees 5' 57" W a distance of 44.73 feet through a central angle of 0 degree 54' 15" to the point of tangent; thence continuing along 6th Avenue N 0 degrees 33' 04" W a distance of 15.31 feet to the north boundary of the newly dedicated "H" Street per Instrument No. 2007-11552, Coos County Deed Records and the true point of beginning, thence continuing along the west boundary of 6th Avenue North 0 degrees 33' 04" West a distance of 558 feet, more or less, to an iron survey stake at the approximate centerline of a dredged channel (inlet); thence West along the said

channel for a distance of 185 feet, more or less, to the low water line of Isthmus Slough; thence Southerly upstream along the said low water line for a distance of 562 feet, more or less, to a point on the above mentioned north boundary of "H" Street extended westerly to the low water line; thence South 88 degrees 11'30" East along said north boundary for a distance of 83 feet, more or less, to the point of beginning.

SAVE AND EXCEPT, any property lying below the ordinary high water line.

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 15, 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.

WHEREAS, public hearing was held before the City Council on June 15, 2010 and was continued to July 6, 2010.

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

Section 1. Revised Commission's Findings and Conclusions supporting its recommended approval of the Application are attached hereto as "Exhibit A" and incorporated herein by reference. The revised findings and conclusions reflect the elimination of the redesignation of the adjacent tidelands owned by Georgia Pacific West, Inc.

Section 2. The City Council of the Coos Bay, after considering the revised 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" to "Qualified Multiple Residential (Q R-3)" and "Qualified Single-family and Duplex Residential (Q R-2)" with the following condition:

Approval of a Site Plan and Architectural Review, according to Coos Bay Municipal Code Chapter 17.345, is required prior to development.


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 6th day of June 2010.

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

No: None

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

REVISED FINDINGS AND CONCLUSIONS

I. BACKGROUND

The 2.59 acre subject property, owned by Angell Asset Group, LLC, is located west of 6th Avenue, north of H Street, east of the tidelands and 5th Avenue and south of F Street in the Eastside area and is described as T. 25, R. 13, S. 36BD, Tax Lot 700. The subject property has been used as a heavy construction equipment storage and repair facility and for stockpiling sand and gravel for nearby projects.

The subject property is currently zoned "Waterfront-Industrial (W-I)" and Coos Bay Estuary Management Plan (CBEMP) shoreland segment 28-UW (Urban Water-dependent). The plan map designation is "Industrial (I)."

II. PURPOSE

The applicant/owner is proposing to redesignate the subject property for residential use. It is proposed to redesignate the north 1.31 acre portion of the property to "Multiple Residential (R-3)" zone and "Residential High-density (RH)" plan designation. The south 1.28 acre portion of the property, the remainder of the property, is proposed to be redesignated to "Single-family and Duplex Residential (R-2)" zone and "Residential Low-density (RL)" plan designation.

In addition, the CBEMP water-dependent designation will be eliminated to facilitate residential development.

III. SITE

The subject property is split roughly in half by an inlet from the slough created by a drainage channel culvert, draining the lowland area to the east of 6th Avenue. Georgia Pacific West, Inc, owns the inlet, Tax Lot 800, which extends as tidelands along the western boundary of the subject property. There are no watercourses on the subject property. According to FEMA floodplain maps, the subject property lies in the 100-year floodplain. About 80 percent of the property lies in a tsunami hazard area.

The subject property ranges from one percent to three percent slope. The toe of the bank adjacent to the tidelands is at three foot above Mean Sea Level, while the top of the bank is at 9 foot above Mean Sea Level. From the aerial photo, there appears to be very little if any vegetation on the property.

Currently, there is a shop/office building on the north portion of the property which is used for heavy equipment repair. There is also a smaller shop which extends into the 5th Avenue right of way and an outbuilding on the site. Heavy equipment is stored on the site. The south portion of the property has no structures.

IV. ELEMENTS OF THE PROPOSED AMENDMENTS

- A. Amendments to the text of Coos Bay Comprehensive Plan, Volume III, Coos Bay Estuary Management Plan (CBEMP), Part 1:
 - 1. Chapter 3.3, Bay-Wide Policies, Policy 16a, Minimum Protected Acreage Required for County Estuarine Shorelands, to reflect removing the water-dependent designation for 2.59 acres currently designated 28-UW.
 - 2. Chapter 5, Designation of Site-Specific Management Segment, Uses and Activities, Shoreland Segment 28-UW, to allow residential uses on the subject property.
- B. Amend the text of CBEMP, Part 2, Inventories and Factual Base, 5.0, Social and Economic Resources Characteristics, 5.1.4, to track the change in water-dependent acreage required to be protected for water-dependent use.
- C. Comprehensive Plan Map will be changed from Industrial to "Residential High-density" for the north 1.31 acres. This is the area north of the drainage outlet. The remaining south 1.28 acres will be redesignated to "Residential Low-density."
- D. Amend Coos Bay Municipal Code zone designation from "Waterfront Industrial (W-I)" to "Multiple Residential (R-3)" for the north portion and "Single-family and Duplex Residential (R-2)" for the south portion.

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 Coos Bay Municipal Code Chapter 17.380 and CBEMP Policy 35 as follows:

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

D. Coos Bay Municipal Code Provisions

Chapter 17.360, Change in Zone Designation

1. The change in zone will conform with the policies and objectives of the comprehensive plan;
2. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts;
3. The change will not prevent the use of other land in the vicinity; and,
4. 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. 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.

As set forth in Coos Bay Municipal Code (CBMC) Chapter 17.300, Public Hearings, notice of the proposed action will be published in "The World" newspaper and landowners within 250 feet of the subject property will receive written notice. Included in the notices will be the times and location of public hearings before the Planning Commission and City Council.

B. Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions 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 requires written notice of our proposed

application to the City of North Bend, Coos County and the Oregon International Port of Coos Bay. Written notice was sent on March 12, 2010.

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.

There are no known historic or archaeological sites on the subject property. The Confederated Tribes of Coos, Lower Umpqua and Siuslaw will be notified of the pending changes and have ample opportunity for input.

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 development of the site, based on the possible uses of the residential zoning districts, 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.

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

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 a Special Flood Hazard Area. 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.

About 80 percent of the subject property 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. The subject property abuts tidelands owned by the Oregon Department of State Lands. All bodies of water are adjacent to the subject property and do not course through or over it.

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.

Location:

Prime commercial/industrial areas of Coos Bay are located along the US 101 highway corridor, Bunker Hill, with vast open mill and dock areas south of Coos Bay, the central City of Coos Bay, the waterfront area from Bunker Hill to the north city limits, Ocean Boulevard, Empire and most of the waterfront areas of Charleston. These geographic areas have always fulfilled and provided for the needs and wants of commerce and industry. These areas most likely will continue to be the sites where new and future commerce will take place.

The Eastside area of Coos Bay has never been much of an industrial area. Only a handful of industrial operations have taken place there during the last sixty years. Ben Billeter marine is the only original operation still up and running. The Burley Industries, Nelson Log Bronc and Bob Angell sites have not been operational for many years. These properties have not returned to an industrial use, nor is it likely that they ever will. It appears business entities do not want to be located in an area that is perceived to be out of the way or out of step with an area that is becoming more residential in nature.

While the expansion of a local barge builders operation to a remote area of Eastside has brought much needed development and employment, we are told it has also spawned an on-going string of complaints from an established neighborhood. A great deal of capital, commitment and planning went into the site selection, which was the best possible location available for the operation and community. However, businesses and residents of the remote residential area are dealing with noise, light and other issues daily. An industrial operation on the subject property would likely be an unending source of tension. Dealing with these issues would be a drain on the resources of time, money and livability of all those involved.

Industrial

Included in Comprehensive Plan Volume II, Inventory, is the Buildable Lands Inventory, completed in 2009, which indicates there are approximately 12 acres of vacant industrial land in the city. This figure was calculated after removing property with wetlands or slopes over 25 percent. According to the inventory, "in the near term," the next five years, there is a need for 21 acres, and "in the long-term," the next 20-years, there is a need for 52 acres.

Comprehensive Plan, Volume I, Chapter 6.3, Industrial and Commercial Land, states the city should seek to create parcels of suitable size to accommodate commercial and industrial development. Given the high number of small sites (sites less than 1 acre, with an average size of .5 acre), to fully utilize this land for industrial and commercial purposes will require assembly of smaller, contiguous parcels into larger sites. Table 19, Overall Near-and-Long-Term Employment Land Need by Parcel Size, from Volume II, Inventory, is included as *Attachment A*.

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.

The subject property, located to the south and across the slough from the main part of the city, contains 2.59 acres which is "divided" by a drainage outlet. The property under the drainage area is owned by the Georgia-Pacific West Inc. It is unlikely the north 1.31 acres and the south 1.28 acres could be utilized as one unit. The entire subject property is a Special Flood Hazard Area as defined by FEMA and about 80 percent lies within a tsunami hazard area.

Across 6th Avenue is property zoned commercial. There is a restaurant on the corner of 6th and F Street. To the south is a building originally built as a mini-warehouse storage facility that is being used by several small businesses. such as carpet installation, construction company, art signs and graphics. These are not the typical businesses that people go to daily or even weekly. Further south, across from the south portion of the property is a 7-acre parcel that is about 90 percent wetlands. This is owned by Willamette Beverage Company. Adjacent to the southeast of this parcel is the distributing facility for Willamette Beverage Company on a 3-acre parcel. A map of the wetlands areas is at *Attachment B*.

Industrial use of the property would likely bring increased large truck traffic, smoke, dust, noise and night time light pollution on the edge of a currently quiet residential neighborhood.

The primary access out of the Eastside area is via the Isthmus Slough Bridge. The wooden structure is deteriorating with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. According to Oregon Department of Transportation (ODOT) Region 3, Tom Guevara, ODOT is currently working on a repair project to replace the timber spans on the east end of the bridge. Once this repair is completed the current posted weight restrictions will remain in place. There is no funding for construction of a new bridge.

The current bridge restrictions are: single axle – 20,000 lbs; tandem axle – 34,000 lbs; max gross weight – 80,000 lbs. Alternative accesses are Olive Barber Road, extending south, or East Bay Drive, to the north; both county roads are narrow, windy and an inefficient use of fuel and time.

Water-dependent

The 2.59 acre subject property is designated as urban water-dependent, yet there is no usable water/land interface area for water dependant transportation to access the site. Water access to the site would require water transportation to sit on the mud bay bottom both during and between high tides. It has never been used in a water dependant industrial manner because there is no deep water access.

North portion of the subject property

The north 1.31 acres is used for equipment storage and repair. There is a shop on the site and a small out building. As seen from the attached GIS map, the site is under-utilized which is likely due to the size, location of the property and difficult access from Highway 101. To lay out an entire industrial use would be difficult or impossible—parking, staging, circulation areas, buildings and equipment along with maneuvering for trucks/trailers.

South portion of the subject property

The south 1.28 acres has been used for sand and gravel storage which was placed there incidental to nearby land construction operations and were temporary in nature. The long, narrow shape of the property makes it difficult, maybe impossible for a highway truck and trailer to turn around or maneuver in. If you try to lay out the necessary parking, staging, circulation areas, buildings and equipment, you quickly realize its limitations.

Surrounding area

The community around the subject property is predominantly residential. The thin ribbon of commercial operations directly across the highway (6th Avenue) does not provide an adequate buffer for the residential neighborhood to the east. The industrial, commercial operations do not accurately reflect the true character and

use of the area as residential. Comparing the slow but steady decline of industrial use in the immediate area to that of the steady growth and build out of the Mathews Subdivision to the east, it becomes apparent that people want to live in this area. An industrial zoning of the subject property will likely inhibit and degrade the continued natural development of the residential community. One can only anticipate negative responses from the neighborhood should an industrial use occur.

J. 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.

Chapter 7.6, Housing, sets forth the following goal and 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.

Comprehensive Plan, Volume II, 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 is that about 40 percent 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 underestimate the land need."

The east side of the slough, Eastside, is residential in nature and will continue to develop in this way. No available residential lands exist of the type that are proposed that have the unique qualities of the subject property such as the estuarine view waterfront or proximity to downtown Coos Bay, while feeling removed from the hustle of the downtown, and its quaint charm/character while being an extension of an existing, established residential neighborhood. The applicant states these homes are to be moderately priced and of a smaller footprint than has historically been offered for similar waterfront locations. These will not be "trophy" homes, as some would normally associate with a waterfront

location since Coos Bay will not support large, high priced homes envisioned by some for a waterfront location.

The north portion of the subject property is proposed to be redesignated to R-3. The applicant states is the submitted information that as the surrounding area continues to expand the nature of its existing quiet, residential neighborhood characteristics, there will be an increasing need for small convenience sales and personal service businesses, such as those that may be allowed in the R-3 zone.

“Convenience sales and personal services” is a conditional use in the R-3 zone. The use is defined as “...establishments or places of business primarily engaged in the provision of frequently or reoccurring needed small personal items or services. These include various general retail sales and personal services of an appropriate size and scale to meet the above criterion. Typical uses include neighborhood grocery, drug stores, laundromat/dry cleaners, or barbershops.”

The south portion is proposed to be redesignated R-2. A conceptual drawing has been submitted by the applicant which indicates one row of single-family dwellings served by one access driveway.

The commercially-zoned property east of 6th Avenue contains about 90 percent wetlands which will make it costly to develop and therefore, will probably not develop because of the location and likely low return on any investment.

K. 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 west of 6th Avenue and north of H Street and south of F Street in Eastside. 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 are utilized by existing uses in the area.

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

L. 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.

Sixth Avenue abuts the eastern edge of the subject property. Formerly this was State Highway 242 but was "exchanged" from the State to the city in the early 2000s. Sixth Avenue has a 60-foot-wide right of way and is paved to a width of 24 feet. Up through the 1960s and into the 70s this highway serviced the timber industry hauling timber from Allegany, past the subject property to mills at Bunker Hill by Weyerhaeuser, Georgia Pacific and Coos Head Timber. It was built to handle the heaviest (90,000lbs) of trucks and is still at that capacity. The intense, heavy truck traffic is gone, resulting in a reduction of the number of daily trips. The net gain in traffic density from an industrial use to a residential use is a negative number and will be illustrated in the traffic study provided at the time of submittal for building permits.

M. 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 residential uses. The entire length of the property abuts 6th Avenue which is a well-established arterial. No new roads are necessary other than an access driveway which will serve to limit the number of points of ingress and egress off of 6th Avenue.

N. 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/designated for urban uses in the past.

O. 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.

A letter dated March 30, 2010 from the Oregon Department of Land Conservation and Development suggested the adjacent tidelands, owned by Georgia Pacific West, Inc., be redesignated. However, a follow-up e-mail (attached), dated June 10, 2010, sets out an option whereby redesignating tidelands that are not owned by the applicant would not be part of this proposal mainly because the practical use of the tidelands is limited by their size and by environmental regulations.

P. 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 the subject 2.59 acres 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 here.

OAR660-037-0090(2) encourages local governments to provide for water-related and water-oriented uses at such sites as much as possible. It is most probable that the resulting residential uses will be water-oriented, taking advantage of the unique estuarine setting.

Q. Goal 18 Beaches and Dunes

This goal does not apply.

R. 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 subject property has never been used for a water-dependent use and has no direct access to the water. Although city documentation indicates there is a need for 52 acres of industrial land in the next 20 years, the subject property is not conducive to an industrial use because of the following factors:

- Limited in size and divided by a drainage outlet owned by the OR Department of State Lands;
- The east side of Isthmus Slough, Eastside, is residential in nature and will continue to develop in this way;
- Location across the slough and south of the heart and activity of the city; and,
- Primary access across a dilapidated wooden bridge where alternative routes are time and fuel inefficient.

The Statewide Planning Goals have been adequately address and approval of the proposal can be supported.

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 applicant states in their submitted information the subject property has never been used for a "water-dependent" use although it is designated as such. The subject property is only dry ground. There is no usable water/land interface area for water dependent transportation to access the site.

The applicant does not control the area needed to alter the water depth to conform to the needs of water-based transportation. Even so, the water depth is not adequate to allow water borne transportation to dock or berth at the shore line, even at high tide. The shore land area is exposed between tides. Any attempt to deepen the channel to allow

unhampered industrial water dependant transportation to utilize the site would be a monetary and physical permitting impossibility.

Year ago, there were pilings and dolphins out as far as 50 feet from the bank which had log rafts moored to them. However, they have since been removed.

The 2.59 acre subject property, "divided" in half by an outlet channel, is located across the slough and south of the heart of city activity and the main populace. Access from the subject property is limited for a land-based industrial use. The Isthmus Slough Bridge is a deteriorating wooden structure. The Oregon Department of Transportation is currently working on a repair project to replace the timber spans on the east end of the bridge. The current posted weight limits will remain in place after the repair. There is no funding for construction of a new bridge. The bridge is the most direct route to the heart of the city and local commerce. Alternative routes through the county are long, narrow and windy and therefore, costly since more fuel is expended and employee time spent.

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

There is no usable water/land interface area for water dependant transportation to access the subject property. The tidelands abutting the subject property, where shore land area is exposed between tides, are owned by the Georgia-Pacific West, Inc. Besides not having control of the tidal area, any attempt to deepen the channel to allow unhampered industrial water-dependant transportation to utilize the subject property would be a monetary and physical permitting impossibility.

The recent Buildable Lands Inventory indicated a shortage of 52 acres of developable commercial/industrial land in the city. This may not be accurate based on the existing conditions or characteristics of available commercial/industrial lands. The existing conditions are that a great amount of industrial/commercial land exists within the estuary having underutilized, dormant or abandoned capacities. Those facilities are available lands which, when included in the industrial water dependant lands inventory would exhibit additional, available lands.

The primary access for trucks and equipment is by way of the Isthmus Slough Bridge, a deteriorating wooden bridge with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. There are no current plans by the State to replace it, only to repair the worst conditions for now.

It is physically impossible to use the entire 2.59 acre subject property as one unit due to an inlet from the bay created by a drainage channel culver which drains the lowland area to the east of 6th Avenue.

The residential nature of the Eastside area has continued to expand over time and this trend is expected to continue. Waterfront and industrial zoning allows increased truck traffic, smoke, dust, noise and night time light pollution on the edge of a currently quiet residential neighborhood area.

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, the 2.59 acre subject property will remain a low rent, under-utilized, land-based, construction equipment and maintenance yard with attached office.

Land-based usage is limited or non-existent for industrial uses because of the size of the divided property, location across the slough and south of the heartland of commerce, and access limitations.

It is physically impossible to use the subject property as water-dependant industrial. Even if there was not an intervening ownership, Georgia Pacific West, Inc., access to the water is impossible because the tidal flats dry out between tides. Any water-borne transportation would have to sit on the bay bottom between tides, thereby creating unacceptable issues for other responsible agencies.

Changing the usage to a residential zone will allow the development of variously priced housing. The change to residential zoning will also reflect the existing residential nature of the area.

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

SOCIAL. The area has developed as residential and there could be possible negative effects from an economically viable industrial use, such as noise, pollution, light pollution, heavy truck traffic, congestion, etc.

ECONOMIC. It is not likely the site would ever be used for its intended purpose, thereby precluding any benefit of economic development to the community. The subject property contains 2.59 acres and is basically divided by an intervening ownership, an inlet from the bay created by a drainage channel culvert which drains the lowland area to the east of 6th Avenue. The inlet is owned by the Georgia-Pacific West, Inc.

The proposed residential redesignation will provide a broader mix of housing types, from single-family to multi-family, making this a transition area between established residential neighborhoods and the adjacent newly developed housing types.

ENERGY. As stated previously, there is difficulty in transportation for an industrial use, both from land and water. The primary access from heavy trucks and equipment is by way of the Isthmus Slough Bridge, a deteriorating wooden bridge with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. There are no current plans by the State to replace it, only to repair the worst conditions, for now. Alternative routes are long, narrow, windy and time-consuming therefore expending more fuel and employee time.

Access to the water does not exist. The adjacent tidal flats dry out between tides. Any water-borne transportation would have to sit on the bay bottom between tides, thereby creating unacceptable issues for other responsible agencies.

ENVIRONMENTAL. Eastside is residential in nature and will likely continue to develop in this way. Development of the subject property would be short term whereas an industrial use would negatively impact the existing residential neighborhoods with noise,

dust, fumes, safety, etc. Access to Highway 101 is across a dilapidated wooden bridge or long, narrow, windy routes to the north and south.

The findings above demonstrate the decision to allow residential uses 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:

EC.7 Coos Bay shall encourage multi-family dwellings as part of its housing strategy, recognizing that these types of dwellings are relatively more energy efficient than single family units. The centralization of these dwellings require the extension of fewer service lines and fewer roadways, and the nature of their construction lends to the conservation of heating energy.

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.

7.6 Housing. 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.

CONCLUSIONS: To remove the water-dependent designation would allow the site to be utilized for industrial uses other than those that are non-preemptive to a water-dependent use. However, because of the size, location, access and neighboring uses, the site is better suited for residential use that will provide a unique experience because of its location.

VIII. 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.**

Comprehensive Plan Volume III, Coos Bay Estuary Management Plan, Part 2, 4.2.5.11, Isthmus Slough Subsystem, states the following:

The narrow subtidal/intertidal strips bordering the authorized channels on the west/south side from the mouth of the slough to Eastside bridge and on the north/east side from opposite the Georgia-Pacific facility to the bridge, are considered “areas of minimal biological significance” and “deep water areas adjacent to the shoreline” (ODFW, 1981). They should therefore be placed in a “Development” management unit.

The abutting tidal area is dry when the tide is out. However, the aquatic area to the northwest of the subject property does have sufficient depth for water-dependent activities and is currently being used under this designation. The manner in which the water drains from the outlet channel that bisects the subject property scours that area

making it deeper. The flow from the outlet channel does not have the same effect on the tidelands abutting the subject property.

The change from industrial zoning, regardless of the water-dependent designation, is addressed in VII (4), above. The size of the divided subject property, location, and access issues are not conducive to the needs for an industrial site, nor would the site be fuel (energy) or time efficient.

Comprehensive Plan Volume I, Chapter 9.1, Coos Bay Land Use Plan 2000, Industrial Areas, states the following Objective:

Industrial land is intended to provide an area where more intense uses are allowed to located. Such land use activities are those which are not generally compatible with less intense commercial and other industrial uses. Land should be set aside that is suitable for this purpose, that is, lands of sufficient size with supporting facilities readily available (streets, transportation services, and so forth).

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

The proposed residential zoning for the subject property will conform to the trend now existing in this area which is towards less intrusive industrialization and more of a quiet, residential nature.

To the northwest of the subject property, across 5th Avenue is a 5-acre parcel currently being utilized for water-dependent uses, a business which performs marine construction and needs water borne transportation to fulfill its mission. Because of the drainage inlet and scouring, this property has sufficient working water depth for barges and tugs.

To the north of the subject property is F Street, which contains the city sewage transfer pumping station. Access to the facility for city maintenance services is from 6th Avenue. F Street will probably never be developed due to the location of the pump station.

North of F Street, between 5th Avenue and 6th Avenue, north of F Street lays wetlands. North of this is a block of residential sized lots zoned W-I and 28-UW. Beyond this, to the north, everything is zoned residential.

To the east of the northern portion of the subject property, across 6th Street, is the Coach House Restaurant and a building that was originally built as mini-warehouse storage that is now occupied by small businesses. The business-types are more "destination" or specialty services, such as artistic signage and graphics, construction company, carpet installation, etc. The businesses are not the type that people would generally shop at. Continuing east is a storage unit and then a mobile home park and residential development.

To the east of the southern portion of the subject property is property owned by Willamette Beverage Company. The facility is located to the southeast. Property adjacent to the facility on the north and west is about 90 percent wetlands. Just north of H Street is a garage door business, another small specialty business. To the east is residential development.

Across 6th Street to the east and south of H Street lays an R-3 parcel on the corner of 6th Avenue and H Street with a single home on it. Beyond this to the east and south, it is residential.

The parcel south of H Street and west of 6th Avenue, also owned by the applicant, is a parcel zoned W-I and 28-UW, 811 6th Avenue. This very small parcel is in the process of replacing the permitted residence that was at one time destroyed by weather and was torn down.

The parcel south of 811 6th Avenue is zoned W-I and 28-UW and is small, has a high bank, narrow and access challenges, both by land and water.

The area to the west of the subject property is tidelands owned by the DSL. The area is dry between tides thereby eliminating water dependant transportation access.

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

It is not expected that there will be effects to properties in the vicinity in operations, access or transportation routes.

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.

It is appropriate at this time to permit the change to residential zoning since it mirrors existing adjacent uses currently in the vicinity.

The subject property is not likely large enough to support an industrial use. Access to the water is non-existent. The primary access out of the Eastside area is via the Isthmus Slough Bridge. The wooden structure is deteriorating with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. Alternative accesses are Olive Barber Road, extending south, or East Bay Drive, to the north; both county roads to Highway 101 are narrow, windy and not time or fuel efficient.

The east side of the slough, Eastside, is residential in nature and will continue to develop in this way. No available residential lands exist of the type that are proposed that have the unique qualities of the subject property such as the estuarine view waterfront or proximity to downtown Coos Bay, while feeling removed from the hustle of the downtown, and its quaint charm/character while being an extension of an existing, established residential neighborhood.

CONCLUSIONS: The subject property has never been used and never will be used for water-dependent uses. The objective for industrial lands, as set forth by the Comprehensive Plan, shows the inadequacy of the subject property, located where it is difficult to reach the heart of commerce, to be utilized for industrial uses. Development in the vicinity of the subject property is either small, struggling specialty businesses or residential. Wetlands across 6th Avenue are likely to preclude use of the property due to the cost of permits and the return on investment.

The Eastside area is residential in nature and will continue to develop in this manner because of its location away from the downtown and the existence of the quaint charm

and character of the existing neighborhoods. Development of the subject property as residential will be an extension of the predominant use in the vicinity.

The review criteria has been adequately addressed and approval of the proposal can be supported.

IX. INDUSTRIAL LANDS AGREEMENT

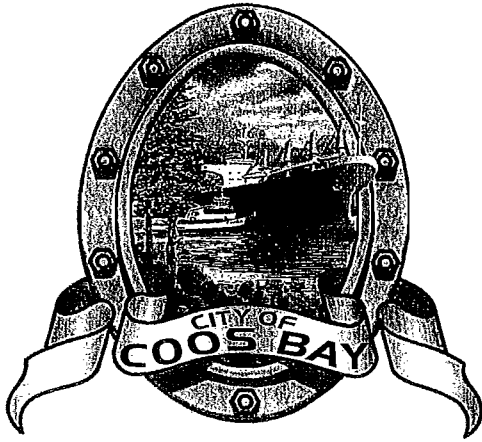
As required by the Bay Area Industrial Lands Cooperative Planning Agreement, the City of Coos Bay sent notice of the proposed action to the parties of the agreement on March 12, 2010.

X. CONCLUSION

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

Attachments: A – Comprehensive Plan, Volume II, Table 19, Overall Near-and-Long-Term Employment Land Need by Parcel Size.
B – USGS Wetlands Map
C – Letter/E-mail from OR Department of Land Conservation and Development

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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>

July 9, 2010

FINAL ORDER

AMENDMENTS TO THE COOS BAY COMPREHENSIVE PLAN AND COOS BAY MUNICIPAL CODE

APPLICATION: ZON2010-00012

APPLICANT/OWNER: Gary Angell, Angell Assets, Inc.
3126 Alameda Street Unit 315, Medford, OR 97504

SUBJECT PROPERTY: T. 25, R. 13, S. 36BD, Tax Lot 700

PROPOSAL: Amendments to the Coos Bay Comprehensive Plan and Coos Bay Municipal Code (ZON2010-00012) as follows:

- Amend Comprehensive Plan
 - Volume III, Part 1, Chapter 3.3, Bay-Wide Policies, Policy 16a;
 - Volume III, Part 1, Chapter 5, Shoreland Segment 28-UW;
 - Volume III, Part 1, Chapter 5, Aquatic Unit 28B-DA;
 - Volume III, Part 2, Chapter 5.0, Social and Economic Resources Characteristics;
 - Plan map from "Industrial" to "Residential High density" and "Residential Low-density;" and,
- Amend Coos Bay Municipal Code
 - Change the zoning from "Waterfront Industrial" to "Multiple Residential" and "Single-family and Duplex Residential."

ORDER: Tuesday, July 6, 2010, City Council approved the comprehensive plan amendments and zone change, and enacted Ordinance Nos. 435, 436 and 437.
City Council Final Vote:

Yea: Mayor Jeff McKeown, John Eck,
Gene Melton, Mark Daily, Joanie
Johnson, Stephanie Kramer and
John Pundt

Abstain:

Nay:

APPEAL PROVISIONS: See page 2-3
**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. 435, 436, and 437 approving the plan and zone change of the subject property as follows: the 1.31 acres north of the drainage inlet is redesignated from Industrial (I) plan and Waterfront Industrial (W-I) zone to Residential High-density (R-H) plan and Multiple Residential (Q R-3) zone; and, redesignate the 1.28 acres south of the drainage inlet from Industrial (I) plan and Waterfront Industrial (W-I) zone to Residential Low-density (R-L) plan and Single-family and Duplex Residential (Q R-2) zone. A condition, or Q - qualifier, is imposed on the change in zoning:

Approval of a Site Plan and Architectural Review, according to Coos Bay Municipal Code Chapter 17.345, is required prior to development.

In addition, Coos Bay Estuary Management Plan (CBEMP) shoreland segment 28-UW (urban water-dependent) is amended to allow residential use of the subject property.

The decision to approve will become final at **5:00 PM on July 30, 2010** unless an appeal is filed.

APPEAL PROVISION

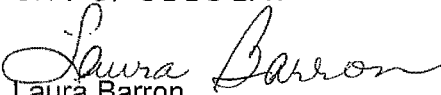
Any person with standing has the right to request review of this land use decision by filing a Notice of Intent to Appeal with:

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 30, 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 435, 436, and 437

c: Gary Angell
Geoff Hiatt, Pacific West Architecture, Inc.
Steve Abel, Stoel Rives, LLP
Dave Perry, DLCD
Coos County (without attachments)
City of North Bend (without attachments)

Exhibit A

FINDINGS AND CONCLUSIONS

I. BACKGROUND

The 2.59 acre subject property, owned by Angell Asset Group, LLC, is located west of 6th Avenue, north of H Street, east of the tidelands and 5th Avenue and south of F Street in the Eastside area and is described as T. 25, R. 13, S. 36BD, Tax Lot 700. The subject property has been used as a heavy construction equipment storage and repair facility and for stockpiling sand and gravel for nearby projects.

The subject property is currently zoned "Waterfront-Industrial (W-I)" and Coos Bay Estuary Management Plan (CBEMP) shoreland segment 28-UW (Urban Water-dependent). The plan map designation is "Industrial (I)."

II. PURPOSE

The applicant/owner is proposing to redesignate the subject property for residential use. It is proposed to redesignate the north 1.31 acre portion of the property to "Multiple Residential (R-3)" zone and "Residential High-density (RH)" plan designation. The south 1.28 acre portion of the property, the remainder of the property, is proposed to be redesignated to "Single-family and Duplex Residential (R-2)" zone and "Residential Low-density (RL)" plan designation.

In addition, the CBEMP water-dependent designation will be eliminated to facilitate residential development.

III. SITE

The subject property is split roughly in half by an inlet from the slough created by a drainage channel culvert, draining the lowland area to the east of 6th Avenue. Georgia Pacific West, Inc, owns the inlet, Tax Lot 800, which extends as tidelands along the western boundary of the subject property. There are no watercourses on the subject property. According to FEMA floodplain maps, the subject property lies in the 100-year floodplain. About 80 percent of the property lies in a tsunami hazard area.

The subject property ranges from one percent to three percent slope. The toe of the bank adjacent to the tidelands is at three foot above Mean Sea Level, while the top of the bank is at 9 foot above Mean Sea Level. From the aerial photo, there appears to be very little if any vegetation on the property.

Currently, there is a shop/office building on the north portion of the property which is used for heavy equipment repair. There is also a smaller shop which extends into the 5th Avenue right of way and an outbuilding on the site. Heavy equipment is stored on the site. The south portion of the property has no structures.

IV. ELEMENTS OF THE PROPOSED AMENDMENTS

- A. Amendments to the text of Coos Bay Comprehensive Plan, Volume III, Coos Bay Estuary Management Plan (CBEMP), Part 1:
 - 1. Chapter 3.3, Bay-Wide Policies, Policy 16a, Minimum Protected Acreage Required for County Estuarine Shorelands, to reflect removing the water-dependent designation for 2.59 acres currently designated 28-UW.
 - 2. Chapter 5, Designation of Site-Specific Management Segment, Uses and Activities, Shoreland Segment 28-UW, to allow residential uses on the subject property.
- B. Amend the text of CBEMP, Part 2, Inventories and Factual Base, 5.0, Social and Economic Resources Characteristics, 5.1.4, to track the change in water-dependent acreage required to be protected for water-dependent use.
- C. Comprehensive Plan Map will be changed from Industrial to “Residential High-density” for the north 1.31 acres. This is the area north of the drainage outlet. The remaining south 1.28 acres will be redesignated to “Residential Low-density.”
- D. Amend Coos Bay Municipal Code zone designation from “Waterfront Industrial (W-I)” to “Multiple Residential (R-3)” for the north portion and “Single-family and Duplex Residential (R-2)” for the south portion.

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 Coos Bay Municipal Code Chapter 17.380 and CBEMP Policy 35 as follows:

- 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; and,
 - 4. Selection of appropriate policy directives based upon consideration of social, economic, energy and environmental needs.
- D. Coos Bay Municipal Code Provisions

Chapter 17.360, Change in Zone Designation

1. The change in zone will conform with the policies and objectives of the comprehensive plan;
2. The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts;
3. The change will not prevent the use of other land in the vicinity; and,
4. 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. 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.

As set forth in Coos Bay Municipal Code (CBMC) Chapter 17.300, Public Hearings, notice of the proposed action will be published in “The World” newspaper and landowners within 250 feet of the subject property will receive written notice. Included in the notices will be the times and location of public hearings before the Planning Commission and City Council.

B. Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions 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 requires written notice of our proposed application to the City of North Bend, Coos County and the Oregon International Port of Coos Bay. Written notice was sent on March 12, 2010.

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.

There are no known historic or archaeological sites on the subject property. The Confederated Tribes of Coos, Lower Umpqua and Siuslaw will be notified of the pending changes and have ample opportunity for input.

E. 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 development of the site, based on the possible uses of the residential zoning districts, 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.

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

F. 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 a Special Flood Hazard Area. 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.

About 80 percent of the subject property 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.

G. 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. The subject property abuts tidelands owned by the Oregon Department of State Lands. All bodies of water are adjacent to the subject property and do not course through or over it.

H. 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.

Location:

Prime commercial/industrial areas of Coos Bay are located along the US 101 highway corridor, Bunker Hill, with vast open mill and dock areas south of Coos Bay, the central City of Coos Bay, the waterfront area from Bunker Hill to the north city limits, Ocean Boulevard, Empire and most of the waterfront areas of Charleston. These geographic areas have always fulfilled and provided for the needs and wants of commerce and industry. These areas most likely will continue to be the sites where new and future commerce will take place.

The Eastside area of Coos Bay has never been much of an industrial area. Only a handful of industrial operations have taken place there during the last sixty years. Ben Billeter marine is the only original operation still up and running. The Burley Industries, Nelson Log Bronc and Bob Angell sites have not been operational for many years. These properties have not returned to an industrial use, nor is it likely that they ever will. It appears business entities do not want to be located in an area that is perceived to be out of the way or out of step with an area that is becoming more residential in nature.

While the expansion of a local barge builders operation to a remote area of Eastside has brought much needed development and employment, we are told it has also spawned an on-going string of complaints from an established neighborhood. A great deal of capital, commitment and planning went into the site selection, which was the best possible location available for the operation and community. However, businesses and residents of the remote residential area are dealing with noise, light and other issues daily. An industrial operation

on the subject property would likely be an unending source of tension. Dealing with these issues would be a drain on the resources of time, money and livability of all those involved.

Industrial

Included in Comprehensive Plan Volume II, Inventory, is the Buildable Lands Inventory, completed in 2009, which indicates there are approximately 12 acres of vacant industrial land in the city. This figure was calculated after removing property with wetlands or slopes over 25 percent. According to the inventory, "in the near term," the next five years, there is a need for 21 acres, and "in the long-term," the next 20-years, there is a need for 52 acres.

Comprehensive Plan, Volume I, Chapter 6.3, Industrial and Commercial Land, states the city should seek to create parcels of suitable size to accommodate commercial and industrial development. Given the high number of small sites (sites less than 1 acre, with an average size of .5 acre), to fully utilize this land for industrial and commercial purposes will require assembly of smaller, contiguous parcels into larger sites. Table 19, Overall Near-and-Long-Term Employment Land Need by Parcel Size, from Volume II, Inventory, is included as *Attachment A*.

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.

The subject property, located to the south and across the slough from the main part of the city, contains 2.59 acres which is "divided" by a drainage outlet. The property under the drainage area is owned by the Georgia-Pacific West Inc. It is unlikely the north 1.31 acres and the south 1.28 acres could be utilized as one unit. The entire subject property is a Special Flood Hazard Area as defined by FEMA and about 80 percent lies within a tsunami hazard area.

Across 6th Avenue is property zoned commercial. There is a restaurant on the corner of 6th and F Street. To the south is a building originally built as a mini-warehouse storage facility that is being used by several small businesses. such as carpet installation, construction company, art signs and graphics. These are not the typical businesses that people go to daily or even weekly. Further south, across from the south portion of the property is a 7-acre parcel that is about 90 percent wetlands. This is owned by Willamette Beverage Company. Adjacent to the southeast of this parcel is the distributing facility for Willamette Beverage Company on a 3-acre parcel. A map of the wetlands areas is at *Attachment B*.

Industrial use of the property would likely bring increased large truck traffic, smoke, dust, noise and night time light pollution on the edge of a currently quiet residential neighborhood.

The primary access out of the Eastside area is via the Isthmus Slough Bridge. The wooden structure is deteriorating with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use.

According to Oregon Department of Transportation (ODOT) Region 3, Tom Guevara, ODOT is currently working on a repair project to replace the timber spans on the east end of the bridge. Once this repair is completed the current posted weight restrictions will remain in place. There is no funding for construction of a new bridge.

The current bridge restrictions are: single axle – 20,000 lbs; tandem axle – 34,000 lbs; max gross weight – 80,000 lbs. Alternative accesses are Olive Barber Road, extending south, or East Bay Drive, to the north; both county roads are narrow, windy and an inefficient use of fuel and time.

Water-dependent

The 2.59 acre subject property is designated as urban water-dependent, yet there is no usable water/land interface area for water dependant transportation to access the site. Water access to the site would require water transportation to sit on the mud bay bottom both during and between high tides. It has never been used in a water dependant industrial manner because there is no deep water access.

North portion of the subject property

The north 1.31 acres is used for equipment storage and repair. There is a shop on the site and a small out building. As seen from the attached GIS map, the site is under-utilized which is likely due to the size, location of the property and difficult access from Highway 101. To lay out an entire industrial use would be difficult or impossible—parking, staging, circulation areas, buildings and equipment along with maneuvering for trucks/trailers.

South portion of the subject property

The south 1.28 acres has been used for sand and gravel storage which was placed there incidental to nearby land construction operations and were temporary in nature. The long, narrow shape of the property makes it difficult, maybe impossible for a highway truck and trailer to turn around or maneuver in. If you try to lay out the necessary parking, staging, circulation areas, buildings and equipment, you quickly realize its limitations.

Surrounding area

The community around the subject property is predominantly residential. The thin ribbon of commercial operations directly across the highway (6th Avenue) does not provide an adequate buffer for the residential neighborhood to the east. The industrial, commercial operations do not accurately reflect the true character and use of the area as residential. Comparing the slow but steady decline of industrial use in the immediate area to that of the steady growth and build out of the Mathews Subdivision to the east, it becomes apparent that people want to live in this area. An industrial zoning of the subject property will likely inhibit and degrade the continued natural development of the residential community. One can only anticipate negative responses from the neighborhood should an industrial use occur.

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.

Chapter 7.6, Housing, sets forth the following goal and 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.

Comprehensive Plan, Volume II, 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 is that about 40 percent 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 underestimate the land need."

The east side of the slough, Eastside, is residential in nature and will continue to develop in this way. No available residential lands exist of the type that are proposed that have the unique qualities of the subject property such as the estuarine view waterfront or proximity to downtown Coos Bay, while feeling removed from the hustle of the downtown, and its quaint charm/character while being an extension of an existing, established residential neighborhood. The applicant states these homes are to be moderately priced and of a smaller footprint than has historically been offered for similar waterfront locations. These will not be "trophy" homes, as some would normally associate with a waterfront location since Coos Bay will not support large, high priced homes envisioned by some for a waterfront location.

The north portion of the subject property is proposed to be redesignated to R-3. The applicant states in the submitted information that as the surrounding area continues to expand the nature of its existing quiet, residential neighborhood characteristics, there will be an increasing need for small convenience sales and personal service businesses, such as those that may be allowed in the R-3 zone.

“Convenience sales and personal services” is a conditional use in the R-3 zone. The use is defined as “...establishments or places of business primarily engaged in the provision of frequently or reoccurring needed small personal items or services. These include various general retail sales and personal services of an appropriate size and scale to meet the above criterion. Typical uses include neighborhood grocery, drug stores, laundromat/dry cleaners, or barbershops.”

The south portion is proposed to be redesignated R-2. A conceptual drawing has been submitted by the applicant which indicates one row of single-family dwellings served by one access driveway.

The commercially-zoned property east of 6th Avenue contains about 90 percent wetlands which will make it costly to develop and therefore, will probably not develop because of the location and likely low return on any investment.

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 west of 6th Avenue and north of H Street and south of F Street in Eastside. 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 are utilized by existing uses in the area.

The proposed amendments will change the demand from an industrial demand to a 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.

Sixth Avenue abuts the eastern edge of the subject property. Formerly this was State Highway 242 but was "exchanged" from the State to the city in the early 2000s. Sixth Avenue has a 60-foot-wide right of way and is paved to a width of 24 feet. Up through the 1960s and into the 70s this highway serviced the timber industry hauling timber from Allegany, past the subject property to mills at Bunker Hill by Weyerhaeuser, Georgia Pacific and Coos Head Timber. It was built to handle the heaviest (90,000lbs) of trucks and is still at that capacity. The intense, heavy truck traffic is gone, resulting in a reduction of the number of daily trips. The net gain in traffic density from an industrial use to a residential use is a negative number and will be illustrated in the traffic study provided at the time of submittal for building permits.

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 residential uses. The entire length of the property abuts 6th Avenue which is a well-established arterial. No new roads are necessary other than an access driveway which will serve to limit the number of points of ingress and egress off of 6th Avenue.

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/designated 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.

A letter dated March 30, 2010 from the Oregon Department of Land Conservation and Development suggested the adjacent tidelands, owned by Georgia Pacific West, Inc., be redesignated. However, a follow-up e-mail (attached), dated June 10, 2010, sets out an option whereby redesignating tidelands that are not owned by the applicant would not be part of this proposal mainly because the practical use of the tidelands is limited by their size and by environmental regulations.

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 the subject 2.59 acres 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 here.

OAR660-037-0090(2) encourages local governments to provide for water-related and water-oriented uses at such sites as much as possible. It is most probable that the resulting residential uses will be water-oriented, taking advantage of the unique estuarine setting.

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 subject property has never been used for a water-dependent use and has no direct access to the water. Although city documentation indicates there is a

need for 52 acres of industrial land in the next 20 years, the subject property is not conducive to an industrial use because of the following factors:

- Limited in size and divided by a drainage outlet owned by the OR Department of State Lands;
- The east side of Isthmus Slough, Eastside, is residential in nature and will continue to develop in this way;
- Location across the slough and south of the heart and activity of the city; and,
- Primary access across a dilapidated wooden bridge where alternative routes are time and fuel inefficient.

The Statewide Planning Goals have been adequately address and approval of the proposal can be supported.

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 applicant states in their submitted information the subject property has never been used for a “water-dependent” use although it is designated as such. The subject property is only dry ground. There is no usable water/land interface area for water dependent transportation to access the site.

The applicant does not control the area needed to alter the water depth to conform to the needs of water-based transportation. Even so, the water depth is not adequate to allow water borne transportation to dock or berth at the shore line, even at high tide. The shore land area is exposed between tides. Any attempt to deepen the channel to allow unhampered industrial water dependant transportation to utilize the site would be a monetary and physical permitting impossibility.

Year ago, there were pilings and dolphins out as far as 50 feet from the bank which had log rafts moored to them. However, they have since been removed.

The 2.59 acre subject property, “divided” in half by an outlet channel, is located across the slough and south of the heart of city activity and the main populace. Access from the subject property is limited for a land-based industrial use. The Isthmus Slough Bridge is a deteriorating wooden structure. The Oregon Department of Transportation is currently working on a repair project to replace the timber spans on the east end of the bridge. The current posted weight limits will remain in place after the repair. There is no funding for construction of a new bridge. The bridge is the most direct route to the heart of the city and local commerce. Alternative routes through the county are long, narrow and windy and therefore, costly since more fuel is expended and employee time spent.

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

There is no usable water/land interface area for water dependant transportation to access the subject property. The tidelands abutting the subject property, where shore land area is exposed between tides, are owned by the Georgia-Pacific West, Inc. Besides not having control of the tidal area, any attempt to deepen the channel to allow unhampered industrial water-dependant transportation to utilize the subject property would be a monetary and physical permitting impossibility.

The recent Buildable Lands Inventory indicated a shortage of 52 acres of developable commercial/industrial land in the city. This may not be accurate based on the existing conditions or characteristics of available commercial/industrial lands. The existing conditions are that a great amount of industrial/commercial land exists within the estuary having underutilized, dormant or abandoned capacities. Those facilities are available lands which, when included in the industrial water dependant lands inventory would exhibit additional, available lands.

The primary access for trucks and equipment is by way of the Isthmus Slough Bridge, a deteriorating wooden bridge with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. There are no current plans by the State to replace it, only to repair the worst conditions for now.

It is physically impossible to use the entire 2.59 acre subject property as one unit due to an inlet from the bay created by a drainage channel culver which drains the lowland area to the east of 6th Avenue.

The residential nature of the Eastside area has continued to expand over time and this trend is expected to continue. Waterfront and industrial zoning allows increased truck traffic, smoke, dust, noise and night time light pollution on the edge of a currently quiet residential neighborhood area.

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, the 2.59 acre subject property will remain a low rent, under-utilized, land-based, construction equipment and maintenance yard with attached office.

Land-based usage is limited or non-existent for industrial uses because of the size of the divided property, location across the slough and south of the heartland of commerce, and access limitations.

It is physically impossible to use the subject property as water-dependant industrial. Even if there was not an intervening ownership, Georgia Pacific West, Inc., access to the water is impossible because the tidal flats dry out between tides. Any water-borne transportation would have to sit on the bay bottom between tides, thereby creating unacceptable issues for other responsible agencies.

Changing the usage to a residential zone will allow the development of variously priced housing. The change to residential zoning will also reflect the existing residential nature of the area.

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

SOCIAL. The area has developed as residential and there could be possible negative effects from an economically viable industrial use, such as noise, pollution, light pollution, heavy truck traffic, congestion, etc.

ECONOMIC. It is not likely the site would ever be used for its intended purpose, thereby precluding any benefit of economic development to the community. The subject property contains 2.59 acres and is basically divided by an intervening ownership, an inlet from the bay created by a drainage channel culvert which drains the lowland area to the east of 6th Avenue. The inlet is owned by the Georgia-Pacific West, Inc.

The proposed residential redesignation will provide a broader mix of housing types, from single-family to multi-family, making this a transition area between established residential neighborhoods and the adjacent newly developed housing types.

ENERGY. As stated previously, there is difficulty in transportation for an industrial use, both from land and water. The primary access from heavy trucks and equipment is by way of the Isthmus Slough Bridge, a deteriorating wooden bridge with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. There are no current plans by the State to replace it, only to repair the worst conditions, for now. Alternative routes are long, narrow, windy and time-consuming therefore expending more fuel and employee time.

Access to the water does not exist. The adjacent tidal flats dry out between tides. Any water-borne transportation would have to sit on the bay bottom between tides, thereby creating unacceptable issues for other responsible agencies.

ENVIRONMENTAL. Eastside is residential in nature and will likely continue to develop in this way. Development of the subject property would be short term whereas an industrial use would negatively impact the existing residential neighborhoods with noise, dust, fumes, safety, etc. Access to Highway 101 is across a dilapidated wooden bridge or long, narrow, windy routes to the north and south.

The findings above demonstrate the decision to allow residential uses 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:

EC.7 Coos Bay shall encourage multi-family dwellings as part of its housing strategy, recognizing that these types of dwellings are relatively more energy efficient than single family units. The centralization of these dwellings require the extension of fewer service lines and fewer roadways, and the nature of their construction lends to the conservation of heating energy.

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.

7.6 Housing. 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.

CONCLUSIONS: To remove the water-dependent designation would allow the site to be utilized for industrial uses other than those that are non-preemptive to a water-dependent use. However, because of the size, location, access and neighboring uses, the site is better suited for residential use that will provide a unique experience because of its location.

VIII. 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.

Comprehensive Plan Volume III, Coos Bay Estuary Management Plan, Part 2, 4.2.5.11, Isthmus Slough Subsystem, states the following:

The narrow subtidal/intertidal strips bordering the authorized channels on the west/south side from the mouth of the slough to Eastside bridge and on the north/east side from opposite the Georgia-Pacific facility to the bridge, are considered “areas of minimal biological significance” and “deep water areas adjacent to the shoreline” (ODFW, 1981). They should therefore be placed in a “Development” management unit.

The abutting tidal area is dry when the tide is out. However, the aquatic area to the northwest of the subject property does have sufficient depth for water-dependent activities and is currently being used under this designation. The manner in which the water drains from the outlet channel that bisects the subject property scours that area making it deeper. The flow from the outlet channel does not have the same effect on the tidelands abutting the subject property.

The change from industrial zoning, regardless of the water-dependent designation, is addressed in VII (4), above. The size of the divided subject property, location, and access issues are not conducive to the needs for an industrial site, nor would the site be fuel (energy) or time efficient.

Comprehensive Plan Volume I, Chapter 9.1, Coos Bay Land Use Plan 2000, Industrial Areas, states the following Objective:

Industrial land is intended to provide an area where more intense uses are allowed to be located. Such land use activities are those which are not generally compatible with less intense commercial and other industrial uses. Land should be set aside that is suitable for this purpose, that is, lands of sufficient size with supporting facilities readily available (streets, transportation services, and so forth).

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

The proposed residential zoning for the subject property will conform to the trend now existing in this area which is towards less intrusive industrialization and more of a quiet, residential nature.

To the northwest of the subject property, across 5th Avenue is a 5-acre parcel currently being utilized for water-dependent uses, a business which performs marine construction and needs water borne transportation to fulfill its mission. Because of the drainage inlet and scouring, this property has sufficient working water depth for barges and tugs.

To the north of the subject property is F Street, which contains the city sewage transfer pumping station. Access to the facility for city maintenance services is from 6th Avenue. F Street will probably never be developed due to the location of the pump station.

North of F Street, between 5th Avenue and 6th Avenue, north of F Street lays wetlands. North of this is a block of residential sized lots zoned W-1 and 28-UW. Beyond this, to the north, everything is zoned residential.

To the east of the northern portion of the subject property, across 6th Street, is the Coach House Restaurant and a building that was originally built as mini-warehouse storage that is now occupied by small businesses. The business-types are more "destination" or specialty services, such as artistic signage and graphics, construction company, carpet installation, etc. The businesses are not the type that people would generally shop at. Continuing east is a storage unit and then a mobile home park and residential development.

To the east of the southern portion of the subject property is property owned by Willamette Beverage Company. The facility is located to the southeast. Property adjacent to the facility on the north and west is about 90 percent wetlands. Just north of H Street is a garage door business, another small specialty business. To the east is residential development.

Across 6th Street to the east and south of H Street lays an R-3 parcel on the corner of 6th Avenue and H Street with a single home on it. Beyond this to the east and south, it is residential.

The parcel south of H Street and west of 6th Avenue, also owned by the applicant, is a parcel zoned W-1 and 28-UW, 811 6th Avenue. This very small parcel is in the process of replacing the permitted residence that was at one time destroyed by weather and was torn down.

The parcel south of 811 6th Avenue is zoned W-I and 28-UW and is small, has a high bank, narrow and access challenges, both by land and water.

The area to the west of the subject property is tidelands owned by the DSL. The area is dry between tides thereby eliminating water dependant transportation access.

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

It is not expected that there will be effects to properties in the vicinity in operations, access or transportation routes.

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.

It is appropriate at this time to permit the change to residential zoning since it mirrors existing adjacent uses currently in the vicinity.

The subject property is not likely large enough to support an industrial use. Access to the water is non-existent. The primary access out of the Eastside area is via the Isthmus Slough Bridge. The wooden structure is deteriorating with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. Alternative accesses are Olive Barber Road, extending south, or East Bay Drive, to the north; both county roads to Highway 101 are narrow, windy and not time or fuel efficient.

The east side of the slough, Eastside, is residential in nature and will continue to develop in this way. No available residential lands exist of the type that are proposed that have the unique qualities of the subject property such as the estuarine view waterfront or proximity to downtown Coos Bay, while feeling removed from the hustle of the downtown, and its quaint charm/character while being an extension of an existing, established residential neighborhood.

CONCLUSIONS: The subject property has never been used and never will be used for water-dependent uses. The objective for industrial lands, as set forth by the Comprehensive Plan, shows the inadequacy of the subject property, located where it is difficult to reach the heart of commerce, to be utilized for industrial uses. Development in the vicinity of the subject property is either small, struggling specialty businesses or residential. Wetlands across 6th Avenue are likely to preclude use of the property due to the cost of perrnits and the return on investment.

The Eastside area is residential in nature and will continue to develop in this manner because of its location away from the downtown and the existence of the quaint charm and character of the existing neighborhoods. Development of the subject property as residential will be an extension of the predominant use in the vicinity.

The review criteria has been adequately addressed and approval of the proposal can be supported.

IX. 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.

X. CONCLUSION

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

Attachments: A – Comprehensive Plan, Volume II, Table 19, Overall Near-and-Long-Term Employment Land Need by Parcel Size.
B – USGS Wetlands Map
C - Letter/E-mail from OR Department of Land Conservation and Development

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Table 19

OVERALL NEAR- AND LONG-TERM EMPLOYMENT LAND NEED BY PARCEL SIZE

Industrial											
Parcel Size	Near-term		Long-term		Vacant Parcels	Vacant Acres	Redev/ Infill Parcels	Redev/ Infill Acres	Total Parcels	Total Acres	Surplus/ Shortage
	Parcels Needed	Acres Needed	Parcels Needed	Acres Needed							
Small (5 acres average)	18	9	42	21	47	10.91	3	0.77	50	11.68	(9.32)
Standard (5 acres average)	2	10	5	25	1	1.10	0	0.00	1	1.10	(23.90)
Large (10 acres average)	1	10	2	20	0	0.00	0	0.00	0	0.00	(20.00)
Total	21	29	49	66	48	12.01	3	0.77	51	12.78	(53.22)

Commercial											
Parcel Size	Near-term		Long-term		Vacant Parcels	Vacant Acres	Redev/ Infill Parcels	Redev/ Infill Acres	Total Parcels	Total Acres	Surplus/ Shortage
	Parcels Needed	Acres Needed	Parcels Needed	Acres Needed							
Small (5 acres average)	22	11	60	30	202	52.73	48	7.45	250	60.18	30.18
Standard (5 acres average)	8	40	25	125	19	49.76	0	0.00	19	49.76	(75.24)
Large (10 acres average)	1	10	5	50	3	32.01	0	0.00	3	32.01	(17.99)
Total	31	61	90	205	224	134.51	48	7.45	272	141.96	(63.04)

ATTACHMENT A

Good for City Comprehensive
Plan Volume II

Map Information | Help

Scale

Layers Legend

BIOLOGY

BOUNDARIES

States or Territories

No legend available.

CLIMATOLOGY/ CLIMATE CHANGE

COASTAL STUDIES

DIGITAL ATLASES

ELEVATION

CONUS (1/3 arc-second)

ENVIRONMENTAL MONITORING ASSESSMENT

GEOGRAPHIC NAMES

GEOGRAPHY

GEOLOGY

HYDROGRAPHY

Wetland Polygons (USFWS)

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other

Lon: Lat: USNG:

Partners: USGS | NOAA | NOAA Coastal Services Center (CSC) | U.S. Forest Service | U.S. Fish & Wildlife Service | National Snow and Ice Data Center (NSIDC) | National Environmental Satellite, Data, and

U.S. Department of the Interior, U.S. Geological Survey | Contact: National Map Team
 URL: <http://nmviewogc.cr.usgs.gov/> (R91) | Last modification: 09/14/2009
 Privacy Statement | Disclaimer | FOIA | Accessibility

ATTACHMENT B



Oregon

Theodore R. Kulongoski., Governor

Dept. of Land Conservation and Development

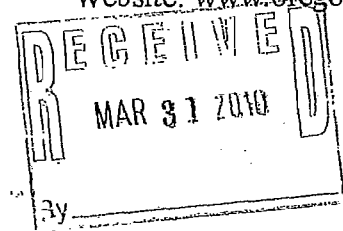
Oregon Coastal Management Program

810 SW Alder, Suite B

Newport, OR 97365

(541) 574-1584

Website: www.oregon.gov/LCD



March 30, 2010

Laura Barron, City Planner
City of Coos Bay
500 Central Ave.
Coos Bay, OR 97420

Re: ZON 2010-00012, Angell Asset Group

Laura:

We have reviewed the above referenced proposal to amend the Coos Bay Plan and Zoning Map for waterfront industrial property in Eastside. The 2.59 acre property is currently zoned for water-dependent industrial use. The applicant is proposing that the southern end of the property be zoned for single family residential use and the northern portion be zoned for multi-family use. A conceptual site plan showing how the property might conceivably be developed has been submitted with this application. However, it is unlikely that these projects are viable in the near-term, with the current depressed market conditions. We offer the following comments for your consideration.

Existing Water-Dependent Industrial Zoning

The evidence and rationale for an amendment from industrial water-dependent to a general industrial or commercial designation is justified. We agree that the site would not be suitable for water-dependent development, without major alterations to the estuary that would be cost-prohibitive and would adversely impact the estuarine environment. There is an abundance of more appropriate sites for water-dependent use in the Coos Bay urban area.

Proposed Zoning

The proposed zoning for this waterfront industrial property is single and multi-family residential. The application characterizes the neighborhood as residential, but the properties that are adjacent to the subject properties are zoned and utilized for commerce or light industry -- not residential. Light industrial or commercial use of the property would be more compatible with nearby uses. Because the city recently adopted a buildable lands inventory that shows a deficit of industrial and commercial lands in Coos Bay and a great abundance of residential properties, making a compelling case for more residential zoning in Coos Bay is tricky.

The applicant maintains that ODOT weight restrictions on the Isthmus Slough Bridge would hamper industrial use of the site. However, the weight limits on the bridge are actually the same as limits for the interstate highway system. The only industrial uses that are rendered impractical by the load

limits would be those that employ the heaviest vehicles, such as loaded gravel or log trucks. The bridge will accommodate most delivery vehicles, including semi trucks.

The staff report concludes that the city needs to provide for a wide range of housing types, including the types facilitated by this proposed plan amendment. This conclusion would be more compelling if it was supported by findings in the city's 2009 housing study. The report also concludes that the Eastside district is primarily residential and will continue to be developed for residential use. Again, this conclusion would carry more weight if policies in the comprehensive plan or findings in the housing study encouraged this pattern of development in Eastside. In our experience, a pattern of urban development that includes a balance of housing and jobs creates more livable and sustainable neighborhood or district. Mixing employment opportunities with housing is preferable to a more exclusive pattern of residential development where all workers are forced to commute greater distances in their cars.

Estuary Aquatic Designation

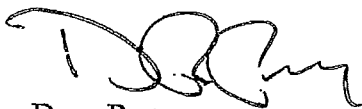
If the zoning of this waterfront property is amended, the statewide Goal 17 administrative rule requires that the city consider the continued suitability of the adjacent aquatic estuary designation. In this case, if the zoning of the shoreland property were to be amended to a non-water dependent designation, the "Development" management unit would no longer be appropriate. This issue is not addressed in the applicant's submittal. However, I discussed this requirement with you last week and the city has since proposed an amendment to the CBEMP aquatic unit 28B that would re-designate the tidelands adjacent to the south end of the subject property to "Conservation."

Goal 17 requires a minimum 50' shoreland boundary along estuarine shorelines. One of the aims of Goal 17 is to promote the protection and maintenance of water quality and fish and wildlife habitat. To this end, we recommend that a waterside setback be imposed for non-water dependent uses at this location and that the city regulate new construction at this site to ensure that the upland use does not adversely affect water quality or estuarine resources.

In summary, the proposal to remove the water-dependent designation for the subject site is supported by the evidence. However, the argument that this site is not suitable for industrial or commercial use and that it could better serve residential land needs is less compelling.

Thank you for the opportunity to comment on this proposal. Please enter this letter into the record of the proceedings. If you have questions, or if I may be of assistance, please call.

Sincerely,



Dave Perry
South Coast Regional Representative

Cc: Patty Evernden, Coos County
Dave Voss, City of North Bend
DLCD Staff (DN, TH, BB, BH)

Laura Barron

From: Perry, Dave [dave.perry@state.or.us]**Sent:** Thursday, June 10, 2010 3:14 PM**To:** Laura Barron**Subject:** RE: Angell Application (ZON2010-00012)

The city could rezone the tidelands legislatively. GP should be able to explain why they would not want the management unit changed. If they have a legal, beneficial use for the tidelands that would not be allowed under the amended estuary designation, that should be taken into consideration.

The other option is to leave the designation in place. In may not make much difference, if the upland is rezoned to non-water-dependent. In any case, the practical uses of the tidelands is pretty limited, under current environmental regulations.

Dave Perry, South Coast Regional Representative
 Coastal Management Program | Community Services Division
 Oregon Department of Land Conservation and Development
 810 SW Alder Street, Ste. B, Newport, OR 97365
 Office: (541) 574-1584 | Fax: (541) 574-4514
 dave.perry@state.or.us | www.oregon.gov/lcd

From: Laura Barron [mailto:lbarron@coosbay.org]**Sent:** Thursday, June 10, 2010 11:53 AM**To:** 'Perry, Dave'**Subject:** RE: Angell Application (ZON2010-00012)

Dave,

Been on vacation. No, do not know GPs rationale. Was contacted this morning by their attorney. At my suggestion, the applicant has requested a continuance to the June 15th hearing before the City Council so we can get the GP dilemma straightened out.

What is the option for the applicant if GP does not give their authorization?

Thanks.

Laura

From: Perry, Dave [mailto:dave.perry@state.or.us]**Sent:** Thursday, May 27, 2010 8:30 AM**To:** Laura Barron**Subject:** RE: Angell Application (ZON2010-00012)

Do you know what GP's rationale for not changing the estuary designation at that location? Do they store log rafts at that location? Do they own adjacent upland water-dependent property?

Dave Perry, South Coast Regional Representative
 Coastal Management Program | Community Services Division
 Oregon Department of Land Conservation and Development
 810 SW Alder Street, Ste. B, Newport, OR 97365
 Office: (541) 574-1584 | Fax: (541) 574-4514

6/10/2010

c-3

dave.perry@state.or.us | www.oregon.gov/lcd

From: Laura Barron [mailto:lbarron@coosbay.org]
Sent: Wednesday, May 26, 2010 1:27 PM
To: 'Perry, Dave'
Cc: Jim Hossley
Subject: Angell Application (ZON2010-00012)

Dave,

You sent us a March 30th letter regarding the need to redesignate the tidelands adjacent to the subject property from 28B-DA to 28B-CA because we were removing the water-dependency from the subject property.

In your letter you also stated the site would not be suitable for water-dependent development without major alterations to the estuary that would be cost-prohibitive and would adversely impact the estuarine environment.

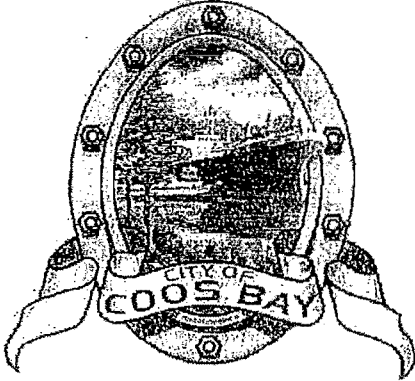
The applicant has been pursuing a letter of authorization from the owner of the tidelands, Georgia Pacific West (GP), Inc. We learned today that GP does not want the designation on the tidelands changed. They will be getting us a letter.

What are the options for the subject property?? It has carried the water-dependent designation for years yet does not actually have access to the water for a water-dependent use.

Thanks.
Laura

6/10/2010

C-4



Permit No. ZON20 10-00 012

City of Coos Bay
Public Works and Development
500 Central Avenue, Coos Bay, Oregon 97420
Phone 541-269-8918 Fax 541-269-8916

LAND USE PLAN MAP AMENDMENT

SUBJECT PROPERTY

Street Address 641 6th Street, Coos Bay, Oregon

Township ~~T25~~ T25 Range R 13 Section 36BD Tax Lot #700

Lots 1 & 2 Block 68 Addition Plat of Eastside

APPLICANT/OWNER

Name of Applicant Gary W. Angell

Address 3126 Alameda Street, Unit 315, Medford, Oregon 97504

Phone (541) 301-3545

Name of Owner ~~Gary W.~~ Angell ASSET GROUP, LLC

Address 3126 Alameda Street, Unit 315, Medford, Oregon 97504

Phone (541) 301-3545

CURRENT PLAN DESIGNATION 'I' (I-1) ~~RES~~

PROPOSED PLAN DESIGNATION ~~RES~~ EL/ELH

Please answer the following questions as completely as possible; use additional paper if necessary. The approval of this permit must be based on specific facts; therefore, yes/no answers are not sufficient. City personnel will assist you in answering any question.

- 1 Address each of the following:
 - A. Identify new planning problems and issues associated with the project.

1. Planning Problem #1

How to correct an improperly classified parcel of land which was included in the Land Use Survey used for creating the original Land Use Plan Map.

2. Planning Problem #2

How to decide what the new designation should be.

3. Planning Problem #3

Will the new classification allow this parcel to be developed to its highest and best use?

4. Planning Problem #4

Will this Zone change be compatible with present and future development envisioned for this area?

B. Provide a collection and analysis of inventories and other pertinent factual information associated with this request.

1. An apparent shortage of 50 acres of developable Commercial/Industrial land currently exists in the City of Coos Bay Land Inventory. In reality, this may not be the case if;

- a. The definition of available developable commercial/industrial land is undeveloped commercial/industrial land.

- b. While this definition may allude to a possible shortage of Commercial/industrial land inventory, it may not accurately represent the reality of the existing conditions of available Commercial /Industrial lands. The existing conditions are as follows;

1. Existing available commercial/industrial lands, which are currently non-operative and available for such permitted uses, represent a large uncounted inventory resource, such as;

- a. The old Glenbrook Nickel Processing Plant

- b. Sause Brothers, Inc. at the west end of Empire, on the bay.

- c. The decommissioned Chevron Bulk Plant area.

2. The amount of special interest opposition to industrial expansion as exhibited by previous Industrial permitting

processes. say, for example;

- a. The unsuccessful permitting of the LNG plant on the North Spit of Coos Bay.
 - b. The unsuccessful permitting of the Black Sands mining, refining and shipping to the Bunker Hill area.
2. An apparent excess of 600 acres of residential lands exists in the City of Coos Bay Land Inventory. However, no available residential lands exist of the type we are proposing that have the unique qualities of this parcel, such as type of estuarine view water front or proximity to downtown Coos Bay while feeling removed from the hustle of the downtown and its quaint charm/character while being an extension of an existing, established residential neighborhood.
 3. There is no usable water/land interface area for water dependant transportation to access the site. Water dependant industrial activities cannot exist without a water/land interface to support them.
 4. The water depth is not adequate to allow water borne transportation to dock or berth at the shore line, even at high tide. Years ago, there were pilings and dolphins out as far as 50' from the bank which had log rafts moored to them. However, they have since been removed.
 5. The Division of State Lands owns the tidal prism area (tax lot 800) to the edge of our property. We own only dry ground. Therefore, we do not control the land we need in order to alter the water depth to conform to the needs of water based transportation. The shore land area is exposed between tides. Any attempt to deepen the channel to allow unhampered industrial water dependant transportation to utilize our site would be a monetary and physical permitting impossibility, see attached site map.
 6. The primary site access for heavy trucks and equipment is by way of the Isthmus Slough Bridge. The isthmus Slough Bridge is a deteriorating wooden bridge with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. There are no current plans by the State to replace it, only to repair the worst conditions, for now.
 7. Waterfront industrial zoning would allow possible increased large truck traffic, smoke, dust, noise and night time light pollution on the edge of a currently quiet residential neighborhood.
 8. This site has always been used as a truck and heavy equipment overhaul and repair station. It has never been used in a water dependant industrial

manner. Again, there is no deep water access.

- 9 The sand and gravel which has been on the site in the past has been hauled in over existing roads and was only there incidental to land construction operations and were temporary in nature.
- 10 Statewide planning goals require a variety of types and prices of housing. By rezoning the northern portion of tax lot 700 to R3 and the southern portion to R2, we can provide a broader mix of housing types, from single family to multi-family, making this a transition zone between established residential neighborhoods and the adjacent industrial lands.

C. Include an evaluation of alternative courses of action and ultimate policy choices.

1. Do nothing

Site remains what it has been forever, a low rent, land based, construction equipment and maintenance yard with attached office.

2. Use as Water Dependent Industrial use under its current classification.

This is a physical impossibility. Access to the water is blocked by Oregon Department of State Lands property, tax lot 800. Even if, access to the water was allowed, the tidal flats would be dried out, prohibiting access. The toe of the bank at the edge of our property is only 3' above mean tide and the top of the bank is near the 9' mean high tide. Any water borne transportation would have to sit on the bay bottom between tides, thereby creating unacceptable issues for other responsible agencies.

3. Change usage to residential zone allowing a mix of variously priced housing.

This will reflect how this side of the bay is currently being developed. This area is now, residential in nature and will continue to develop in this way.

D. Address all appropriate policy directives based upon consideration of social, economic, energy and environmental needs.

1. SOCIAL--The area has developed as residential and there could be possible negative effects from an economically viable industrial use, such as noise, pollution, light pollution, heavy truck traffic, congestion, etc.
2. ECONOMIC—this site cannot be used for its intended purpose,

thereby precluding any benefit of economic development to the community.

3. ENERGY—Difficulty in transportation for an industrial use, both from land and water.
4. ENVIRONMENTAL—The impact on the surrounding residential neighborhood created by making this site water accessible for industrial uses are considerable, like heavy truck traffic, noise, dust, fumes, safety, etc.

2 Describe the subject property in detail, including total area, topography (% of slope overall, not any distinct grade differences), and drainage. Describe any watercourses on the property.

- a. Site slope is 1% to 3%.
- b. The north portion of the site above the channel culvert is about 1 ½ acres. The southern portion of the site below the channel culvert is, also, about 1 ½ acres.
- c. There are no watercourses on this property. All bodies of water are adjacent to this property and do not course through or over it.
- d. Isthmus Slough adjacent to this property and roughly paralleling 6th Avenue, dries out between tides, thereby eliminating water dependant transportation access.
- e. The toe of the bank is 3' above Mean Sea Level, while the top of the bank is at 9' above Mean Sea Level. All of this land belongs to the Oregon Department of Transportation, (ODOT), tax lot #800, thereby blocking off our access to the bay.
- f. The property is split roughly in half by an inlet from the bay created by a drainage channel culvert, draining the lowland area to the east of 6th Avenue. The State of Oregon owns the inlet, tax lot #800, that divides the property in half as can be observed from the site plan.

3 Describe the uses of surrounding property in detail. Note number of residences, types of businesses, public facilities, etc.

- A Across 5th Avenue, to the west lies a parcel of ground currently being used for its intended use of WI and 28 UW. This property is used for a business which performs marine construction and needs water borne transportation to fulfill its mission. It has sufficient working water depth for barges and

tugs. It's about 5 acres in size.

- B To the north of tax lot #700, lays F Street, which contains the sewage transfer pumping station belonging to the City of Coos Bay. Access to the facility for city maintenance services is from 6th Avenue. F Street will never be developed due to the city sewage transfer pump station.
- C North of F Street, between 5th Avenue and 6th Avenue, north of F Street lays a wetlands needing protection. North of this is an entire block of residential sized lots zoned WI and 28 UW, also. Beyond this, to the north, everything is zoned residential.
- D To the east, across 6th Street, are commercial shop/offices, a restaurant, (the Coach House) and beyond that, up and over the hill to the east is all residential.
- E Across 6th street to the east and south of H Street, lays an R-3 parcel on the corner of 6th Avenue and H Street with a single home on it. Beyond this to the east and south, it is residential.
- F The parcel just south of H Street and west of 6th Avenue at 811 6th Avenue, is a parcel that is zoned WI and 28 UW. It is in the process of replacing the permitted residence that was at one time, destroyed by weather and was torn down.
- G The parcel south of this is zoned WI and 28 UW and is unsuitable for any use it is currently zoned for due to its small size, high bank, narrowness and access challenges, both by land and by water.

4 What streets will be used to provide access to the property? What are their widths, covering, and current condition? Estimate the increase in traffic volume that can be expected as a result of the change in land use designation and the ultimate development of the property.

- A 5th Avenue to the west is underdeveloped city property, because the city has had no need to access properties adjacent to it. It has a 60' R.O.W.
- B F Street to the north is undeveloped and will remain so, because the city sewage transfer pump station is sitting in the middle of the right of way. It has a 60' R.O.W.
- C 6th Avenue to the east of subject property was State Highway #235. It has a 60' R.O.W. and is paved to a width of 24 feet. It is in excellent shape. It now belongs to the City of Coos Bay. Up through the 1960's and into the 70's, this highway serviced the timber industry hauling timber from Allegany, Oregon, past our site to mills at Bunker Hill by Weyerhaeuser,

Georgia Pacific and Coos Head Timber. It was built to handle the heaviest (90,000 lbs) of trucks during that time and is still at that capacity. Those days are beyond us now and the intense, heavy truck traffic is gone, resulting in a reduction of the number of daily trips, should we develop our site. The net gain in traffic density is a negative number and will be illustrated in the Traffic Study provided at the time of submittal for building permits. The condition of the surface is excellent.

- D H Street, west of 6th Avenue to the south is undeveloped, currently, and will be developed by us to provide a southern access for our project. It will be installed to city standards and included into the development. The R.O.W. is 60 feet.
- E The property to the south of H Street (811 6th Avenue) is currently zoned WI and is permitted for a replacement residential dwelling, having been destroyed by natural causes.

5 What type of development could be expected if the land use designation is changed as proposed? Take into consideration surrounding development, overall development of the area, changes in traffic patterns, etc.

- A The northern portion of tax lot 700 would change to R3 which would service a need for multifamily housing, continuing the eastside trend of residential and providing that buffer between industrial and residential.
- B The southern portion of tax lot 700 would change to R2 which will continue the current trend of the area, that of a residential nature.
- C. For changes in the traffic pattern, see (4) C, above.

6 Since the property received its current land use designation, what circumstances have changed to justify the proposed amendment?

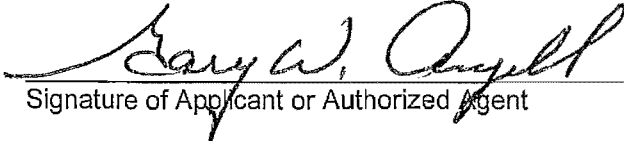
- A Since the property was originally mis-classified with its current designation, the circumstances, other than increased residential expansion in the neighborhood, circumstances have not changed. The heavy truck hauling past the property has decreased substantially with the demise of the timber industry. The property was being used for maintenance, overhaul and repair of heavy road construction equipment both before and after the advent of The Planning Process. It has been used for the same operation since the 50's by the same family. Now, with the demise of the construction industry, this property is useless to anyone for any purpose under its current designation and is now vacant.
- B The residential nature of the neighborhood has continued to expand.

-
-
- C The bridge has continued to degrade and we will not be affected by its repair.

ADDITIONAL REQUIREMENTS:

- A Attach (a) a certified list of names and addresses of all owners of property within 250 feet of the exterior boundaries of the subject property according to the latest adopted County tax rolls and (b) an assessor's map showing all lots and parcels of land within that area.
- B Provide evidence that the applicant is owner or purchase of property proposed for re-designation and /or has the written permission of such owner(s) of property in the subject area to apply for a change in land use designation.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that the City Council requests the attendance of me or my representative at the meeting where this request is scheduled for consideration.


Signature of Applicant or Authorized Agent

Date Feb 12, 2010

Laura,

Good morning,

Gary and I were talking and we agreed to go with your feeling regarding the application. As a result of that decision, we would like to add additional information to strengthen our position.

Location;

Prime commercial / industrial areas of Coos Bay are located along the US 101 highway corridor, Bunker Hill, (with its vast open mill and dock areas), south Coos Bay, central City of Coos Bay, waterfront area from Bunker Hill to the North city limits ,Ocean Boulevard, Empire, and most of the waterfront areas of Charleston.

These geographical areas have always fulfilled and provided for the needs and wants of commerce and industry. These areas most likely will continue to be where new and future commerce will take place.

The Eastside area of Coos Bay has never been much of an industrial area. Only a handful of industrial operations have taken place there during the last sixty years. Ben Billeter marine is the only original operation still up and running. The Burley Industries, Nelson Log Bronc and Bob Angell sites have not been operational for many years. These properties have not returned to an industrial use, nor is it likely that they ever will. I feel that business entities don't want to be located in an area that is perceived to be out of the way or out of step with an area that is becoming more residential in nature.

While the expansion of a local barge builders operation to a remote area of Eastside has brought much needed development and employment, it has also spawned an on going string of complaints from an established neighborhood. A great deal of capital, commitment, and planning went into the site selection, which was the best possible location available for the operation and community. The city, business, and resident of the remote residential area are dealing with noise, light and other issues to this day. An industrial operation at the 641 6th Street would be an unending source of tension between City leaders, the business and the residents in the affected area. Having to deal with these issues would be a drain on the resources of time, money, and livability of all those involved.

641 6th Ave is not a viable industrial property. The existing commercial operations have problems of their own to try and work out.

Neighborhood Compatibility

The community around this site is predominantly residential. The thin ribbon of commercial operations directly across the highway does not provide an adequate buffer zone for the residential neighborhood. The industrial, commercial operations do not accurately reflect the true character and use of the area as residential.

Comparing the slow but steady decline of industrial use in the immediate area to that of the steady growth and build out of the Mathews Subdivision it becomes apparent that people want to live in this area. An industrial zoning will inhibit and degrade the continued natural development of the residential community.

One can only anticipate negative responses from the neighborhood should an industrial use occur.

The character of Eastside is changing

Size and shape of the Property

The southern portion of tax lot 700 is ill shaped for industrial use. Being long and narrow this area would not even allow a highway truck and trailer to turn around or maneuver in. If you try to lay out the necessary parking, staging, circulation areas, buildings and equipment you quickly realize its impossible limitations.

The acre and a quarter areas on the north portion are not much better. Only the smallest of facilities would be possible for many of the same reasons facing the southern portion.

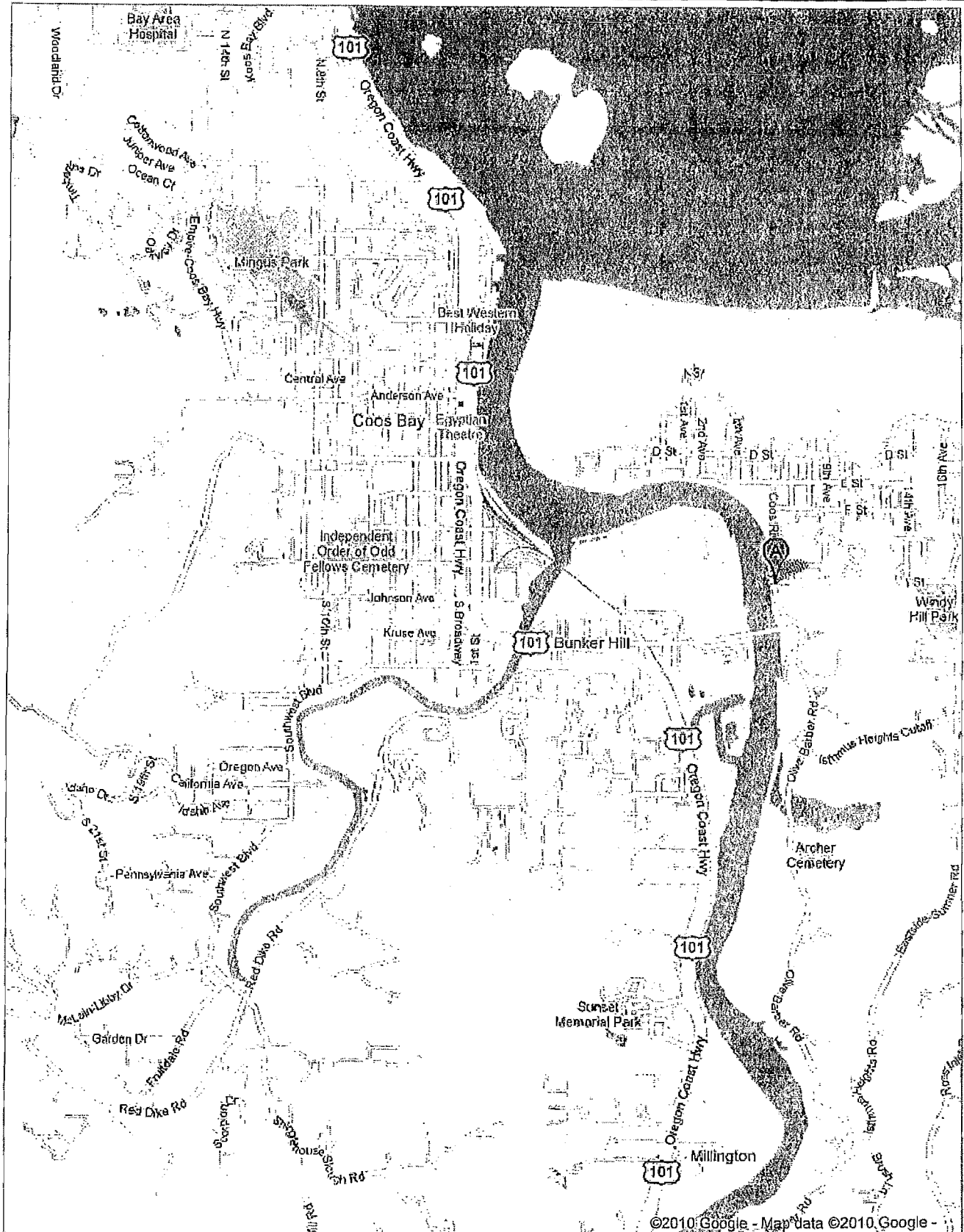
High priced homes on the waterfront

These homes are to be moderately priced and of a smaller footprint than has historically been offered for similar waterfront locations. These will not be “trophy” homes, as some would normally associate with a waterfront location.

Coos Bay will not support large, high priced homes envisioned by some for a waterfront location.

Google maps Address

To see all the details that are visible on the screen, use the "Print" link next to the map.

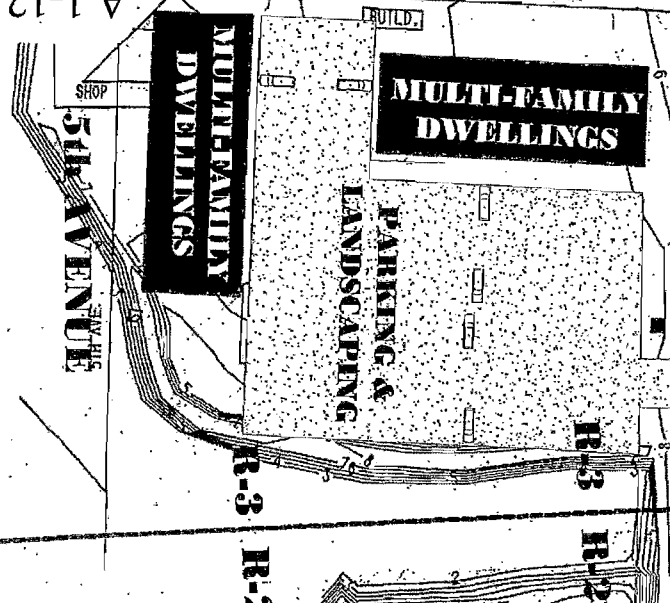


©2010 Google - Map data ©2010 Google -

A 1-11

TAX LOT 700
T25S. R13W. SECTION 36BD
COOS BAY, OREGON

APPROX. PROPERTY LINE
A 1-12



- LEGEND**
- POWER POLE
 - ⊙ FOUND IRON PIPE
 - CATCH BASIN

SCALE 1" = 50'
FEBRUARY 17, 2006

DATUM = NGVD: 1929
BASE FLOOD ELEVATION = 9.0'

SCHEMATIC SITE PLAN LAYOUT
by
PACIFIC WEST ARCHITECTS
2891 Surrey Drive, Medford, Oregon 97501
(541) 776-6900 (541) 603-4327

NOTE: This site plan layout does not represent a survey.
It is to be used for conceptual purposes only.

NO SCALE

CONCEPTUAL SITE PLAN

SLUGHS
SUNHUS I

STATE HWY NO. 242

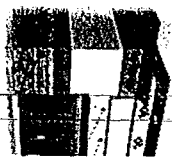
6th AVENUE

H STREET

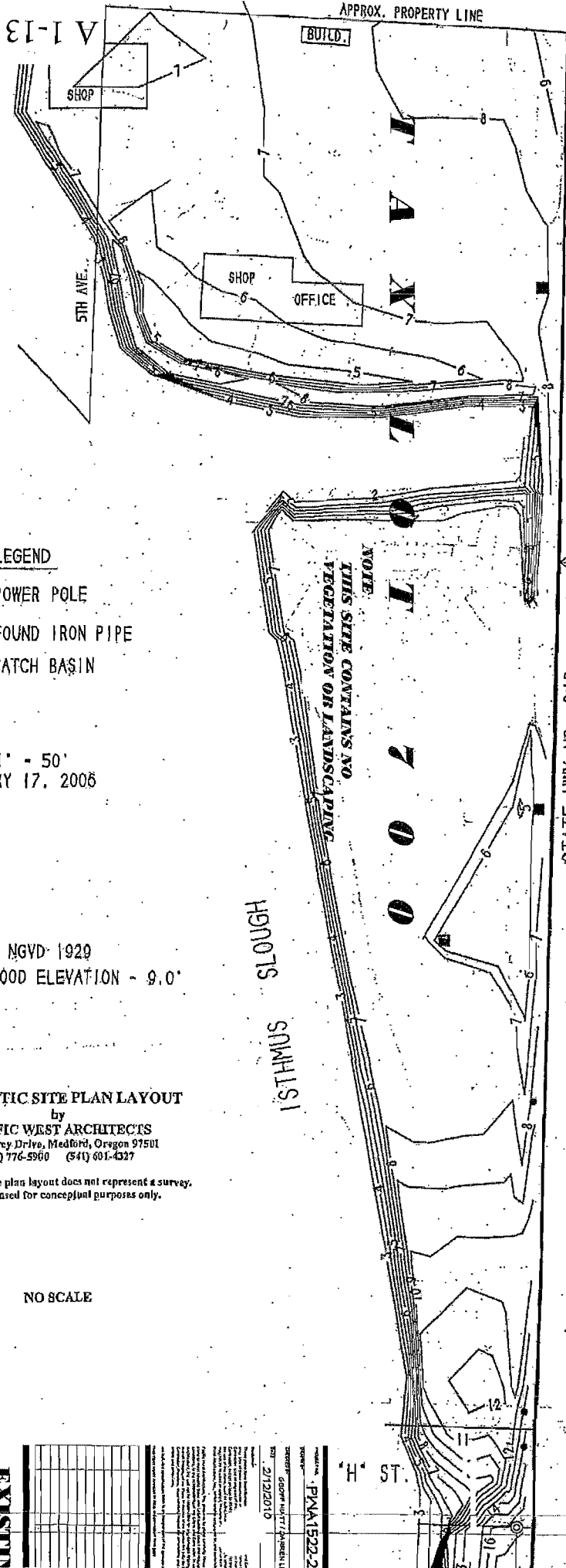
NO.	REVISION	DATE

REGISTERED ARCHITECT
PACIFIC WEST ARCHITECTS
ARCHITECTURE
214 E. McLoughlin St.
Suite B Medford Oregon
OR 97504
TEL: (541) 776-6900 FAX: (541) 776-4327

Pacific W
Architecte
174 E. McLoughlin St.
Suite B Medford Oregon
OR 97504
TEL: (541) 776-6900 FAX: (541) 776-4327



T-1



TAX LOT 700
 T25S. R13W. SECTION 36BD.
 COOS BAY, OREGON

LEGEND

- POWER POLE
- ⊙ FOUND IRON PIPE
- CATCH BASIN

SCALE 1" = 50'
 FEBRUARY 17, 2006

DATUM - NGVD 1929
 BASE FLOOD ELEVATION - 9.0'

SCHEMATIC SITE PLAN LAYOUT

by
PACIFIC WEST ARCHITECTS
 2891 Surrey Drive, Medford, Oregon 97501
 (541) 776-5900 (541) 601-4327

NOTE: This site plan layout does not represent a survey.
 It is to be used for conceptual purposes only.

NO SCALE

← EDGE OF ASPHALT

STATE HWY NO. 242

SLOUGH
 ISTHMUS

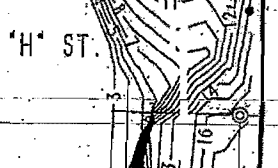
NOTE
 THIS SITE CONTAINS NO
 VEGETATION OR LANDSCAPING

T-2

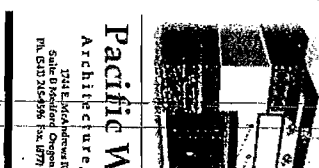
EXISTING
 SITE

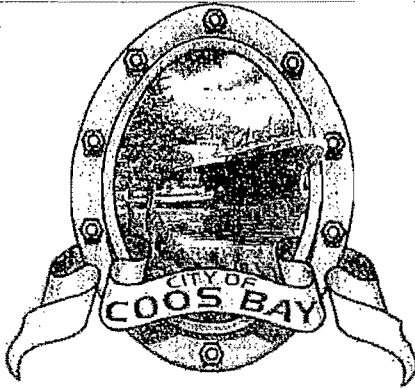
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PROJECT: GEORGE WILFERT (PACIFIC WEST ARCHITECTS)
 DATE: 2/12/2010
 DRAWING NO.: PWA1522-2



PROJECT INFO
 REGISTERED ARCHITECT
 ARCHITECTURE
 Pacific West Architects
 2891 Surrey Drive
 Medford, Oregon 97501
 P.O. Box 245-595
 Fax: 541-776-5900





Permit No. ZON20 10-00 012

City of Coos Bay
Public Works and Development
500 Central Avenue, Coos Bay, Oregon 97420

LAND USE PLAN AMENDMENT

The City of Coos Bay Comprehensive Plan 2000 provides a process for amendment, review or revision of the plan involving public hearing before the City Council or the Planning Commission, with authority to enact the amendment residing solely with the Council. The process provides for a rational policy framework supported by an adequate factual base, taking social, economic, energy and environmental needs into consideration.

APPLICANT

Name of Applicant: Gary W. Angell ~~DED~~ ANGELL ASSET GROUP L.L.C.

Address: 3126 Alameda Street, Unit #315, Medford, Oregon

Telephone: (541) 301-3545

Section of Comprehensive Plan 2000 proposed for amendment:

From the Coos Bay Estuary Plan – An element of the Coos County Comprehensive Plan.

V.B.11.a. The plan recognizes the value of the channel areas and waterfront areas to the overall economy of both Coos Bay and the entire estuarine region and recommends that channel areas along the east waterfront be designated as Marine Transport.

Proposed amendment:

V.B.11.a. The plan recognizes the value of the channel areas and waterfront areas to the overall economy of both Coos Bay and the entire estuarine region and recommends that channel areas along the east waterfront be designated as Marine Transport, "except for those sites without existing, usable water

access.” (such as tax lots 700 located in T35, R13, S 36BD.)

What are the new planning problems or issues you propose to address through this revision?

1. Planning Problem #1
How to correct an improperly classified parcel of land which was included in the Land Use Survey used for creating the original Land Use Plan Map.
2. Planning Problem #2
How to decide what the new designation should be.
3. Planning Problem #3
Will the new classification allow this parcel to be developed to its highest and best use?
4. Planning Problem #4
Will this Zone change be compatible with present and future development envisioned for this area?

Since the adoption of the Plan in 1981, what circumstances have changed to justify the proposed amendment?

- a. The residential nature of the area has continued to expand over time and this trend is expected to continue.
- b. The Plan mis-categorized this land from the beginning and it remains mis-categorized and should be corrected. This property has never been used as a water dependant use, ever.

Provide documentation, factual information to support the need for the proposed amendment.

- A. See attached site plan for topographic and tidal factual information to confirm Non-existing water access at the proposed site.
- B. An apparent shortage of 50 acres of developable Commercial/Industrial land currently exists in the City of Coos Bay Land Inventory. In reality, this may not be the case.
The definition of available, developable commercial/industrial land is “undeveloped commercial/industrial land”. While this definition may allude to a possible shortage of Commercial/industrial land inventory, it may not accurately represent the reality of the existing conditions of available Commercial /Industrial lands. The existing conditions are that a great amount of industrial/commercial land exists within the

estuary having underutilized, dormant or abandoned capacities. Those facilities are available lands which, when included in the Industrial water dependant lands inventory would exhibit additional, available lands.

- C. The amount of political opposition to industrial expansion as exhibited by previous Industrial permitting processes. say, for example;

The unsuccessful permitting of the LNG plant on the North Spit of Coos County.

The unsuccessful implementation of the Black Sands shipping and processing to the Bunker Hill area.

- D. An apparent excess of 600 acres of residential lands exists in the City of Coos Bay Land Inventory. However, no available residential lands exist of the type we are proposing that have the unique qualities of this parcel, such as the estuarine view water front or proximity to downtown Coos Bay while feeling removed from the hustle of the downtown and its quaint charm/character while being an extension of an existing, established residential neighborhood.
- E. There is no usable water/land interface area for water dependant transportation to access the site. Water dependant industrial activities cannot exist without a water/land interface to support them.
- F. The water depth is not adequate to allow water borne transportation to dock or berth at the shore line, even at high tide. Years ago, there were pilings and dolphins out as far as 50' from the bank which had log rafts moored to them. However, they have since been removed.
- G. The Oregon Department of Transportation owns the tidal prism area (tax lot 800) to the edge of our property. We own only dry ground. Therefore, we do not control the land we need in order to alter the water depth to conform to the needs of water based transportation. The shore land area is exposed between tides. Any attempt to deepen the channel to allow unhampered industrial water dependant transportation to utilize our site would be a monetary and physical permitting impossibility, see attached site map.
- H. The primary site access for heavy trucks and equipment is by way of the Isthmus Slough Bridge. The isthmus Slough Bridge is a deteriorating wooden bridge with a load capacity which continues to reflect its condition, thereby limiting its ability to perform for industrial use. There are no current


plans by the State to replace it, only to repair the worst conditions, for now.

- I. Waterfront industrial zoning would allow possible increased large truck traffic, smoke, dust, noise and night time light pollution on the edge of a currently quiet residential neighborhood.
- J. This site has always been used as a truck and heavy equipment overhaul and repair station. It has never been used in a water dependant industrial manner. Again, there is no deep water access.
- K. The sand and gravel which has been on the site in the past has been hauled in over existing roads and was only there incidental to land construction operations and were temporary in nature.
- L. Statewide planning goals require a variety of types and prices of housing. By rezoning the northern portion of tax lot 700 to R3 and the southern portion to R2, we can provide a broader mix of housing types, from single family to multi-family, making this a transition zone between established residential neighborhoods and the adjacent industrial lands.

Identify alternative courses of action and discuss their impacts.

- 1. Do nothing
Hopefully, the site can remain what it has been forever, a low rent, land based, construction equipment and maintenance yard with attached office.
- 2. Use as Water Dependent Industrial use under its current classification.
This is a physical impossibility. Access to the water is blocked by Oregon Department of State Lands property, tax lot 800. Even if, access to the water was allowed, the tidal flats would be dried out, prohibiting access. The toe of the bank at the edge of our property is only 3' above mean tide and the top of the bank is near the 9' mean high tide. Any water borne transportation would have to sit on the bay bottom between tides, thereby creating unacceptable issues for other responsible agencies.
- 3. Change usage to residential zone allowing a mix of variously priced housing.
This will reflect how this side of the bay is currently being developed. This area is now, residential in nature and will continue to develop in this way.

The above and attached statements are true to the best of my belief and knowledge. As applicant, I understand that the City Council requests the attendance of me or my representative at the meeting(s) where this request is scheduled for consideration.

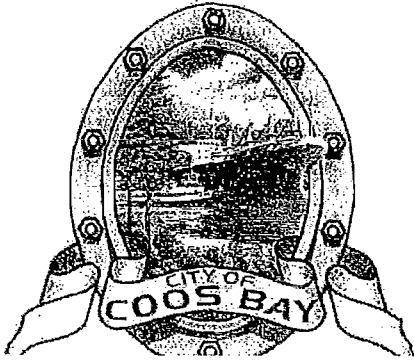

Signature of Applicant or Authorized Agent

Feb 12, 2010
Date

Filing Fee: \$950.00 plus publishing costs	Date paid:
Planning Commission Hearing:	Referred to City Council:

Revised 7/08 DE

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Permit No. ZON2010-00012

City of Coos Bay

Public Works and Development

500 Central Avenue, Coos Bay, Oregon 97420d

ZONE CHANGE

A change in zone designation may be granted if a mistake was made in the original zoning or if the change will result in development compatible with that authorized in the surrounding area. Other considerations include the impact on other land in the vicinity and the appropriateness of the introduction of the zone into the area at this time.

SUBJECT PROPERTY

Street Address: 641 6 th Avenue	Coos Bay, Oregon	97420
Township 23 125	Range R 13	Section 36BD Tax lot# 700
Lot(s) 1 & 2	Block: 68	Addition: Plat to Eastside

Current Zone WI & 28 UW	Proposed Zone R-3 & R-2
Comprehensive Plan Designation:	WI & 28 UW I

APPLICANT / OWNER

Name of Applicant: ~~Gary W. Angell~~ ASSET GROUP, L.L.C.

Address: 3126 Alameda Street, Unit #315, Medford, Oregon, 97504

Telephone: (541) 301-3545

Name of Owner: (see above)

Address: _____ Telephone: _____

Please answer the following questions as completely as possible; use additional paper if necessary. The approval of this permit must be based on specific facts; therefore, yes/no answers are not sufficient. City personnel will assist you in answering any question.

1. Could the current zoning of this property be a mistake? Explain.

Yes, it was apparently a mistake. The governing bodies which allowed its current zone were given inadequate information or were misled regarding the suitability of this site for waterfront industrial zoning. See the following responses to questions 4, 5 & 6 below which will further elaborate the issues.

2. Will the change in zone conform to the policies and objectives of the comprehensive plan?

Yes, it conforms to Coos Bay Estuary Plan, an Element of the Coos County Comprehensive Plan, adapted 5/16/75, section V,11, d. The plan recognizes the value of large tidal areas for natural biologic production and recommends that these areas be retained in Marine Production.

It is impossible to conform to other Comprehensive Plan Goals, such as, log handling or other industrial use which would require water access and storage because there is no water access to this site due to inadequate water depth. Conforming to other goals is not possible and never was, even before the Comprehensive Plan was devised. However, the lot on the west side of 5th Avenue just to the west of tax lot 700 does have sufficient depth for such activity and is currently being used under its designation of Water Dependant Use. The usable water depth changes south of 'F' Street to a shallower, non-usable water depth. Tax lot 700 was evidently assumed to have similar conditions without proper verification of on-site, existing conditions when the Comprehensive Plan was developed, originally. Any water access to this site would require any water transportation to sit on the mud bay bottom both during and between high tides. This, of course, violates the intent of the Comprehensive Plan and places us in further conflict with all the other agencies.

3. Will the overall change in the zone district result in development which is compatible with development authorized in the surrounding districts?

Yes, it conforms to the trend now existing in this area towards a less intrusive industrialization, one more in keeping with the growing quiet, residential nature of the area.

4. Will the change prevent the use of other land in the vicinity?

No, there are no apparent effects to adjacent properties either in operations, access or transportation routes.

5. Is it appropriate at this time to permit the specific type of development or change in zone into the area which had not previously existed?

Yes, it mirrors existing adjacent uses currently in the neighborhood and on adjacent properties.

6. What is the land use designation for this property on the Land Use Plan Map 2000?
WI & 28 UW If there is a conflict between the Plan map and the desired zone, how can the change be justified?

The conflict that exists between the Plan map and the desired zone can be resolved by acknowledging the following facts.

A. The property as currently zoned is not large enough to support a waterfront

industrial use. The Upper portion of tax lot 700 is about 1 ½ acres and the narrow portion to the south is only 1 ½ acres, also.

- B. The site does not have proper water depth to conduct any type of water related activity as any vessel would need to rest on bay bottom between and during high tides, where water access is non-existent.
- C. The property west of 'F' street has adequate depth for water transport to function, however, tax lot 700 does not. The proposed property (tax lot 700) would need to be properly permitted to deepen the water channel in order to facilitate water transport. The property line for tax lot 700 lies at the edge of the bank and does not extend out into the water. Tax lot 700 has no jurisdiction over adjacent State bay lands which would need to be deepened in order to create usable water transport access at any level.
- D. There has never been a water dependant business at this site, ever. Since before the advent of The State Plan, this site has always been a heavy construction equipment storage and repair facility

As the surrounding area continues to expand the nature and use of its existing quiet, residential neighborhood characteristics, there will be an increasing need for small convenience sales and personal service businesses, such as those allowed within the R-H zone under Special Use Permitting for the northern portion of tax lot 700..

The residential needs of Coos Bay will continue to grow, however, the nature of the growth is changing. The trend is toward smaller housing on smaller lots which the R-H proposed zone will allow.

The statement will be made that "We cannot afford to lose more "Water Dependant Industrial land." The answer to this statement is, "How could one lose what never was?" For a water dependant, industrial business to be attracted to this site, they would need to resolve the following issues.

- 1. No usable waterfront access. The waterfront is too shallow and actually belongs to someone else.
- 2. Limited size of parcel. It is only 1 1/2 acres for the north portion and 1 1/2 acres for the south portion
- 3. Site Access. The only site access is across the Isthmus slough bridge which has a limited load capacity for heavy truck traffic.
- 4. Any noise, pollution, smoke, large truck traffic, dust or light pollution from night time operations would need to be balanced against the needs of a well established residential neighborhood.

10. Additional information to be furnished by applicant:

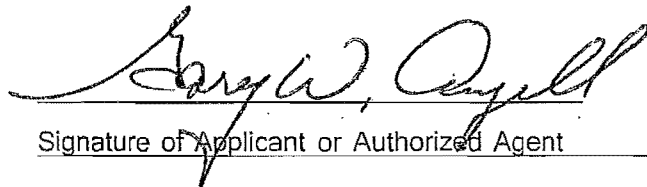
- A. Evidence that applicant is owner of the property. If the applicant is the purchaser of the property or acting as authorized agent of the owner, then written verification must be submitted.
- B. A certified list of the names and addresses of all owners of property within 250 feet of the exterior boundaries of the property involved along with a map showing the location of the subject property and all properties within the 250 foot boundary.

- C. A building plan or location map including topographical features, streets, highways, alleys, distinguishable vegetation, etc. in relation to the property lines of the property involved. This plan or map shall be drawn to scale.

BUILDING & TOPOGRAPHICAL FEATURE LOCATION PLAN: A scaled drawing showing the actual shape and dimensions of the subject property, the sizes and shapes of existing and proposed structures, location of existing or proposed roads, distinguishing vegetation and major topographical features.

A separate drawing containing the above information may be attached if necessary to show the regional detail.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that the Planning Commission requests the attendance of myself, or my representative at the meeting(s) where this request is scheduled for consideration.



Signature of Applicant or Authorized Agent

Feb 12, 2010 Date

Filing Fee: \$675.00+ Publishing Cost (If Plan Map Amendment is needed, add \$960.00)

Date paid:

Date of Planning Commission Hearing:

SE1/4 NW1/4 SEC. 36 T25S R13W W.M.
COOS COUNTY

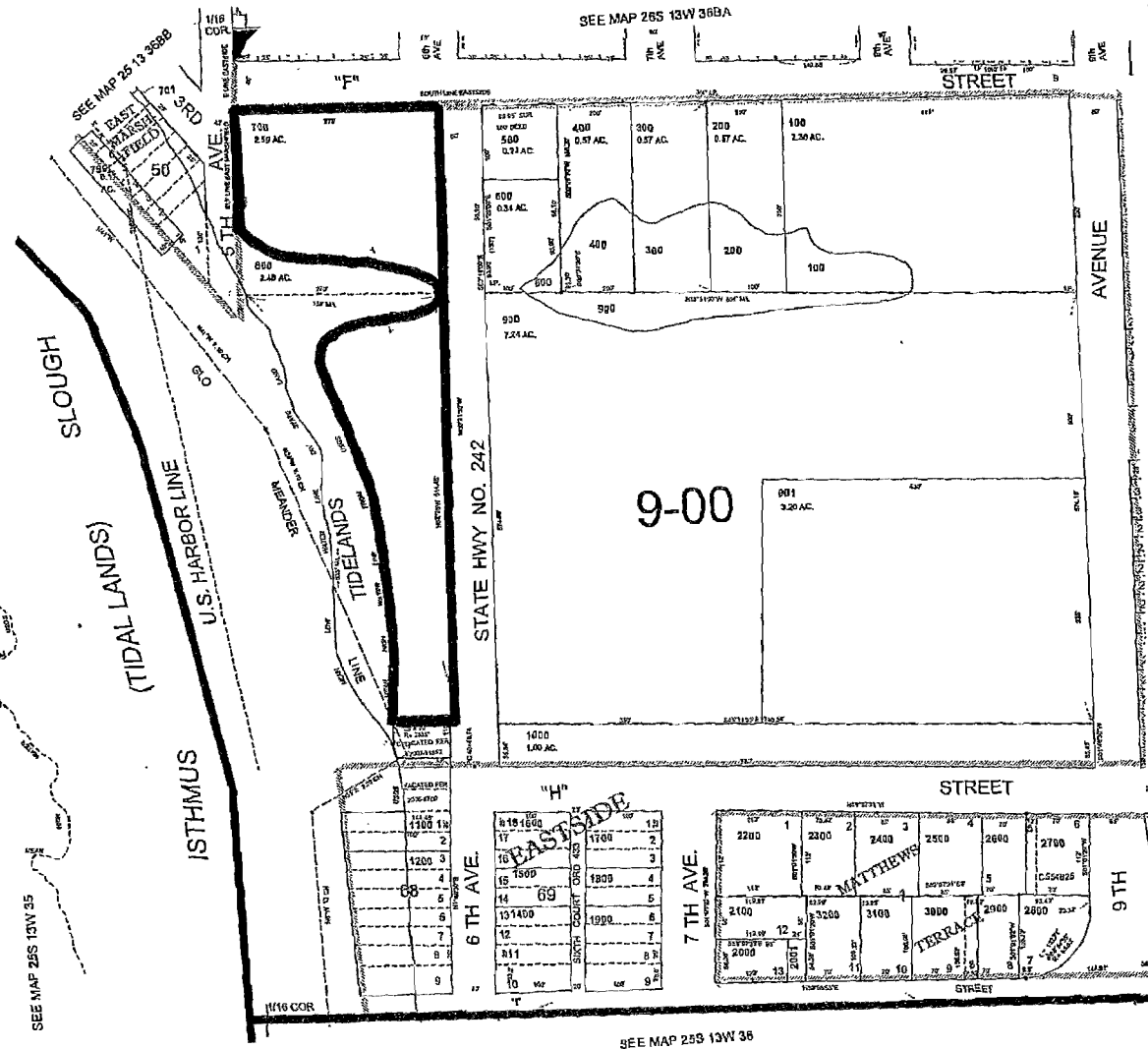
25S 13W 36BD
COOS BAY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1" = 100'

CANCELLED NO.
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2901
702

SEE MAP 25S 13W 36BA



SEE MAP 25S 13W 35

SEE MAP 25S 13W 36AC

SEE MAP 25S 13W 36

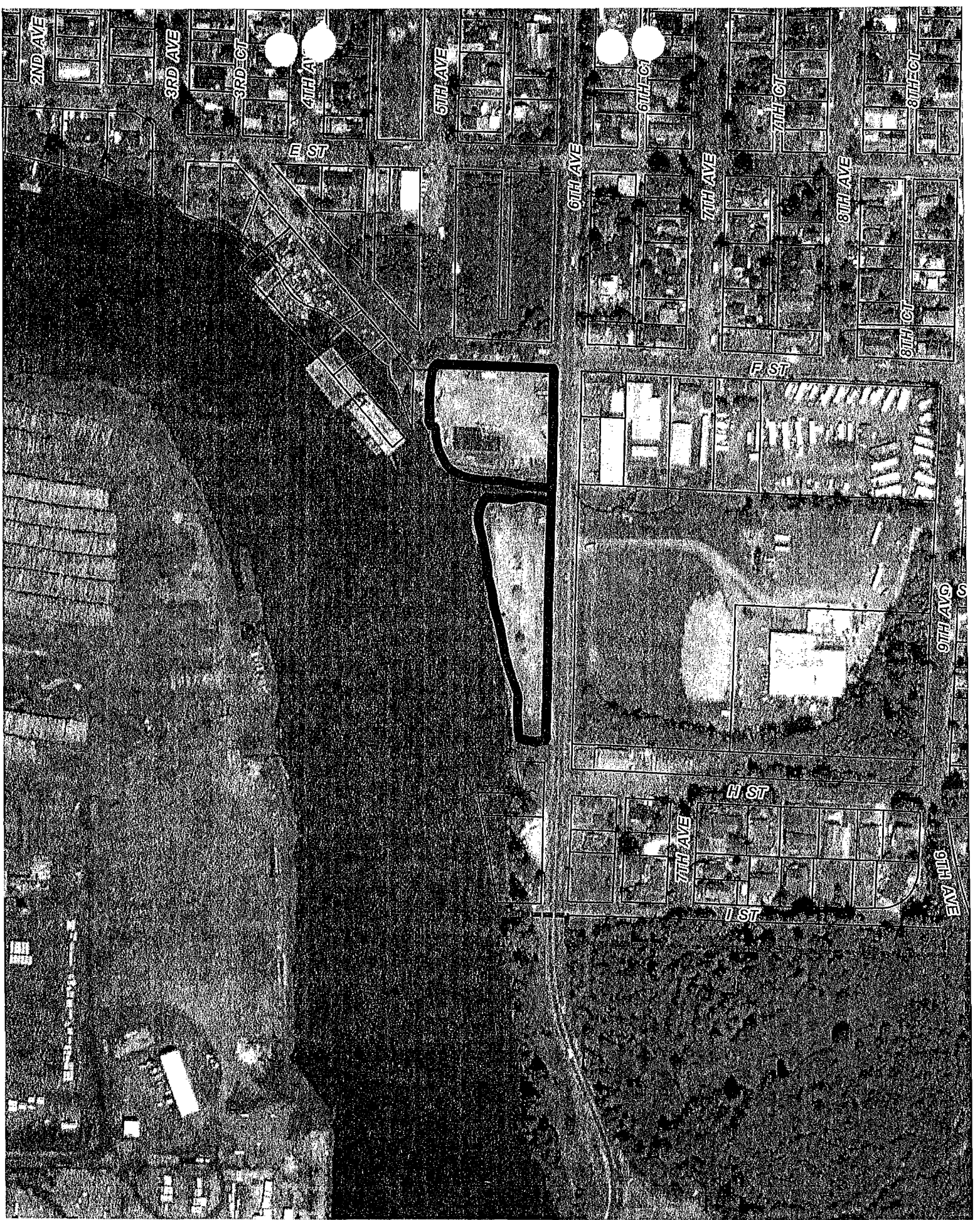
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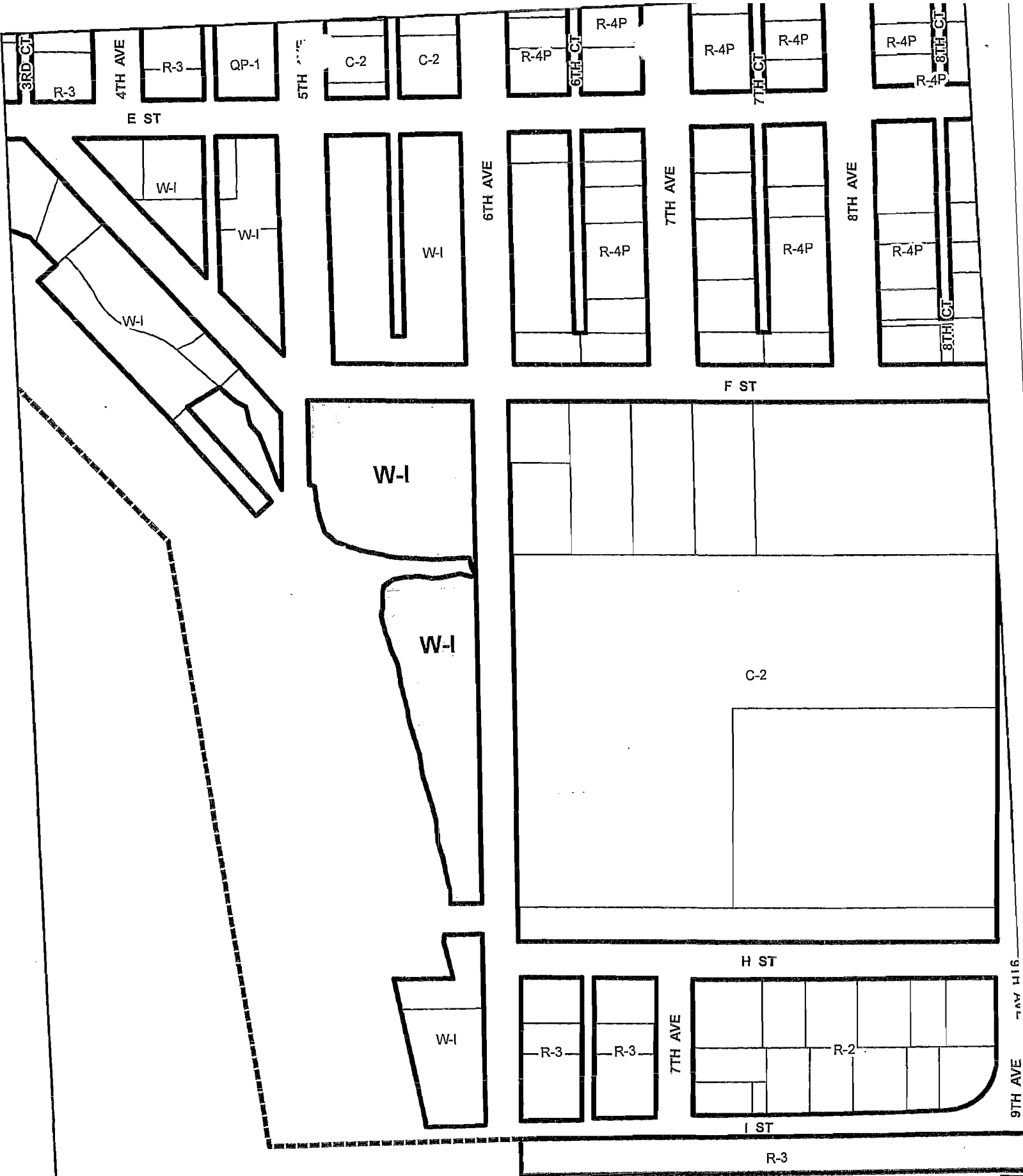
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9-28-2007
25S 13W 36BD
COOS BAY



Map 2

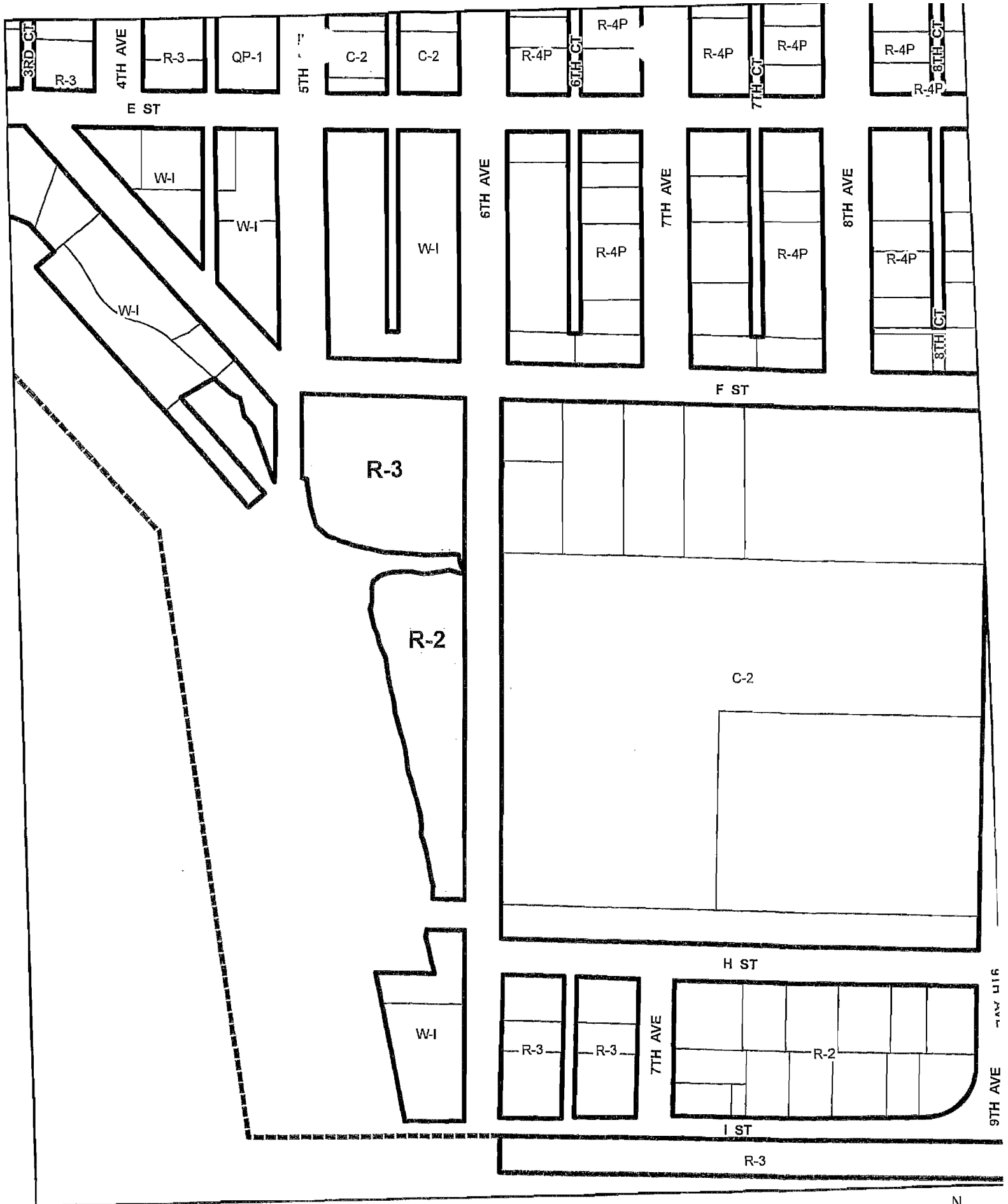


EXISTING ZONING

Map 3



1 INCH = 200 FEET

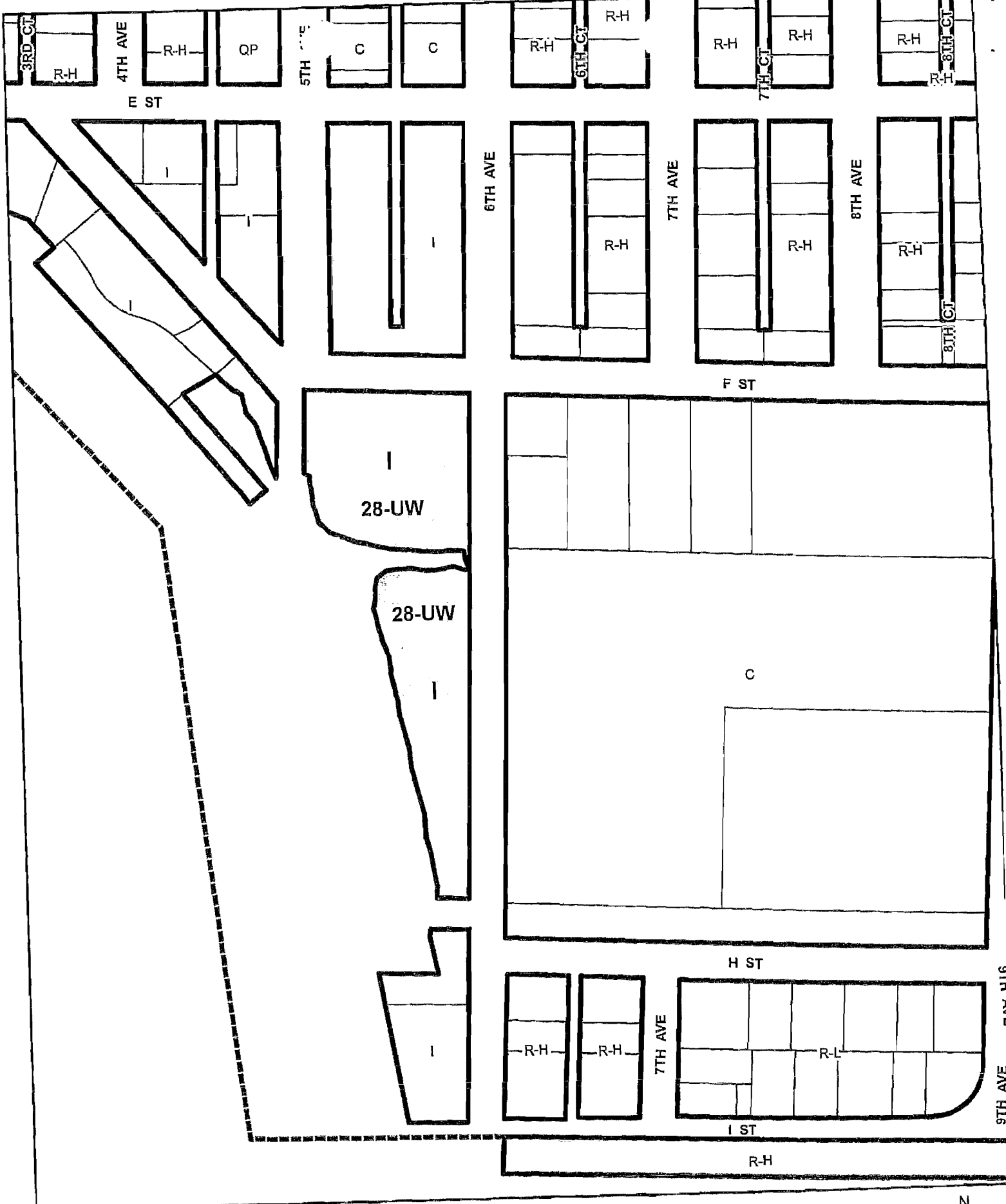


PROPOSED ZONING

Map 4

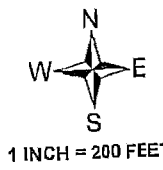


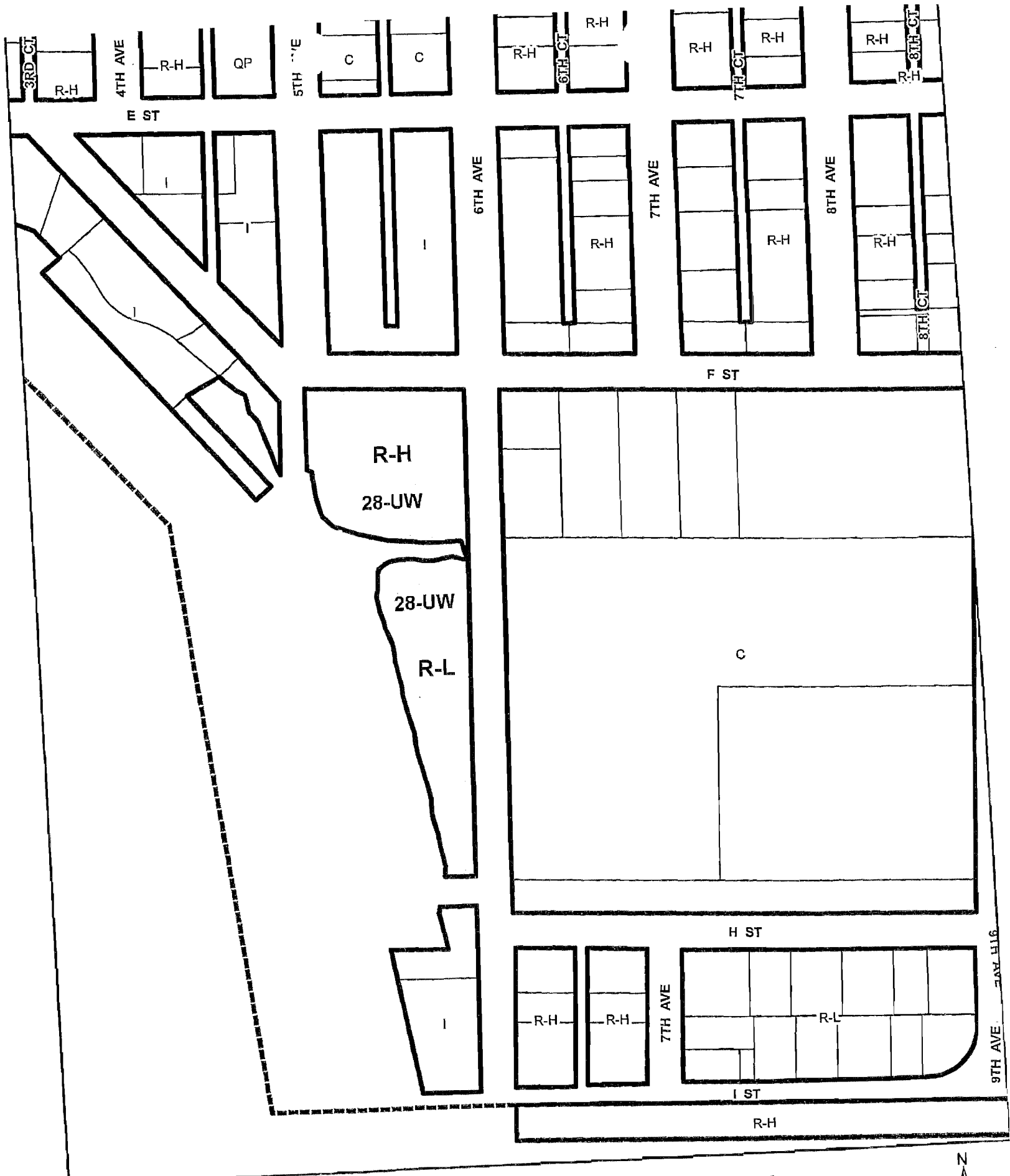
1 INCH = 200 FEET



EXISTING PLAN DESIGNATION

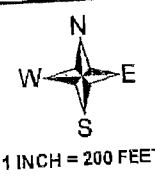
Map 5





PROPOSED PLAN DESIGNATION

Map 6



Y OF COOS BAY
epi Community Services
500 Central Avenue
Coos Bay OR 97420



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neepost
\$2.920
07/09/2010
Mailed From 97420
U.S. POSTAGE

ATTN: Plan Amendment Specialist
Dept Land Cons & Development
635 Capitol St NE, Ste 150
Salem, OR 97301-2540