



CITY OF COOS BAY  
Community Development Department

500 Central Avenue  
Coos Bay, OR 97420

541.269.8918  
www.coosbay.org

## STAFF REPORT

### Title 17 Code Amendment

**TO:** Planning Commission

**FROM:** Eric Day  
Community Development Department

**HEARING BODY:** Planning Commission  
**DATE & TIME:** Tuesday, October 8, 2013 at 6:00 p.m.  
**MEETING LOCATION:** Coos Bay Council Chambers, 500 Central Ave, Coos Bay

**APPLICANT:** Jon & Patricia Webster, Coos Bay, Oregon  
**PROPERTY OWNER:** Jon & Patricia Webster  
62874 Red Dike Rd, Coos Bay, Oregon 97420

**SUBJECT PROPERTY:** 165 South 5<sup>th</sup> Street & 540 Anderson Avenue, Coos Bay, Oregon 97420  
T.25, R.13, S.26CC, Tax Lots 6700 & 6900

**SUBJECT:** **CODE AMENDMENT APPLICATION #187-ZON13-020**  
**Code Amendment for downtown parking district**

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#### I. APPLICANT'S REQUEST

The applicant is requesting approval to enlarge the Downtown Parking District to include their properties located at 165 South 5<sup>th</sup> Street and 540 Anderson Avenue in the Central-Commercial (C-1) zoning district.

#### II. APPLICABLE REGULATIONS

- A. City of Coos Bay Coos Bay Municipal Code  
Chapter 17.200 Off-Street Parking and Loading  
Chapter 17.380 Amendments to the Plan and/or this Title
- B. Coos Bay Comprehensive Plan, Volume 1, Plan Policy Document 1987-2000  
Chapters 7.5 & 8.3



#### IV. DECISION CRITERIA

A list of applicable decision criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions.

##### A. OFF-STREET PARKING AND LOADING - CHAPTER 17.200

**DECISION CRITERIA #1:** The intent of off-street parking requirements established by CBMC 17.200.10 is to guarantee that adequate parking is provided by each business or residence for the convenience and safety of the user, and to reduce traffic congestion caused by on-street parking.

**DECISION CRITERIA #2:** CBMC 17.200.20 stipulates that off-street parking requirements shall not be relinquished, reduced, or altered below the requirements established unless equivalent facilities are provided and maintained elsewhere.

**DECISION CRITERIA #3:** CBMC 17.200.20 stipulates that when an existing structure is enlarged by increasing the floor space or if the use changes, and any of these changes require greater amounts of parking, the off-street parking requirements of this chapter for the use, in its entirety, shall be satisfied.

##### STAFF RESPONSE

The applicant states in their application that they cannot meet the off-street parking requirements stipulated by CBMC 17.200 if they choose to expand. The applicant is therefore requesting inclusion in the Downtown Parking District in order to avoid off-street parking requirements. Adding tax lots 6700 and 6900 into the Downtown Parking District would continue setting a precedent for other businesses that would like to avoid off-street parking requirements.

##### B. AMENDMENTS TO THE PLAN AND/OR THIS TITLE – CHAPTER 17.380

**DECISION CRITERIA #1:** Chapter 17.380.010 reads, *“It will be necessary to amend the comprehensive plan or the text of this title in order to remain in conformity with state law, Oregon Administrative Rules and other policies, and whenever public necessity, convenience, and welfare require it.”*

*“Such amendments are legislative acts, solely within the authority of the city council. However, as a land use action, any amendment shall be subject to a thorough review of the issues and factual information, evaluation of alternative measures, and public review and input. [Ord. 320, 2002; Ord. 93 § 5.19.1, 1987].”*

**DECISION CRITERIA #2:** Chapter 17.380.020 reads, *“An amendment may be initiated through:*

*(1) Motion, and upon majority vote of the city council or planning commission.*

*(2) The public works and development department.*

*(3) A request of a property owner or the property owner's authorized representative. [Ord. 320, 2002; Ord. 93 § 5.19.2, 1987]."*

**STAFF RESPONSE**

The code amendment to enlarge the Downtown Parking District was initiated by the property owners of tax lots 6700 and 6900.

**DECISION CRITERIA #3:** Chapter 17.380.030 reads, *"A public hearing shall be scheduled before the planning commission. The hearing shall be conducted in accordance with Chapter 17.300 CBMC. [Ord. 320, 2002; Ord. 93 § 5.19.3, 1987]."*

**STAFF RESPONSE**

A public hearing before the planning commission has been scheduled by Staff for Tuesday, October 8<sup>th</sup> 2013 at 6pm.

**DECISION CRITERIA #4:** Chapter 17.380.040 reads, *"The planning commission shall make a recommendation to the city council to enact or not enact amendments. The city council shall hold a public hearing following the planning commission hearing. The council shall review the record, including staff comments, and planning commission recommendation and shall enact, enact with conditions, or not enact the proposed amendment. The city council will allow additional evidence to be presented at the time of the public hearing."*

*"The council shall take action only after making findings of fact which establish:*

*(1) For a proposed title text amendment:*

*(a) An acceptable rationale which supports the need for the amendment; and*

*(b) The amendment complies with the applicable provisions of the comprehensive plan."*

**APPLICANT RESPONSE**

The applicant has not provided supplementary evidence to support the proposed code amendment.

**STAFF RESPONSE**

A public hearing before city council has been scheduled by Staff for Tuesday, November 5<sup>th</sup> 2013 at 7pm.

Staff does not find the applicant's proposal to include acceptable rationale for the proposed code amendment. The applicant states in their application that they cannot meet the off-street parking requirements stipulated by CBMC 17.200 if they choose to

expand. The applicant is requesting inclusion in the Downtown Parking District in order to avoid off-street parking requirements.

Applicable provisions of the comprehensive plan are outlined in the following section below, Decision Criteria C.

**C. COOS BAY COMPREHENSIVE PLAN**

**DECISION CRITERIA #1:** The Land Use and Implementation Plan of the Comprehensive Plan 2000 (Volume 1/Part 1, Chapter 8.3) stipulates that, *“Coos Bay shall consider the long term environmental, economic, social, and energy consequences expected to result from applying one strategy in place of others, then to select and apply the strategy that results in maximum public benefit as supported by findings of fact.”*

**DECISION CRITERIA #2:** Comprehensive Plan 2000 (Volume 1/Part 1, Chapter 7.5) addresses economic development. The Comprehensive Plan aims to, *“Retain, expand and strengthen existing local businesses.”*

**STAFF RESPONSE**

Business retention and economic development are explicit goals for the City. Economic development goals must be weighed against the City’s current conditions and anticipated future growth as they relate to the greater community. Expansion of the Downtown Parking District to include businesses that already have a shortage of property and want inclusion into the district because of a future greater shortage of parking will incur negative consequences for future land use decisions and the local economy within the parking district.

**D. CURRENT AND FUTURE PARKING CONDITIONS**

**DECISION CRITERIA #1:** Staff has recently completed a rough parking study looking into the current numbers for the downtown Coos Bay parking district. The study shows that the parking district currently has a shortage of approximately 1,160 parking spaces (Appendix A). Staff believes that the current deficit has not been a major issue throughout the district to this point as there are a number of building that are either vacant or underutilized.

**DECISION CRITERIA #2:** The shortage of parking will become a greater concern in the district as vacancy rates decrease. As the vacancy rates begin to decrease the shortage of parking will begin to become a greater concern in the district.

**STAFF RESPONSE**

While parking in the downtown parking district is not a major concern currently, the demand for vehicular parking is predicted to intensify as downtown Coos Bay continues to develop.

**E. PAST REQUIREMENTS FOR INCLUSION IN THE DOWNTOWN PARKING DISTRICT**

**DECISION CRITERIA #1:** Past property owners included in the Downtown Parking District paid a significant monetary assessment for inclusion into the district when it was established. This assessment was calculated by the City, and varied by parcel to reflect the benefits for each particular property. A semi-annual payment structure was established with payment installments not to exceed a 20 year maximum. Again, the typical payments were substantial, especially for that time period.

**STAFF RESPONSE**

Fair and equitable treatment of downtown businesses ought to be a priority. Inclusion in the Downtown Parking District has historically been expensive. The process required extensive review by the City to identify and delineate costs to be incurred by the property owners identified as beneficiaries. Allowing additional businesses to join the Downtown Parking District without an assessment by the city and a comparable fee may constitute inequitable treatment.

**V. FINDINGS**

- A. The Coos Bay Development Code, Comprehensive Plan, and Transportation System Plan do not provide adequate criteria for property owners that seek inclusion in the Downtown Parking District. Conditions for expansion of the Downtown Parking District should be identified and codified to help guide future decisions by Staff.
- B. Intent of the off-street parking requirement (CBMC Chapter 17.200.010) is meant to guarantee that adequate parking is provided by each business or residence for the convenience and safety of the user, and to reduce traffic congestion caused by on-street parking. The standards which address the improvement of parking areas are designed to enhance their appearance, and make them safe for public use.
- C. General provisions of the off-street parking requirement (CBMC Chapter 17.200.020) stipulate that off-street parking requirements of the CBMC shall be met if an existing structure is expanded. The requirements allow for shared parking if provided within 300 feet of the main building and in the same general type of district if there is assurance in the form of a deed, lease, contract, or other similar document that the site is usable for the required parking for the duration of the use.
- D. The general provisions of CBMC 17.200 are intended to be strictly enforced.
- E. Tax lots 6700 and 6900 do not currently meet the off-street parking minimum requirements as stipulated by CBMC 17.200.
- F. Staff calculates that Coos Bay has a current net deficit of approximately 1,160 parking spaces as a result of the Downtown Parking District.
- G. The net deficit of parking spaces downtown is expected to increase with future

development. Parking shortages will become more severe with the introduction of new commercial, retail, and residential uses in the Downtown Parking District.

- H. The fair and equal treatment of downtown property owners ought to be a priority. Property owners included in the Downtown Parking District paid an assessment fee for their inclusion in the district. This assessment fee was calculated by the City and varied to reflect the proportional benefits for each property. Allowing additional businesses to join the Downtown Parking District without extensive review by the city and a comparable fee would constitute inequitable treatment.
- I. Adding tax lots 6700 and 6900 into the Downtown Parking District would set a precedent for other businesses that would like to avoid the off-street parking requirements stipulated by CBMC, Chapter 17.200.020.
- J. The Comprehensive Plan 2000 (Volume 1/Part 1, Chapter 8.3) anticipates conflicts between various plan implementation strategies contained in the plan as applied to policies and specific situations. To resolve these conflicts, the Coos Bay Comprehensive Plan stipulates that the City shall consider the long term consequences and select and apply the strategy that results in maximum public benefit as supported by findings. In this particular scenario, the short-term economic benefits of expanding the Downtown Parking District are outweighed by long-term consequences.

**VI. STAFF RECOMMENDATION**

Based on the findings and the applicants' submitted evidence, Staff recommends that the Planning Commission deny the code amendment #187-ZON13-020 requesting the expansion of the Downtown Parking District in the Central-Commercial (C-1) zone.

Prepared by:



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Aaron Harris, Planner 1

DATE: September 16, 2013

Reviewed and Approved by:



\_\_\_\_\_  
Eric Day, Community Development Director

DATE: September 23, 2013

**APPENDIX A**

<b>Parking spaces in downtown parking district</b>			
<b>Use Types</b>	<b>Total sq. ft.</b>	<b>Required parking spaces per 1,000 sq ft.</b>	<b>Parking Spaces Required Per Use</b>
Office	216,963	3	651
Retail	524,783	4	2,099
Residential	80,360	3	321
<b>Total Spaces Required</b>	<b>3,071</b>		
Public parking spaces	749		
On-street parking spaces	557		
Private parking spaces	605		
<b>Total parking spaces in the downtown parking district</b>	<b>1911</b>		
<b>Net deficit</b>	<b>-1160</b>		



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

**RECEIVED**  
JUL 09 2013  
BY: *sc*

**TITLE 17 CODE AMENDMENT**

In accordance with Coos Bay Municipal Code, Chapter 17.380 amendments may be made in order to ensure conformance with the Coos Bay Comprehensive Plan and/or other city policies, and whenever public necessity, convenience, and welfare require them. Title 17 Code amendments are subject to public hearing before the Planning Commission or Council and are solely within the authority of the Council to enact.

Name of Applicant: JAN + PATRICIA WEBSTER

Address: 62874 RED DIKE RD. CB Phone: 541-267-3198

1. What section of Coos Bay Municipal Code Title 17 do you propose to be amended?  
CHAPTER 17.200.040, FIGURE 17.200.040 (1)  
DOWNTOWN PARKING DISTRICT MAP
2. What changes in the code do you propose and how are they justified?  
WE WOULD LIKE TO INCLUDE THE WESTERN MERCANTILE, COOS LEGAL PROCESS, OREGON COAST BILLING SERVICE, MEMORIES OF TIME + OUTLAW PHOTOGRAPHY (TAX LOTS 6700 + 6900) IN THE DOWNTOWN PARKING DISTRICT.
3. List Comprehensive Plan policies and/or other City policies which you have found to support the ordinance amendment you propose or which you have found to be in conflict with the ordinance as it stands.  
PLEASE SEE ATTACHED.

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 myself or my representative at the meeting(s) where this request is scheduled for consideration.

*Michelle In*  
Signature of Applicant or Authorized Agent

7-9-13  
Date

Filing Fee: <b>\$825.00, Plus publishing cost *</b>	Date paid:
* If BM56 notice is required add \$2,000 plus mailing & publishing cost	
Planning Commission Hearing:	Referred to City Council:

**TITLE 17 CODE AMENDMENT, Item 3.**

The buildings located at the northwest corner of S. 5<sup>th</sup> St. and Anderson Avenue are tax lots 6700 and 6900. They are owned by Jon and Patricia Webster. They are currently zoned C-1 Commercial. The businesses located in these buildings are Western Mercantile, Coos Legal Process, Oregon Coast Billing Service, Memories Of Time and Outlaw Photography.

These businesses are located just west of the western boundary of the Downtown Parking District. The businesses within the Downtown Parking District are exempt from off-street parking requirements as outlined in Chapter 17.200.040, OFF-STREET PARKING AND LOADING. Businesses outside of this parking district must follow the off-street parking requirements outlined in this chapter. Due to recent business growth, the owners of Western Mercantile, Coos Legal Process and Oregon Coast Billing Service have found the need to add to their staff. They are currently unable to add any more work spaces in their current floor plan without losing necessary storage and computer hardware space or taking space away from the other businesses in the buildings.

Upon looking into the possibility of expanding or adding on to the existing buildings, a space survey was taken of the existing office and retail areas of the various businesses. Based on Table 17.200.040, Minimum Off-Street Parking Requirements, the minimum off-street parking required for the various businesses is as follows:

Western Mercantile, Coos Legal Process and Oregon Coast Billing Service	-	5 spaces
Memories Of Time	-	7.7 spaces
Outlaw Photography	-	<u>2.2 spaces</u>
		14.9 spaces

There are currently 6 parking spaces available in the southwest corner of the site, with another 3 spaces available on the property to the west, tax lot 6800, The Vigue Company. The access to this parking is an alley with access off of the east side of S. 6<sup>th</sup> St. This alley that allows vehicular access to parking for tax lot 6800 is part of tax lot 6700. The owners of tax lot 6700, have an agreement with the owners of tax lot 6800, to allow them access to 3 parking spaces in exchange for access to the north side of tax lot 6800. These 3 spaces plus the previously mentioned 6 off-street spaces gives the owners of Western Mercantile a total of 9 off-street parking spaces.

The 9 existing available off-street parking spaces is less than the 15 spaces that the ordinance requires. Because of this situation, the owners of Western Mercantile, Coos Legal Process and Oregon Coast Billings, find themselves in a difficult position. They cannot expand their space to provide for additional employees because of the requirement for additional off-street parking. Western Mercantile, Coos Legal Process and Oregon Coast Billings currently has 17 overall employees. They park along S. 6<sup>th</sup> St. which has approximately 23 to 24 parking spaces available. Memories Of Time and

Outlaw Photography both have a single employee and they also park along S. 6<sup>th</sup> St. Western Mercantile Inc. is a collection agency. Their business is conducted primarily on the phone, internet and via mail. Coos Legal Process and Oregon Coast Billing Service also conduct their business primarily on the phone, internet and via mail. They have very little walk-in traffic and their patrons typically park along Anderson Ave., on S. 5<sup>th</sup> St. or in one of the spaces in the southwest corner of the Western Mercantile lot. Memories Of Time and Outlaw Photography both have their main entrances facing east towards S. 5<sup>th</sup> St. Their patrons use the S. 5<sup>th</sup> St. on-street parking due to its convenience. There are currently 14 spaces in front of the businesses on S. 5<sup>th</sup> St. There are 25 more spaces on both sides of N. 5<sup>th</sup> St. prior to Commercial Ave. Most of the individuals that frequent Outlaw Photography are short term. They are typically stopping to pick up photos. People there for the occasional photo shoot are there for an hour or so. Memories Of Time is a scrapbook supply and craft store. They get the occasional customer throughout the day who also parks on the street in front of their building. They also offer evening scrapbooking classes, but those are after business hours, so the parking in front of the business on S. 5<sup>th</sup> St. is not an issue at that time.

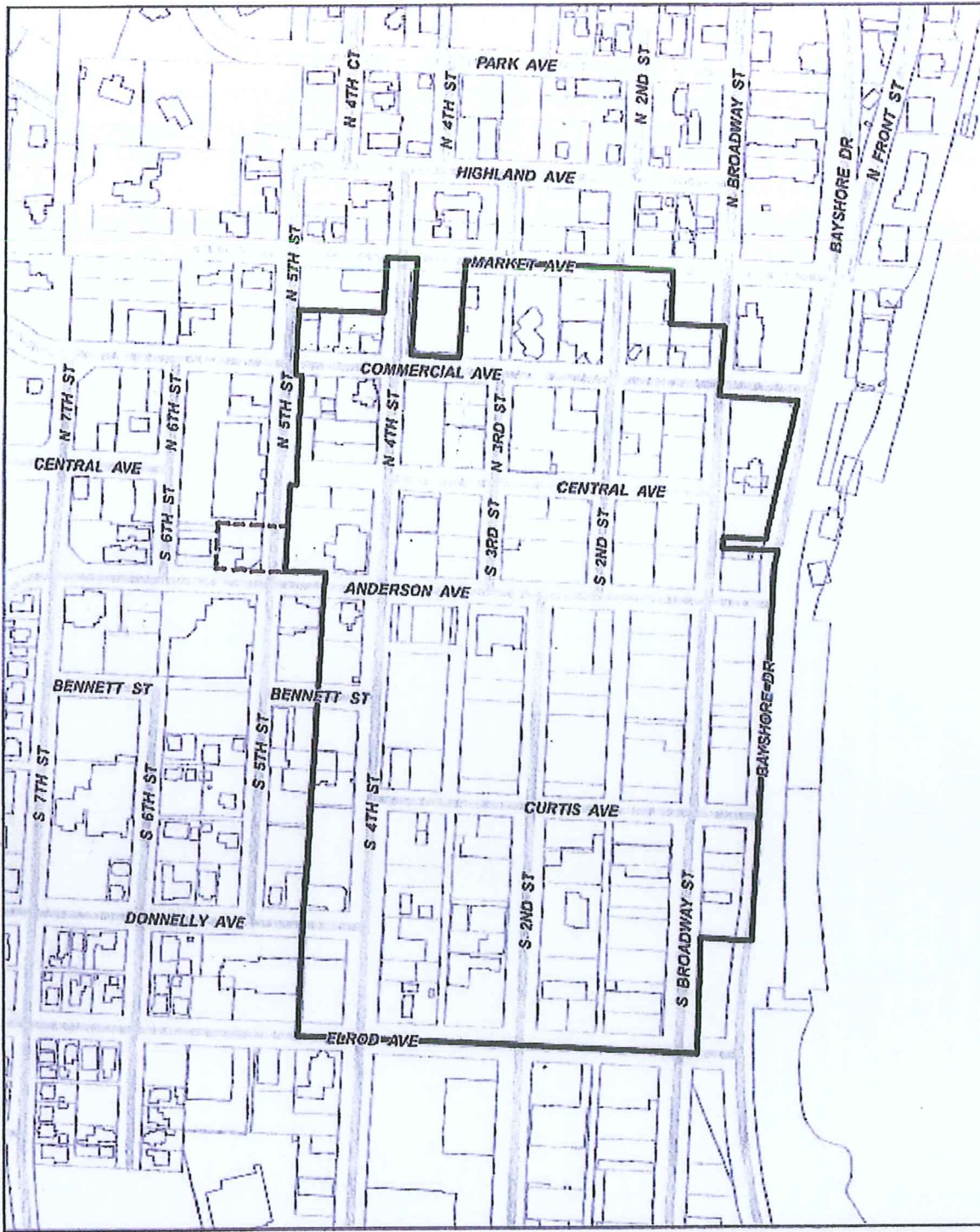
As previously mentioned, Western Mercantile, Coos Legal Process and Oregon Coast Billing Service would like to expand their space to provide for additional employees, but find they would not be able to do this, because of the off-street parking requirements of Chapter 17, Section 17.200.040. The owners of the buildings and businesses on tax lots 6700 and 6900 are requesting that the Downtown Parking District, Figure 17.200.040(1), expands a half block west across S. 5<sup>th</sup> St. to include their lots. With this inclusion, there would be no change in the Comprehensive Plan. There would be no impact to the on-street parking on S. 5<sup>th</sup> St. in front of Memories Of Time or Outlaw Photography. Any additional employees would park along S. 6<sup>th</sup> St. with the rest of the employees. The businesses of Western Mercantile, Coos Legal Process and Oregon Coast Billings would be able to grow at their current location and add to the downtown economy. Without the ability to expand, they would be faced with several less than ideal choices. First, they might have to consider moving their base of operations to a larger facility that may not be in the downtown area or even in Coos Bay. Another less than ideal option would be to have Memories Of Time or Outlaw Photography move to another location. There is no way of knowing at this time where they may be relocated to. Moving any of these existing businesses from their current locations would have a potentially negative impact on the downtown economy.

Thank you for considering our request to expand the Downtown Parking District west to include tax lots 6700 and 6900.

Sincerely,



Michelle Turner (Webster)



**Legend**

DOWNTOWN PARKING DISTRICT

AREA REQUESTED TO BE INCLUDED

**Figure 17.200.040(1)**



1 inch = 300 feet



Source: Esri, DeLorme, USGS, USDA, Swire, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community



## 165 S. 5TH STREET 250' NOTIFICATION AREA

Date: 5/6/2013



1 inch = 100 feet

City of Coos Bay  
500 Central  
Coos Bay, OR 97420

Lon & Rose Harris Trust  
PO Box 1983  
Bandon, OR 97411

Jon & Patricia Webster  
62874 Red Dike Rd  
Coos Bay, OR 97420

J & D Farms Inc.  
PO Box 148  
Coos Bay, OR 97420

Richard & Janice Vigue  
425 Simpson  
North Bend, OR 97459

495 Central LLC  
495 Central  
Coos Bay, OR 97420

Thomas Boynton  
685 Anderson  
Coos Bay, OR 97420

Sterling Savings Bank  
111 N Wall St  
Spokane, WA 99201

US Bank  
2800 E Lake St Lane 0012  
Minneapolis, MN 55406

Gary & Karla Rifkin  
580 N 3rd  
Coos Bay, OR 97420

Edward & Jolene Lanaway  
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Frank Cairo  
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