

ORDINANCE NO. 582

AN ORDINANCE AMENDING THE TEXT OF COOS BAY MUNICIPAL CODE (CBMC) SECTION 18.15.005, TABLE 17.23.020, FIGURE 17.330.010(C), AND CHAPTER 17.250, AND REPEALING CHAPTER 17.316 CBMC, TO ALIGN WITH THE EMPIRE AREA BLUEPRINT

WHEREAS, the City of Coos Bay Planning Commission conducted the initial evidentiary hearing in the matter of Land Use Application No. 187-24-000174-PLNG to consider text amendments to the City of Coos Bay Transportation System Plan and to the text of the Coos Bay Development Code on October 8, 2024; and

WHEREAS, at the public hearing evidence was presented and the public was given an opportunity to comment; and

WHEREAS, the Planning Commission found that the proposal substantially complies with the criteria for approval in Chapters 17.130 and 17.360 of the Coos Bay Development Code and is in conformance with the City of Coos Bay Comprehensive Plan 2000 provisions and policies and with Oregon Statewide Planning Goals; and

WHEREAS, the Planning Commission forwarded to the City Council their recommendation to approve Land Use Application No. 187-24-000174-PLNG and to adopt by ordinance the proposed amendments; and

WHEREAS, the City Council conducted the second evidentiary hearing on this matter on March 18, 2025, and, after full consideration of Planning Commission's recommendation and additional public comment and evidence presented, moved to approve Land Use Application No. 187-24-000174-PLNG and to adopt the recommended findings as presented; and

WHEREAS, notification of the subject amendments and public hearings was provided as follows:

Department of Land Use, Conservation, and Development. September 3, 2024, on-line PAPA submittal.

City of Coos Bay Website. September 13 and October 11 and 28, 2024, and February 19, 2025, online posting.

City Hall. September 13 and October 11 and 28, 2024, and February 19, 2025, public hearing notice posted.

Interested Persons. September 13 and October 11 and 28, 2024, and February 18, 2025, public hearing notice emailed/mailed.

The World Newspaper. September 27, 2024, legal publication (see, Attachment A).

City of Coos Bay Friday Update. September 27, October 4, 18 and 25, and November 1, 2024, and February 28 and March 7 and 14, 2025, on-line publication.

NOW, THEREFORE, THE CITY OF COOS BAY CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. The definition of “Level of Service” as set forth in CBMC 18.15.005 is amended to read as follows:

Level of Service (LOS). The level of service is a measure to determine what is acceptable or unacceptable traffic flow on streets and shall be based on average seconds of delay. City streets shall maintain a LOS of “D” during the peak hour of the day. However, the developer will be responsible for making appropriate safety improvements should warrants for turn lanes, traffic signals, and/or other traffic safety improvements be met.

Section 2. The text of CBDC Table 17.230.020 is amended to read as follows:

Use	C	MX
Residential		
Residential uses above the ground floor or story and up to 30% of ground floor or story ¹	P	
A single dwelling for a caretaker or night watchman that is secondary to a primary use	P	
Existing single-unit residential uses may be rebuilt if discontinued for a period of not less than 24 months	P	
Tourist habitation	P/S	
Single room occupancy	S	
Dwelling, multi-unit (subject to standards at CBDC 17.335.120)	S	S
Zero lot line development (subject to standards at CBDC 17.335.110)	S	
Retail Sales – Food		
Markets	P	C
Bakery	P	
Retail Sales – General		
General retailer	P	
Single purpose/specialty retailers	P	
Yard and garden supplies, including nurseries	P	X
Adult entertainment	C	X
Retail Sales – Restaurants, Drinking Establishments		
Restaurants and drinking establishments, including outdoor dining, portable walk-up vendors (not including drive-through facilities) such as but not limited to espresso carts, and food stands, and other uses generally conducted outside in conjunction with a permitted	P	

Use	C	MX
commercial food and drink service use, unless otherwise prohibited by the CBMC or state law		
Drive-through, drive-in or drive-up facilities (subject to standards at CBDC 17.335.070)	S	
Retail Sales and Services – Automotive and Related Automotive and Equipment		
Sales/rentals, light equipment – Sale, retail, or wholesale, and/or rental from the premises of autos, noncommercial trucks, motorcycles, motor homes, recreational vehicles, boats, and trailers with generally less than a 10,000-pound gross cargo weight together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies, and small boat sales.	C	X
Sales/rentals, heavy equipment – Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, trucks, and aircraft, together with incidental maintenance. Typical uses include aircraft dealers, farm, logging, and heavy construction equipment dealers, or tractor trailers.	C	X
Repairs, light equipment – Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto or motorcycle repair garages, or auto glass shops.	P	
Repairs, heavy equipment – Repair of trucks, construction and logging equipment, as well as the sale, installation, or servicing of automotive equipment and parts, together with body repairs, painting, and steam cleaning. Typical uses include truck transmission shops, body shops, or motor freight maintenance groups.	X	
Manufactured home sales	P	X
Cleaning – Washing and polishing of automobiles. Typical uses include auto laundries or car washes.	P	C
Fleet storage – Fleet storage of vehicles used regularly in business operation but not for the long-term storage of vehicles, nor for vehicles available for sale. Typical uses include taxi fleets, mobile catering truck storage, or auto storage garages.	P	X
Commercial off-street parking facilities	P	C
Storage, nonoperating vehicles – Storage of nonoperating motor vehicles. Typical uses include storage of private parking tow-away or impound yards.	P	X
Transportation Terminals		

Use	C	MX
Freight	C	X
People	P	
Retail Sales – Building Materials and Farm Equipment		
Lumber and other building materials stores and yards, with only incidental cutting and planting of products sold	P	X
Heating and plumbing equipment, including incidental fabrication (operated entirely within an enclosed building)	P	C
Hardware, home repair and supply stores	P	C
Farm equipment and implement dealer	P	X
Hay, grain, and feed stores	P	X
Retail Sales – Products (Finished product retailers with primary fabrication or assembly on site and within an entirely enclosed building.)	P	
Sales and Services – Personal		
Convenience sales and personal services – Establishments or places of business in existing buildings primarily engaged in the provision of frequently or recurrently 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, bookstores, clothing and beauty shops, laundromat/dry cleaners, barbershops, art galleries and art studios. Convenience sales may be offered outdoors such as portable walk-up vendors (not including drive-through facilities) such as but not limited to flower stands and plant nurseries and other uses generally conducted outside in conjunction with a permitted personal and retail service commercial use, unless otherwise prohibited by the CBMC or state law.	P	
Personal services, general – Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature, but excludes services classified as “spectator sports and entertainment,” or “participant sports and recreation,” or “group care.” Typical uses include photography studios, driving schools, or reducing salons, laundromats, or dance instruction.	P	
Funeral and interment services: undertaking – Undertaking services such as preparing the dead for burial and arranging and managing funerals	P	
Marijuana retail sales subject to the requirements of CBDC	P	

Use	C	MX
<u>17.335.080</u>		
Marijuana grow, processing and wholesale uses	X	X
Services – General		
Business support service – Establishments primarily engaged in the provision of services of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services, blueprint services, or printing and duplicating firms.	P	
Professional and administrative services – Offices or private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices, legal offices, or architectural firms.	P	
Building/property maintenance service – Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.	P	
Moving and storage (mini-storage)	C	X
Financial, insurance, and real estate services – Establishments primarily engaged in the provision of financial, insurance, real estate, or securities brokerage services. Typical uses include banks, insurance agencies, or real estate firms.	P	
Event facilities	P	C
RV storage	P	C
Services – Tourist Habitation		
Tourist habitation as defined in CBDC 17.150.020 (Definitions); with the exception of campgrounds as conditionally permitted in commercial land use districts as specified in this table.	P	
Campground – Campground services involving but not limited to transient habitation areas for travelers in recreational vehicles or tents. Typical uses include park model and recreational vehicle parks.	C	X
Services – Medical and Health		
Hospitals	X	
Medical services – Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and	P	

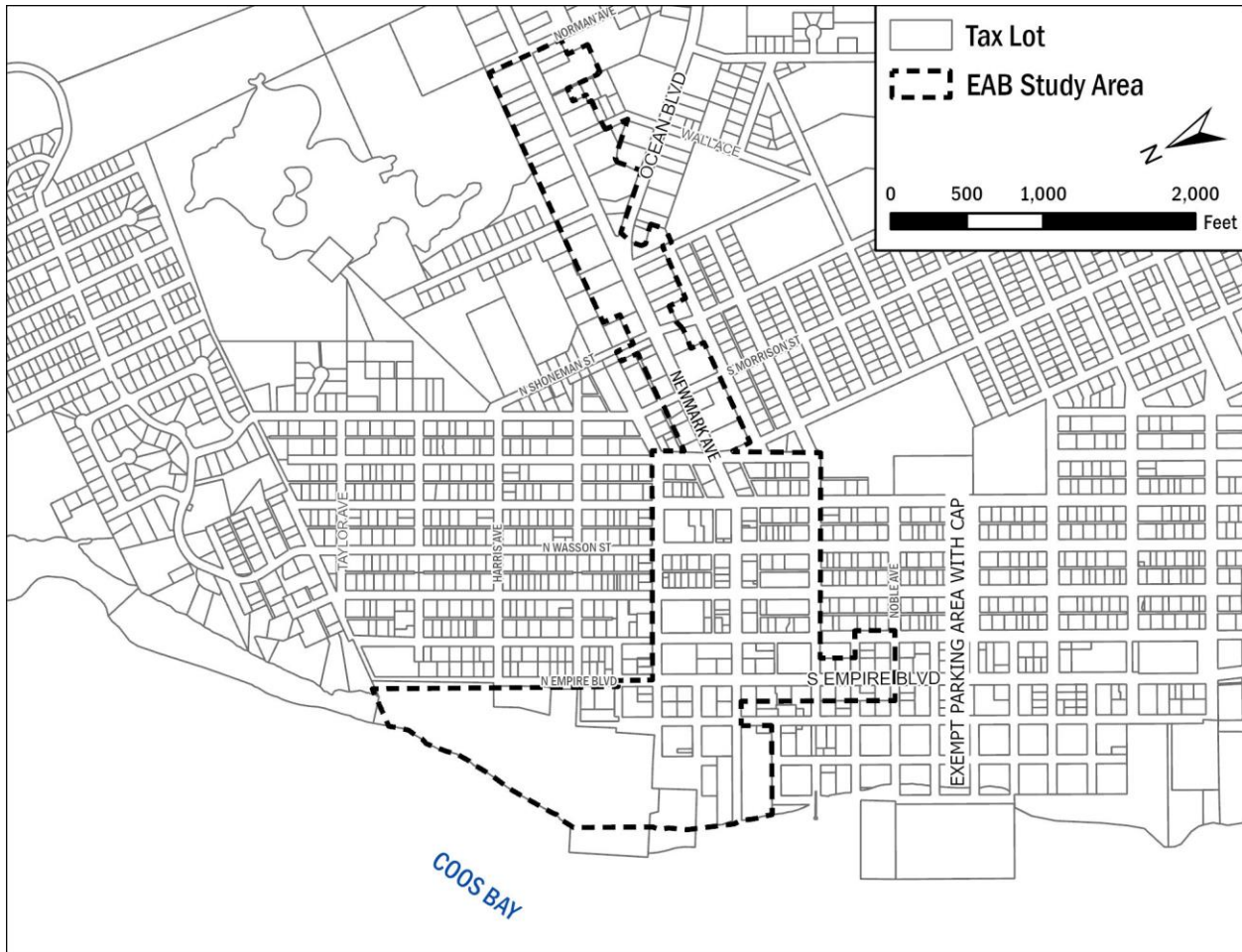
Use	C	MX
treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services		
Ambulance services	P	
Sanitaria, convalescent and rest homes	P	
Orthopedic equipment and supplies, rental, sales and services	P	
Services – Animal Sales and Services		
Auction – Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding a 48-hour period. Typical uses include animal auctions or livestock auction yards.	X	
Animal sales and service: grooming – Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.	P	
Animal sales and service: kennel – Boarding, raising, caring, and training services for dogs, cats, and similar small animals. Typical uses include boarding kennels or dog training centers.	C	X
Animal sales and service: pet shop – Establishment for the retail sale of household pets and pet supplies	P	
Animal sales and service: veterinary (small animals) – Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.	C	
Veterinary (large animals) – Veterinary services for large animals. Typical uses include animal hospitals or veterinary hospitals.	C	X
Animal waste processing – The processing of animal waste and by-products, including, but not limited to, animal manure, animal bedding waste, and similar by-products of an animal-raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting for commercial purposes	X	
Aquaculture – Raising, feeding, planting, harvesting fish and shellfish, and associated facilities as necessary for such use, including commercial harvest of naturally occurring clam beds	X	
Services – Amusement		
Community recreation – Recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, or community recreation buildings	C	
Theaters, indoor	P	

Use	C	MX
Drive-in theaters, stadium and arena facilities	C	
Participant sports and recreation: indoor – Those uses conducted within an enclosed building. Typical uses include bowling alleys, skating rinks (ice and/or roller), billiard/pool parlors, video arcades, swimming pools, physical fitness centers, or racquetball centers.	P	C
Participant sports and recreation: outdoor – Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, or swimming pools.	P	C
Zoos, circuses, carnivals, or amusement rides, excluding temporary civic events endorsed by the city council	C	X
Services – Educational		
Educational services	P	C
Child care facilities	P	
Libraries	P	
Artistic studios and schools including but not limited to dance, music and martial arts	P	
Public parks, parkways, recreation facilities, trails and related facilities	P	C
Public/private educational institutions	P	C
Outdoor events related to grand openings and similar special business events	P	
Services – Membership Organizations		
Business, professional and religious (not including churches)	P	
Civic, social, fraternal, charitable, labor and political	P	
Churches	P	
Distribution Facilities (In conjunction with a permitted use, all activities, except vehicle storage, located entirely within an enclosed building.)		
Distribution facilities	C	X
Public Services and Facilities		
Buildings entirely dedicated to public services, such as City Hall, police and fire substations	P	
Sewer, water and utility transmission lines	P	C
Wireless communications facilities	P	
Museums, historic and cultural exhibits and the like	P	

Use	C	MX
U.S. post offices	P	
Public transit facilities including park and ride facilities	P	
Bus shelters	P	
Accessory Uses and Activities		
On-site hazardous waste treatment and storage facilities, subject to state siting criteria	X	
Drive-through or drive-up facilities	C	
Open Air Activities		
Open air display of plants and produce in conjunction with a permitted use	P	
Open air storage of materials	C	
Open air work activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by this title	P	
Open air storage of company vehicles, such as cars and light duty trucks, in conjunction with a permitted use	P	C
Other Uses		
Temporary uses	P	
Solid waste handling and disposal sites	X	
Agricultural uses	X	
Other similar uses deemed by the director to be compatible with the C/MX districts and adjacent land uses.	Review type dependent upon size and intensity of use.	

¹ Within the Empire Area Blueprint study area, residential uses may occupy up to 100% of a building ground floor or story. Refer to Figure 17.330.010(C) for study area boundaries.

Section 3. The graphic presented in CBDC Figure 17.330.010(C) is amended to show as follows:



Section 4. The text of Chapter 17.250 CBDC is amended to read as follows:

**Chapter 17.250
HOLLERING PLACE DISTRICT (HP)**

Sections:

17.250.010 Intent.

17.250.020 HP zoning subdistricts.

17.250.030 Land uses and permit requirements.

17.250.040 Prohibited uses.

17.250.050 Development and lot standards.

17.250.010 Intent.

This area is intended to preserve the unique heritage of the Hollering Place and to increase the pedestrian connection to the water.

17.250.020 HP zoning subdistricts.

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

(1) HP-1, Upper Bluff Area. The upper bluff area encompasses the area west of Empire Boulevard, south of Newmark Avenue for a distance of approximately 225 feet, and east of the HP-2 subdistrict at the bottom of the bluff. This area contains approximately 0.84 acre (36,779 square feet).

(2) HP-2, Lower Bench Area. The remainder of the zoning district includes the area at the bottom of the bluff east of Mill Street for a distance of approximately 260 feet south of Newmark and the area west of Mill Street, south of Newmark Avenue, east of the mean high-water line and north of Holland Avenue. This area contains approximately 2.11 acres (92,049 square feet). The area west of Mill Street and east of the mean high-water line is also designated Coos Bay estuary management plan 54-UW (urban water-dependent). [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016].

17.250.030 Land uses and permit requirements.

The uses, which are permitted, conditional, or prohibited, shall be regulated by the Coos Bay estuary management plan.

17.250.040 Prohibited uses.

(1) All marijuana related businesses.

17.250.050 Development and lot standards.

Development and lot standards in the commercial zone district shall apply to uses and developments in the HP zone district.

Section 5. The text of Chapter 17.316 CBDC is repealed in its entirety.

Section 6. Authorization and Findings. The Council hereby authorizes approval of this Ordinance based on the Findings of Fact attached hereto as Attachment B and incorporated herein by reference.

Section 7. Effect. This Ordinance shall take effect 30 days after enactment by the Council and signature by the Mayor.

Section 8. Adoption. The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 18th day of March, 2025.

Yes: Benetti, Kilmer, Stephens, Cribbins, Niebergall, Matthews, DiNovo

No: None

Absent: None

Joe Benetti, Mayor
City of Coos Bay
Coos County, Oregon

ATTEST:

Christine Sylvester, Recorder
City of Coos Bay
Coos County, Oregon