



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

3/12/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Coos Bay Plan Amendment
DLCD File Number 003-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, March 25, 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
Chris Shirley, FEMA Specialist

<paa> YA

FORM 2

D L C D NOTICE OF ADOPTION

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

(See reverse side for submittal requirements)

DEPT OF

MAR 05 2010

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Coos Bay Local File No.: ZON2009-00091
(If no number, use none)

Date of Adoption: MARCH 2, 2010 Date Mailed: DE MARCH 4, 2010
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: DECEMBER 17, 2009

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: _____
(Please Specify Type of Action)

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

Amend Coos Bay Estuary Management Plan, Part 1, Chapter 5, shoreline segment 27-UW to allow existing dwellings to be reconstructed. However, no new dwellings may be constructed.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Time limit of 2 years added in which to reconstruct the dwelling unit.

Plan Map Changed from: T. 25, R. to _____

Zone Map Changed from: _____ to _____

Location: T. 25, R. 13, S. 35AA/36BB Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 17

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 003-09 (18009) [16028]

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: Coos County, North Bend.

Local Contact: Laura Barron Area Code + Phone Number: 541 269-8918

Address: 500 CENTRAL City: Coos Bay

Zip Code+4: 97420 Email Address: lbarron@coosbay.org

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 420

AN ORDINANCE AMENDING COOS BAY COMPREHENSIVE PLAN 2000, VOLUME III, COOS BAY ESTUARY MANAGEMENT PLAN, PART 1, CHAPTER 5, DESIGNATION OF SITE-SPECIFIC MANAGEMENT SEGMENTS, USES AND ACTIVITIES, SHORELAND SEGMENT 27-UW

WHEREAS, the City of Coos Bay, determined the need to amend the language for Shoreland Segment 27-UW to allow existing dwelling units to be altered, expanded, or reconstructed within two years of demolition;

WHEREAS, notice that public hearing would be held before the city of Coos Bay Planning Commission (the Commission) on February 9, 2010 and public hearing would be held before the Coos Bay City Council on March 2, 2010 was published in "The World," a newspaper of general circulation within Coos County, Oregon, on January 27, 2010;

WHEREAS, notice of public hearings was mailed on January 8, 2010 to all landowners with property designated 27-UW and 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, at the Planning Commission hearing on February 9, 2010, and after receiving evidence and hearing testimony, the Commission recommended approval of the amendment to allow existing dwellings in Shoreland Segment 27-UW to be reconstructed.

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

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

Section 2. The City of Coos Bay does hereby amend the language for Shoreland Segment 27-UW with the language attached hereto as "Exhibit B."

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

Section 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 2nd day of March 2010.

EXHIBIT A

DECISION CRITERIA #1. Identification of new planning problems and issues.

STATEMENTS OF FINDINGS AND FACT:

- 1a. The existing dwelling units in the affected area are currently nonconforming uses defined by Coos Bay Municipal Code Chapter 17.25. According to Chapter 17.25.040, a structure housing a nonconforming use which is damaged by any cause to an extent of not more than 50 percent of the replacement value at the time may be restored and the same use or occupancy resumed. Therefore, if the nonconforming use is damaged more than 50 percent of the replacement value, the use may not be replaced.

The remainder of the subject property to the west contains a public boat ramp and parking area. To the northwest Shoreland Segment 27-UW is a 50-foot-wide undeveloped strip of land along the edge of undeveloped residentially zoned property owned by the Oregon International Port of Coos Bay.

- 1b. There are approximately 9 dwelling units in the affected area. All of the dwellings existed prior to adoption of the Comprehensive Plan. The City has not experienced waterfront development pressure for the area that would cause removal of the existing residential structures for waterfront industrial type uses or structures.
- 1c. The proposal is not to remove the waterfront-industrial/water-dependent designation from the subject property. Rather, the proposal is to allow current residential uses to remain, or be replaced. As seen by the aerial photo attached, there are ships docked on the eastern portion of the subject area which implies a water-dependent use of some type. It appears that if the need for the backup shoreland arose for a water-dependent use, land with its existing development could be purchased.
- 1d. A two-year time limit is proposed for the replacement of a dwelling that is demolished. The time limit protects the fabric of the waterfront industrial zoning district.

CONCLUSION: The addition of the proposed language will allow existing dwelling units to be replaced. A two-year time limit is added for replacement in order to protect the fabric of the underlying zoning district.

DECISION CRITERIA #2. Collection and analysis of inventories and other pertinent factual information.

- 2a. The shoreland segment to the east of the subject area is designated 28-UW (urban water-dependent). The Management Objective for this area

states the area is "substantially committed to a mix of residential, commercial and industrial uses for continuation of these existing uses...Uses within the Eastside city limits shall be water-dependent."

This segment contains language similar to that is proposed for the subject area, 27-UW.

2b. The Management Objective for 27-UW states the area "shall be managed for water-dependent/water related uses (particularly for a marina and for a trail system that provides a substantial public access to the estuary and coastal shoreline.)" Findings must document the following:

- Development of any portion of the site will not preclude or inhibit water dependent/water-related uses from locating on the shoreline.

Response: The proposed language change will not allow additional residential uses.

- Development is consistent with any approved master plan which has been developed by the Port of Coos Bay specifically for the area.

Response: The affected area is under private ownership and is not part of a (Port) master plan. We believe this criteria is referring to the 50-foot-wide strip of undeveloped land designated 27-UW that runs along the western and northern edges of Eastside which is owned by the Port. Over 100 acres, north and west of the subject property is owned by the Port.

- Industrial uses have been given first priority and/or the highest consideration.

Response: The residential uses in the affected area were existing prior to the Comprehensive Plan. A two-year time limit for replacement has been added to protect the integrity of the zoning district. There are no dwelling units in the remainder of the subject property.

- Siting of non-water-dependent/non-water-related uses within the segment is consistent with the objective of protecting the shoreline for water-dependent/water-related use.

Response: A two-year time limit for replacement is proposed.

2c. Shoreland Segment 27-UW references Exception #17. The Exception to the Statewide Planning Goals was taken to permit water-related uses in 27-UW that is designated "especially suited to water dependent development." uses.

- 2d. Shoreland Segment 27-UW, outside of the affected area, extends west and includes the Eastside public boat ramp. The segment then extends north along the edge of an undeveloped 100-acre Port property that was rezoned from Industrial to Residential in 1998. The area to the north and west of the affected area is zoned "Multiple Residential (R-3)" and is scattered with mostly single-family dwellings.

CONCLUSION: Continued residential uses in the affected area will be market driven in the event a water-dependent/water-related use is in need of the back-up land for development. The decision criteria has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #3: Evaluation of alternative courses of action and ultimate policy choices.

- 3a. The alternative is to do nothing. In the event a dwelling unit is beyond repair or destroyed, the unit could not be replaced. The property owner would be without living quarters and the property would likely be unutilized until a water-dependent/water-related use demanded it.
- 3b. The preferred alternative is to add the proposed language that would allow existing dwelling units to be replaced. The new language specifies that no new dwelling units are permitted. New dwelling units are not permitted under the current language. Thus, the proposed language is not an open door for further deviation from the intended use of the area for water dependent/water-related use.

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

DECISION CRITERIA #4: Recommendation of policy directives, based upon consideration of the City's social, economic, energy and environmental needs.

- 4a. The goal for recreation (social) as discussed in Chapter 7.4 of Volume 1 of the Comprehensive Plan states that the city shall endeavor to satisfy the recreation needs of its citizens and visitors. The proposed language to allow existing dwellings to be replaced is not related to the recreational goal.
- 4b. Chapter 7.5, Economic Development, Policy 1.4, states the following:

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 proposal is not to rezone the subject area from "Waterfront Industrial" to residential. Rather, the proposal is to allow those existing dwelling units to be replaced. As stated in the above policy, "emerging market trends" will dictate the future use of the property.

4c. Chapter 7.2, Energy Conservation, Policy EC.8 states the following:

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

The proposed language would give a property owner two years to replace a dwelling. The alternative is to leave the property unutilized.

Also, the dwelling units in this area existed prior to adoption of the Coos Bay Comprehensive Plan in the early 1980s. Therefore, if the dwellings were destroyed and replaced they would be required to comply with today's building code standards that are much more energy efficient.

4d. The proposed language will allow the existing dwelling units to be replaced. There does not appear to be any biological consequences to this proposal. City code requires debris from a dwelling unit that is destroyed to be removed.

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

STATEWIDE PLANNING GOALS

Statewide Planning Goal 10, Housing, is applicable to the proposed language change. Existing City policies provide for a variety of types of housing to be available. By adopting the proposed language the existing dwelling units will likely be replaced.

For Statewide Planning Goals 9 (Economic Development), 12 (Transportation), and 17 (Coastal Shorelands) there are no measurable changes. The affected area currently encompasses 9 dwelling units that were in place prior to the adoption of the Comprehensive Plan. The lack of demand for marine industrial property encourages the continuation of the dwelling units.

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EXHIBIT B

ISTHMUS SLOUGH – EASTSIDE
MANAGEMENT CLASSIFICATION: UW

SHORELAND SEGMENT - 27

BOUNDARIES:

Northern Boundary – The edge of the tide flat South of the Marshfield Channel.

Eastern Boundary – the North-South berm separating the Western-most disposal area from the next disposal area to the East.

Southeastern Boundary – A line extending South from First Avenue.

MANAGEMENT OBJECTIVE:

This shoreland segment shall be managed for water-dependent/water related uses, (particularly for a marina and for a trail system that provides substantial public access to the estuary and coastal shoreline). The following are findings which must be documented prior to development of non-water-dependent/non-water related uses allowed in the uses matrix:

1. That development of any portion of the site will not preclude or inhibit water-dependent/water-related uses from locating on the shoreline.
2. That the development is consistent with any approved master plan which has been developed by the Port of Coos Bay specifically for the area.
3. That industrial uses have been given first priority and/or the highest consideration.
4. That siting of non-water-dependent/non-water-related uses within the segment is consistent with the objective of protecting the shoreline for water-dependent/water-related use.

As stated in Volume I of the Coos Bay Comprehensive Plan, industrial and commercial road access to this segment shall be through Segment 26UD to the east, and industrial uses developed in that portion shall be buffered from adjacent residential uses to the east. [RES 95-33 11.21.95]

See also EXCEPTION #17

USES:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	A
5.	Dryland Moorage	A
6.	Industrial and Port Facilities	*
7.	Land Transportation Facilities	A
8.	Log Storage/Sorting Yard (land)	N
9.	Marinas	A
10.	Mining/Mineral Extraction	N
11.	Recreation Facilities	
	a. Low-intensity	A
	b. High-intensity	A
12.	Residential	*
13.	Solid Waste Disposal	A
14.	Timber Farming/Harvesting	N/A
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	*
4.	Excavation to Create New Water Surface	A
5.	Fill	A
6.	Shoreline Stabilization	
	a. Vegetative	A
	b. Rip-rap	*
	c. Retaining Wall	*
7.	Navigation Aids	A
8.	Mitigation	N/A
9.	Restoration	
	a. Active	
	b. Passive	N/A
10.	Land Divisions	A

Activity categories such as new water surface, fill, rip-rap, and retaining walls may be necessary to permit development of public access (trail) within the shoreland segment.

GENERAL CONDITIONS

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

2. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
3. Non-water-dependent/related uses are only allowed as per Policy #16a, in the portion of the segment which is "especially-suited for water-dependent uses".

SPECIAL CONDITIONS

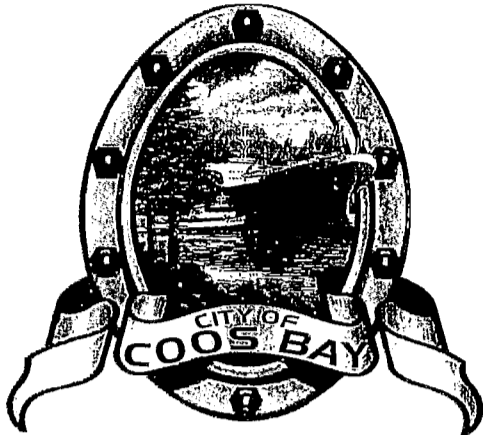
Uses

- 6 Except for those areas designated Quasi-Public (QP) in the Coos Bay Comprehensive Plan.
- 12 Existing dwellings may be altered, expanded, and reconstructed. Reconstruction of a dwelling must begin within two (2) years of demolition. New dwellings may not be constructed.

Activities

- 3 Outfall from further dredged material disposal in this segment shall go directly to Isthmus Slough or Marshfield Channel, not to intertidal areas.
- 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.

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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>

March 4, 2010

CITY COUNCIL FINAL DECISION AND ORDER

TEXT AMENDMENT TO COOS BAY COMPREHENSIVE PLAN VOLUME III, COOS BAY ESTUARY MANAGEMENT PLAN

APPLICATION: ZON2009-00091
APPLICANT: City of Coos Bay, 500 Central Avenue, Coos Bay, OR 97420

SUBJECT PROPERTY: Coos Bay Estuary Management Plan Shoreland Segment 27-UW

PROPOSAL: Add language to allow existing dwelling units to be reconstructed within a two-year time frame.

ORDER: Tuesday, March 2, 2010 City Council approved the amendment and enacted Ordinance No. 420.

City Council Final Vote:
Yea: Councilors John Eck, Mark Daily, Stephanie Kramer, John Pundt, Gene Melton and Joanie Johnson
Abstain: None **Nay:** None

APPEAL PROVISIONS: See page 2
DECISION CRITERIA AND THE ADOPTED FINDINGS OF FACT AND CONCLUSIONS: See Exhibit A

FINAL ACTION

Based on the adopted findings and conclusions, as set forth below and Exhibit A, attached hereto and incorporated herein, the City Council enacted Ordinance No. 420 approving the text amendment to Coos Bay Estuary Management Plan shoreland segment 27-UW as follows:

Existing dwellings may be altered, expanded, and reconstructed. Reconstruction of a dwelling must begin within two (2) years of demolition. New dwellings may not be constructed.

CBEMP Shoreland Segment will read as follows:

MANAGEMENT CLASSIFICATION: UW

BOUNDARIES:

Northern Boundary – The edge of the tide flat South of the Marshfield Channel.

Eastern Boundary – the North-South berm separating the Western-most disposal area from the next disposal area to the East.

Southeastern Boundary – A line extending South from First Avenue.

MANAGEMENT OBJECTIVE:

This shoreland segment shall be managed for water-dependent/water related uses, (particularly for a marina and for a trail system that provides substantial public access to the estuary and coastal shoreline). The following are findings which must be documented prior to development of non-water-dependent/non-water related uses allowed in the uses matrix:

1. That development of any portion of the site will not preclude or inhibit water-dependent/water-related uses from locating on the shoreline.
2. That the development is consistent with any approved master plan which has been developed by the Port of Coos Bay specifically for the area.
3. That industrial uses have been given first priority and/or the highest consideration.
4. That siting of non-water-dependent/non-water-related uses within the segment is consistent with the objective of protecting the shoreline for water-dependent/water-related use.

As stated in Volume I of the Coos Bay Comprehensive Plan, industrial and commercial road access to this segment shall be through Segment 26UD to the east, and industrial uses developed in that portion shall be buffered from adjacent residential uses to the east.
[RES 95-33 11.21.95]

See also EXCEPTION #17

USES:

- | | |
|----------------|---|
| 1. Agriculture | N |
| 2. Airports | N |
| 3. Aquaculture | N |

4.	Commercial	A
5.	Dryland Moorage	A
6.	Industrial and Port Facilities	*
7.	Land Transportation Facilities	A
8.	Log Storage/Sorting Yard (land)	N
9.	Marinas	A
10.	Mining/Mineral Extraction	N
11.	Recreation Facilities	
	a. Low-intensity	A
	b. High-intensity	A
12.	Residential	*
13.	Solid Waste Disposal	A
14.	Timber Farming/Harvesting	N/A
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	*
4.	Excavation to Create New Water Surface	A
5.	Fill	A
6.	Shoreline Stabilization	
	a. Vegetative	A
	b. Rip-rap	*
	c. Retaining Wall	*
7.	Navigation Aids	A
8.	Mitigation	N/A
9.	Restoration	
	a. Active	
	b. Passive	N/A
10.	Land Divisions	A

Activity categories such as new water surface, fill, rip-rap, and retaining walls may be necessary to permit development of public access (trail) within the shoreland segment.

GENERAL CONDITIONS

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
2. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.

3. Non-water-dependent/related uses are only allowed as per Policy #16a, in the portion of the segment which is "especially-suited for water-dependent uses".

SPECIAL CONDITIONS

Uses

- 6 Except for those areas designated Quasi-Public (QP) in the Coos Bay Comprehensive Plan.
- 12 Existing dwellings may be altered, expanded, and reconstructed. Reconstruction of a dwelling must begin within two (2) years of demolition. New dwellings may not be constructed.

Activities

- 3 Outfall from further dredged material disposal in this segment shall go directly to Isthmus Slough or Marshfield Channel, not to intertidal areas.
- 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.
///

The decision to approve will become final at **5:00 PM on March 25, 2010** unless an appeal is filed.

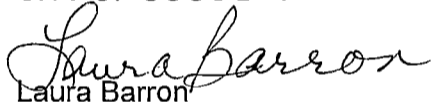
APPEAL PROVISION

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 March 25, 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: Exhibit A
Ordinance 420
A – Applicant's submitted information

c: Dave Perry, DLCD

finalord\2009\FO09-091cbempam

EXHIBIT A

REVIEW CRITERIA, FINDINGS AND CONCLUSIONS

Following is a list of the decision criteria applicable to the request as stated in Coos Bay Estuary Management Plan Policy #35. Each of the criteria is followed by findings or justification statements which may be adopted by the City Council to support their conclusions. Although each of the findings or justifications statements specifically apply to one of the decision criteria, any of the statements may be used to support the final decision.

DECISION CRITERIA #1. Identification of new planning problems and issues.

STATEMENTS OF FINDINGS AND FACT:

- 1a.** The existing dwelling units in the affected area are currently nonconforming uses defined by Coos Bay Municipal Code Chapter 17.25. According to Chapter 17.25.040, a structure housing a nonconforming use which is damaged by any cause to an extent of not more than 50 percent of the replacement value at the time may be restored and the same use or occupancy resumed. Therefore, if the nonconforming use is damaged more than 50 percent of the replacement value, the use may not be replaced.

The remainder of the subject property to the west contains a public boat ramp and parking area. To the northwest Shoreland Segment 27-UW is a 50-foot-wide undeveloped strip of land along the edge of undeveloped residentially zoned property owned by the Oregon International Port of Coos Bay.

- 1b.** There are approximately 9 dwelling units in the affected area. All of the dwellings existed prior to adoption of the Comprehensive Plan. The City has not experienced waterfront development pressure for the area that would cause removal of the existing residential structures for waterfront industrial type uses or structures.
- 1c.** The proposal is not to remove the waterfront-industrial/water-dependent designation from the subject property. Rather, the proposal is to allow current residential uses to remain, or be replaced. As seen by the aerial photo attached, there are ships docked on the eastern portion of the subject area which implies a water-dependent use of some type. It appears that if the need for the backup shoreland arose for a water-dependent use, land with its existing development could be purchased.
- 1d.** A two-year time limit is proposed for the replacement of a dwelling that is demolished. The time limit protects the fabric of the waterfront industrial zoning district.

CONCLUSION: The addition of the proposed language will allow existing dwelling units to be replaced. A two-year time limit is added for replacement in order to protect the fabric of the underlying zoning district.

DECISION CRITERIA #2. Collection and analysis of inventories and other pertinent factual information.

- 2a. The shoreland segment to the east of the subject area is designated 28-UW (urban water-dependent). The Management Objective for this area states the area is “substantially committed to a mix of residential, commercial and industrial uses for continuation of these existing uses...Uses within the Eastside city limits shall be water-dependent.”

This segment contains language similar to that is proposed for the subject area, 27-UW.

- 2b. The Management Objective for 27-UW states the area “shall be managed for water-dependent/water related uses (particularly for a marina and for a trail system that provides a substantial public access to the estuary and coastal shoreline.)” Findings must document the following:

- Development of any portion of the site will not preclude or inhibit water dependent/water-related uses from locating on the shoreline.
Response: The proposed language change will not allow additional residential uses.
- Development is consistent with any approved master plan which has been developed by the Port of Coos Bay specifically for the area.
Response: The affected area is under private ownership and is not part of a (Port) master plan. We believe this criteria is referring to the 50-foot-wide strip of undeveloped land designated 27-UW that runs along the western and northern edges of Eastside which is owned by the Port. Over 100 acres, north and west of the subject property is owned by the Port.
- Industrial uses have been given first priority and/or the highest consideration.
Response: The residential uses in the affected area were existing prior to the Comprehensive Plan. A two-year time limit for replacement has been added to protect the integrity of the zoning district. There are no dwelling units in the remainder of the subject property.
- Siting of non-water-dependent/non-water-related uses within the segment is consistent with the objective of protecting the shoreline for water-dependent/water-related use.
Response: A two-year time limit for replacement is proposed.

- 2c. Shoreland Segment 27-UW references Exception #17. The Exception to the Statewide Planning Goals was taken to permit water-related uses in

27-UW that is designated "especially suited to water dependent development." uses.

- 2d. Shoreland Segment 27-UW, outside of the affected area, extends west and includes the Eastside public boat ramp. The segment then extends north along the edge of an undeveloped 100-acre Port property that was rezoned from Industrial to Residential in 1998. The area to the north and west of the affected area is zoned "Multiple Residential (R-3)" and is scattered with mostly single-family dwellings.

CONCLUSION: Continued residential uses in the affected area will be market driven in the event a water-dependent/water-related use is in need of the back-up land for development. The decision criteria has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #3: Evaluation of alternative courses of action and ultimate policy choices.

- 3a. The alternative is to do nothing. In the event a dwelling unit is beyond repair or destroyed, the unit could not be replaced. The property owner would be without living quarters and the property would likely be unutilized until a water-dependent/water-related use demanded it.
- 3b. The preferred alternative is to add the proposed language that would allow existing dwelling units to be replaced. The new language specifies that no new dwelling units are permitted. New dwelling units are not permitted under the current language. Thus, the proposed language is not an open door for further deviation from the intended use of the area for water dependent/water-related use.

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

DECISION CRITERIA #4: Recommendation of policy directives, based upon consideration of the City's social, economic, energy and environmental needs.

- 4a. The goal for recreation (social) as discussed in Chapter 7.4 of Volume 1 of the Comprehensive Plan states that the city shall endeavor to satisfy the recreation needs of its citizens and visitors. The proposed language to allow existing dwellings to be replaced is not related to the recreational goal.
- 4b. Chapter 7.5, Economic Development, Policy 1.4, states the following:

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 proposal is not to rezone the subject area from "Waterfront Industrial" to residential. Rather, the proposal is to allow those existing dwelling units to be replaced. As stated in the above policy, "emerging market trends" will dictate the future use of the property.

4c. Chapter 7.2, Energy Conservation, Policy EC.8 states the following:

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

The proposed language would give a property owner two years to replace a dwelling. The alternative is to leave the property unutilized.

Also, the dwelling units in this area existed prior to adoption of the Coos Bay Comprehensive Plan in the early 1980s. Therefore, if the dwellings were destroyed and replaced they would be required to comply with today's building code standards that are much more energy efficient.

4d. The proposed language will allow the existing dwelling units to be replaced. There does not appear to be any biological consequences to this proposal. City code requires debris from a dwelling unit that is destroyed to be removed.

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

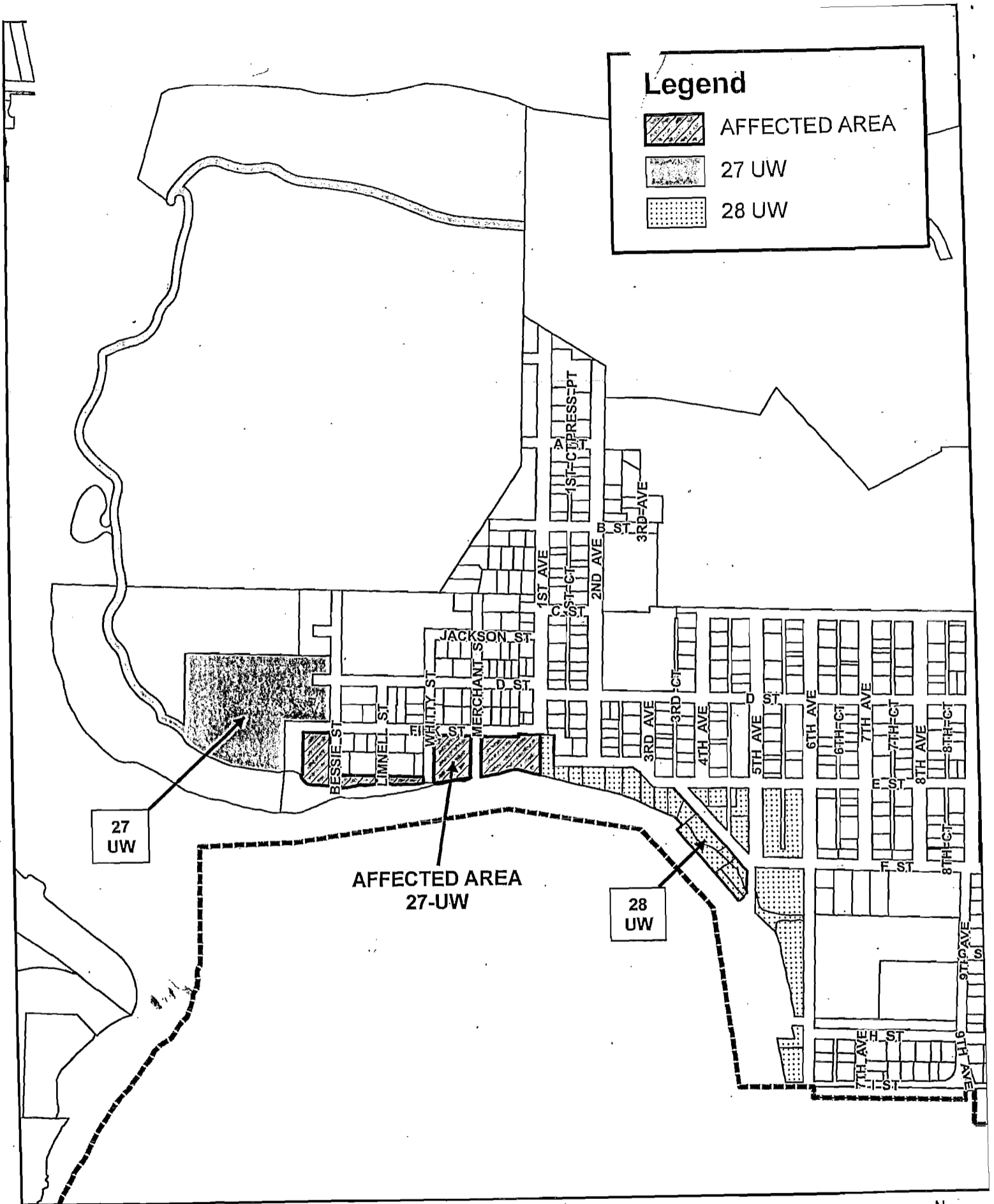
STATEWIDE PLANNING GOALS

Statewide Planning Goal 10, Housing, is applicable to the proposed language change. Existing City policies provide for a variety of types of housing to be available. By adopting the proposed language the existing dwelling units will likely be replaced.

For Statewide Planning Goals 9 (Economic Development), 12 (Transportation), and 17 (Coastal Shorelands) there are no measurable changes. The affected area currently encompasses 9 dwelling units that were in place prior to the adoption of the Comprehensive Plan. The lack of demand for marine industrial property encourages the continuation of the dwelling units.

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

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