



City of Coos Bay
Community Development Dept.
500 Central Ave., Coos Bay, Oregon 97420
Phone (541) 269-8918 Fax (541) 269-8916

REVISED STAFF REPORT

Street Vacation

TO: Planning Commission

FROM: Debbie Erler, Planner
Community Development Department

HEARING DATE/TIME: Tuesday, June 9, 2015 at 6:00 p.m.

LOCATION: Coos Bay City Council Chambers
500 Central Avenue, Coos Bay

APPLICANT: CCHS Real Estate Holdings, LLC
1220 Sherman Avenue, North Bend, OR, 97459

APPLICATION: **VACATION #187-ZON2015-017 – Filed on April 15, 2015**
It is proposed to vacate Fir Avenue, located between North Front Street and the bay, found in Section 26BD, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon.

REQUEST:

The applicant is requesting approval to vacate a triangle portion of Fir Avenue as referenced above.

DECISION PROCESS:

The Planning Commission will make a recommendation to the City Council after hearing public testimony and addressing the applicable decision criteria from Coos Bay Municipal Code (CBMC) Chapter 17.375.

DECISION CRITERIA:

Each of the decision criteria listed below will be followed by findings or justification statements which may be approved by the Planning Commission to support their conclusions. Although each of the findings or justification statements specifically apply to at least one of the decision criteria, any of the statements may be used to support the Commission's final decision.

Based on their conclusions, the Commission will make a recommendation to approve, approve with conditions, or deny the application. Conditions may be used by the Commission in order to address concerns about the proposed request.

DECISION CRITERION #1: Consent of the affected property owners has been obtained.

STATEMENTS OF FACT AND FINDINGS:

- 1a. The City received the required notarized signatures of all abutting property owners and the required notarized signatures of property owners in the affected area as required by CBMC, Chapter 17.375.020.

CONCLUSION: Notarized consent of the affected property owners was received. The decision criterion has been adequately addressed and approval can be supported.

DECISION CRITERION #2: Notice has been duly given.

STATEMENTS OF FACT AND FINDINGS:

- 2a. On April 12, 2015 the Coos Bay City Council initiated the vacation process at the applicant's request.

- 2b. The Community Development Department has given notice of the hearings in accordance with Coos Bay Municipal Code (CBMC) Chapter 17.300 and state statute. Notice of the time and place of the hearings were:

- Mailed to all property owners within 250 feet of the area to be vacated on May 20, 2015 and June 25, 2015.
- Published in "The World" newspaper on May 21, 2015 and May 28, 2015.
- Posted in the area of the vacation on May 22, 2015 (North Front Street at Fir Avenue), and posted on the bulletin board at Coos Bay City Hall and Coos Bay Library.

CONCLUSION: All notice required by the Coos Bay Municipal Code and state statute has been given. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERION #3: The proposal does not conflict with the comprehensive plan, including the adopted Coos Bay Transportation Plan, or other ordinances.

STATEMENTS OF FACT AND FINDINGS:

- 3a. After reviewing the city's comprehensive plan, and other ordinance provisions, city staff did not find any specific conflicts between the city's regulations and the proposed vacation.

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

DECISION CRITERION #4: The public interest will not be prejudiced by the vacation.

STATEMENTS OF FACT AND FINDINGS:

- 4a. Fir Avenue, east of North Front Street is a triangle area of approximately 1,400 square feet. The platted right of way does not extend to the bay and it is unlikely that this portion of Fir Avenue right of way would ever be developed (*Attachment C - Property Line Survey #46851*).
- 4b. Published notice, posted notice and mailed notice of hearings concerning the proposed vacation was provide to the public and affected utility agencies with an opportunity to express their opinions concerning a proposed vacation. The notice indicate written comments may be submitted prior to the hearing.
- 4c. The proposed vacation is located within 1,000 feet of the harbor. A letter dated March 31, 2015 (along with notarized consent and minutes of their March 30, 2015 meeting) was received from the Oregon International Port of Coos Bay indicating their approval and fully support the proposed vacation of Fir Avenue from the East line of North Front Street (*Attachment D – 3 pages*).
- 4d. The City received an e-mail from Coos Bay Fire Chief, Mark Anderson, dated May 26, 2015, indicating the fire department has no concerns regarding the proposed vacation (*Attachment E*).
- 4e. The City received an e-mail from Mr. Ron Hoffine, Coos Bay North Bend Water Board, dated May 26, 2015 indicating they have no objections to the proposed vacation (*Attachment F*).
- 4f. A written response dated June 2, 2015 from the City of Coos Bay Engineering Department (*Attachment G*) indicates there is an existing storm drain that runs easterly across the property. An access and utility easement for the entire vacated piece is required for an existing storm drain line that runs easterly across the southern limits of this property and permanent structures are prohibited in the vacated area (*Attachment B - Blue line*).
- 4g. According to a phone conversation with the applicant's representative, Steve Grief, on June 2, 2015 upon completion of the vacation process, they intend to conduct bank stabilization to stop further erosion and landscape the area. The use of the property will be to provide connectivity of a pedestrian walkway on their property and to provide vehicular access for maintenance and event vehicles.

CONCLUSION: Fir Avenue, east of North Front Street is a triangle area of approximately 1,400 square feet. The right of way does not extend to the bay. The decision criterion has been adequately addressed and approval of the proposal can be supported, subject to the following Condition:

CONDITION: An access and utility easement for the entire vacated piece is required for an existing storm drain line that runs easterly across the southern limits of this property and permanent structures are prohibited in the vacated area.

Staff prepared the preceding report based on the applicant's submittal and information that is available in City Hall. These findings and information may be used by the Commission to justify their final decision.

STAFF RECOMMENDATION

Based on the Findings and Conclusions set forth above, the Planning Commission recommends the City Council approve Vacation application #187-ZON15-017, for the vacation of Fir Avenue, located east of North Front, found in Section 26BD, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon, subject to the following Condition:

An access and utility easement for the entire vacated piece is required for an existing storm drain line that runs easterly across the southern limits of this property and permanent structures are prohibited in the vacated area.



Debbie Erler, Planner
Community Development Department

Date: June 3, 2015

Attachments: A - Applicant's submittal
B - Aerial /Tax lot overlay with storm/sewer lines of proposed vacation area
C - Property Line Survey of February 8, 2006 #46851
D - Oregon International Port of Coos Bay letter of March 31, 2015 (3 pages)
E - Coos Bay Fire response email dated May 26, 2015
F - Coos Bay North Bend Water Board response dated May 26, 2015
G - Coos Bay Engineering Dept. response dated June 2, 2015

c: Applicants, Dave Perry, DLCD

G:\DCS\PLANNING\LAND USE APPLICATIONS\Staff Reports\2015\Fir Ave Vacation ZON15-017\SRZON15-017- Street Vacation - Fir Ave - REVISED.doc



Community Development • 500 Central Avenue • Coos Bay, Oregon 97420
 Telephone 541.269.1181 • Fax 541.269.8916 • coosbay.org

DEVELOPMENT REVIEW APPLICATION

For Office Use Only	
STAFF CONTACT	PROJECT No(s). 187 - ZON15 - 017

Type of Review (Please check all that apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Appeal and Review | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Temporary Uses |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Partition | <input checked="" type="checkbox"/> Vacation |
| <input type="checkbox"/> Floodplain Development | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Sign Review Permit | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Legislative/Text Amendment | <input type="checkbox"/> Site Plan and Architectural Review | <input type="checkbox"/> Other _____ |

Pre-Application applications require a different application form available on the City website or at City Hall.

Site Location/Address: 1210 N FRONT STREET, COOS BAY, OR 97420	Assessor's Map No.: 25 13 26BD & 26BC Tax Lot(s): 0, 101, 200, 300, 600, 700, 800, 900, 1200, 1400, 1500, 1600, 2400, 2500, 4200 Total Land Area: 488,555 SQ FT
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Detailed Description of Proposal:

VACATE FIR AVE (8TH ST) FROM EAST LINE OF FRONT ST TO THE LOW WATER LINE.

Applicant/Owner Name: CCHS REAL ESTATE HOLDINGS, LLC <small>(please print)</small> Address: 1220 SHERMAN AVE City State Zip: NORTH BEND, OR 97459	Phone: (541) 756-6320 Email: info@cooshistory.org
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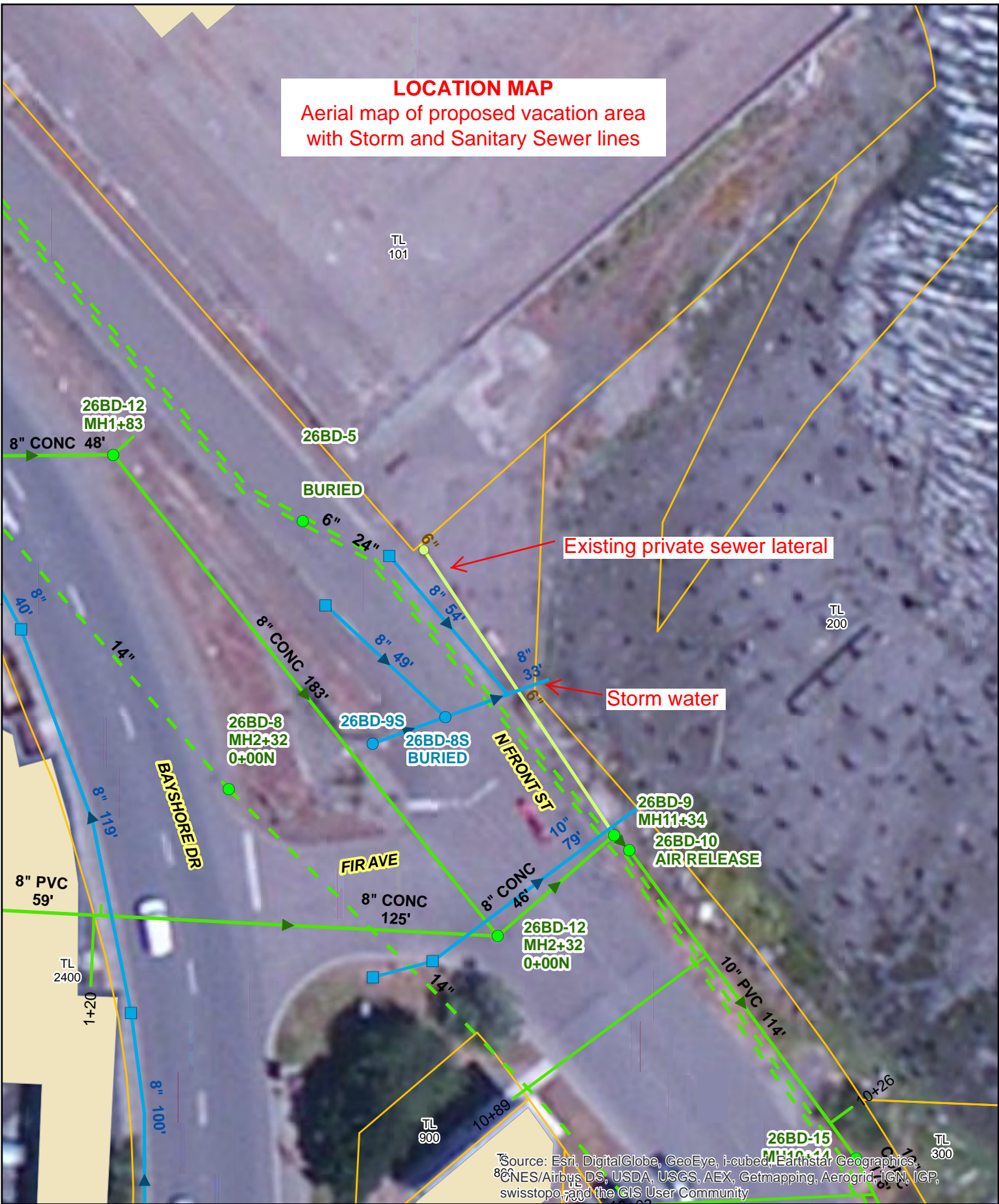
Applicant's Representative: STEVE GREIF <small>(please print)</small> Address: 93672 CURLEW LN City State Zip: NORTH BEND, OR 97459	Phone: 1 (541) 756-7871 Email: steveandjoan@gmail.com
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1. The owner/applicant or their representative should be present at all public hearings.
2. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
3. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**
One (1) complete set of digital application materials must also be submitted electronically or on CD in PDF format.

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Coos Bay Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

 _____ Applicant's signature	_____ Date	 _____ Owner's signature (required)	9/14/15 _____ Date
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LOCATION MAP
Aerial map of proposed vacation area
with Storm and Sanitary Sewer lines



Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Disclaimer:
This document is produced using a Geographic Information System (GIS). The data contained herein is intended to be a graphical representation only and is by no means an official survey or legal interpretation thereof. The City of Coos Bay provides this data in good faith and makes no warranties, guarantees or representations of any kind, either expressed or implied, as to the content, accuracy, completeness or reliability of this data.

Date: 5/26/2015



1 inch = 37 feet

ATTACHMENT B

46851

BENNETT'S ADDITION TO MARSHFIELD

PROPERTY LINE SURVEY

LOCATED IN BLOCKS 3 & 4, PLAT OF NORTH MARSHFIELD, THE NE1/4 OF THE SW1/4 AND THE SE1/4 OF THE NW1/4 OF SECTION 26, TOWNSHIP 25 SOUTH, RANGE 13 WEST, W.M. COOS COUNTY, OREGON

COOS COUNTY SURVEYOR

DATE RECEIVED Feb 8, 2006

DATE ACCEPTED/FILED Feb 14, 2006

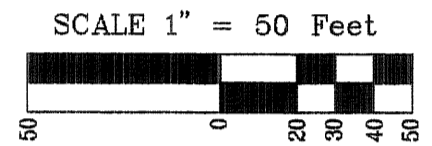
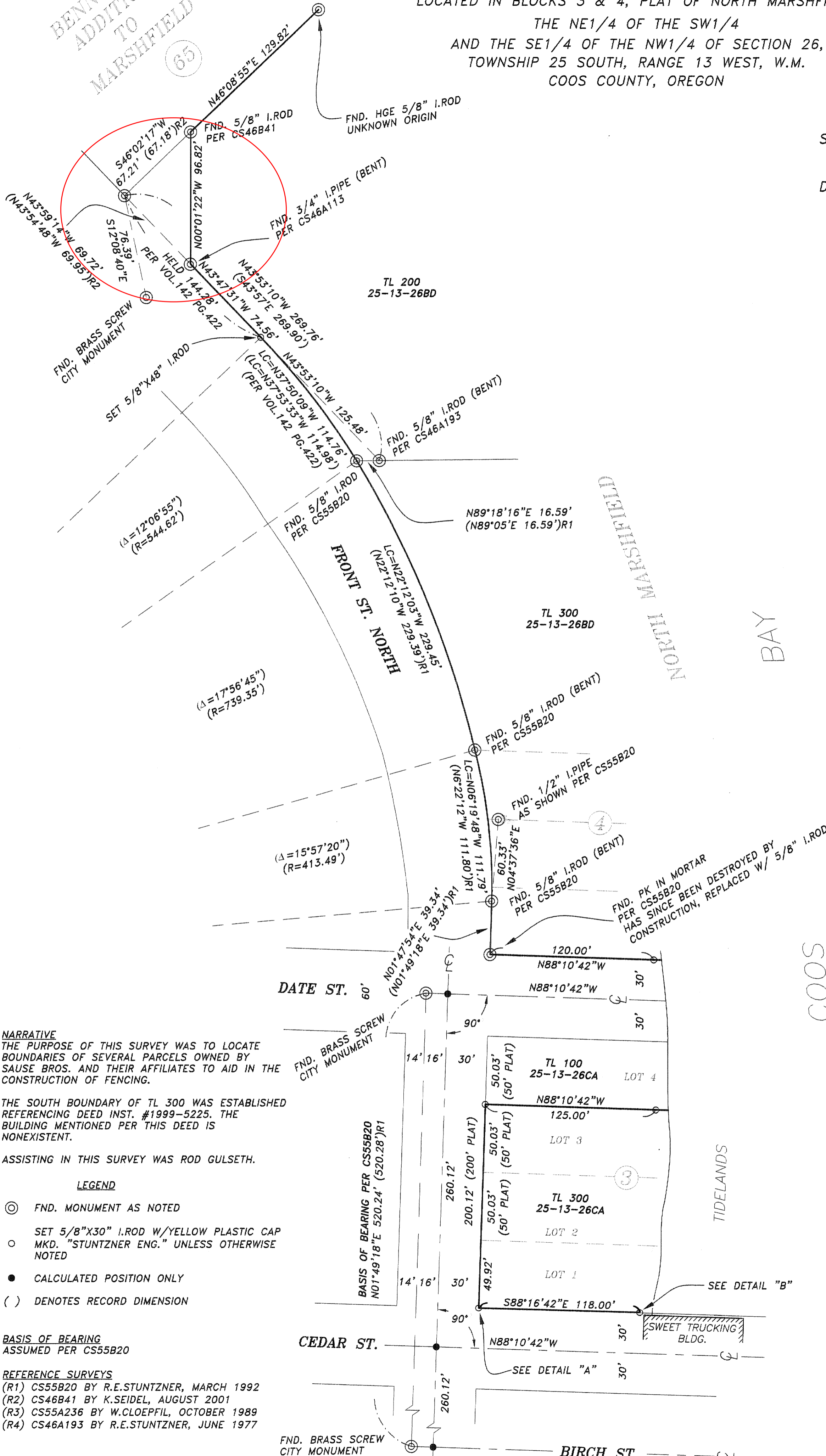
Karles E. Seidel

COOS COUNTY SURVEYOR

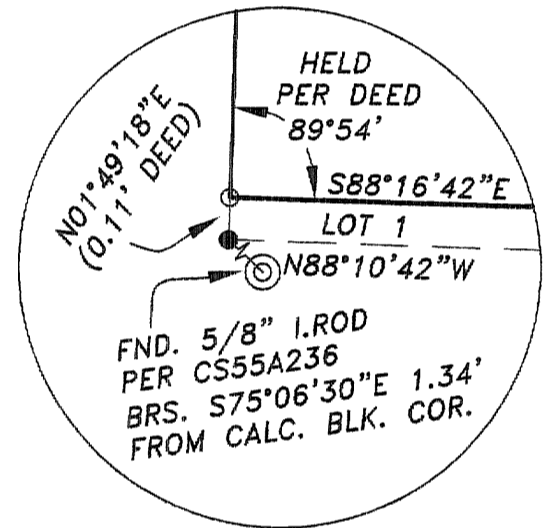
SCANNED

SURVEY FOR: SAUSE BROS. COOS BAY, OREGON

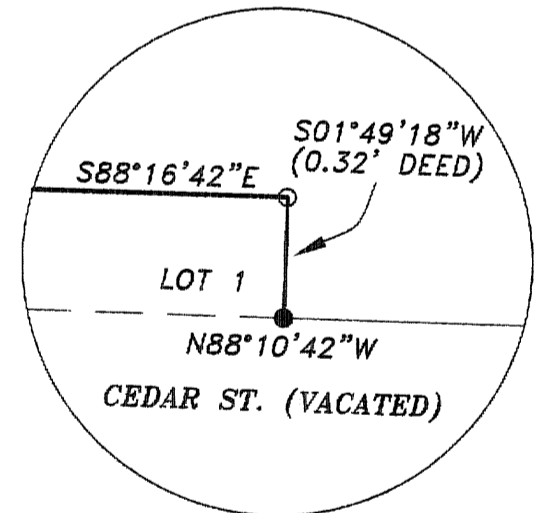
DATE OF SURVEY: JANUARY 2006



DETAIL "A"



DETAIL "B"



NARRATIVE
 THE PURPOSE OF THIS SURVEY WAS TO LOCATE BOUNDARIES OF SEVERAL PARCELS OWNED BY SAUSE BROS. AND THEIR AFFILIATES TO AID IN THE CONSTRUCTION OF FENCING.

THE SOUTH BOUNDARY OF TL 300 WAS ESTABLISHED REFERENCING DEED INST. #1999-5225. THE BUILDING MENTIONED PER THIS DEED IS NONEXISTENT.

ASSISTING IN THIS SURVEY WAS ROD GULSETH.

LEGEND

- ⊙ FND. MONUMENT AS NOTED
- SET 5/8"X30" I. ROD W/YELLOW PLASTIC CAP MKD. "STUNTNER ENG." UNLESS OTHERWISE NOTED
- CALCULATED POSITION ONLY
- () DENOTES RECORD DIMENSION

BASIS OF BEARING
 ASSUMED PER CS55B20

- REFERENCE SURVEYS**
- (R1) CS55B20 BY R.E.STUNTNER, MARCH 1992
 - (R2) CS46B41 BY K.SEIDEL, AUGUST 2001
 - (R3) CS55A236 BY W.CLOEPFIL, OCTOBER 1989
 - (R4) CS46A193 BY R.E.STUNTNER, JUNE 1977

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
 July 12, 2005
 Corey M. Woodruff
 62978
 EXPIRES 6/30/06

Stuntzner Engineering & Forestry, L.L.C.

ENGINEERING * LAND SURVEYING * FORESTRY
 PLANNING * WATER RIGHTS
 705 South 4th St. Phone: (541) 267-2872
 Post Office Box 118 Coos Bay, Oregon 97420 Fax: (541) 267-0588

Drawn By: Corey Woodruff	Date: January 2006
Checked By:	Drawing No.: 06-016 Sause Bros
Designed By:	Revised:
Job Name: Sause Bros. Hillsfrom Srvy.	Sheet 1 of 1



March 31, 2015

Roger Craddock, City Manager
City of Coos Bay, Oregon
500 Central Ave.
Coos Bay, OR 97420

Re: Vacation of Fir Avenue; Bennett's Addition to Marshfield

Dear Roger:

The Oregon International Port of Coos Bay approves of and fully supports the Vacation of Fir Avenue from the East Line of North Front Street to the low water line of Coos Bay in the Bennett's Addition to Marshfield as requested by the Coos County Historical Society, owner of the new Coos History Museum and Maritime Collection on the City of Coos Bay waterfront.

Attached you will find the fully executed Petition for the Vacation of Fir Avenue as authorized by the Port's Board of Commissioners.

Sincerely,

David Koch
Chief Executive Officer

Cc: Board of Commissioners, Oregon International Port of Coos Bay
Fred Jacquot, Director of Port Development
Brooke Walton, Communications Manager
Debbie Erler, City of Coos Bay, Planner
Steve Greif, Coos County Historical Society Board of Trustees

ATTACHMENT D-1

1251st Central Avenue, Suite 300 | P.O. Box 1215 | Coos Bay, Oregon 97420-0311
Phone: 541 267-7678 | Fax: 541 269-1475 | email: portcoos@portofcoosbay.com | Web: www.portofcoosbay.com

State of Oregon Representative Offices: Tokyo, Japan - Oregon Japan Representative Office | Phone: 81-3-5430-0771 | Fax: 81-3-5430-0775
Seoul, Korea - Korea Representative Office | Phone: 82-2-753-1349 | Fax: 82-2-753-5154

TLO

10, 11, 14

PORT OF CB

Before the City Council
of the City of Coos Bay, Coos County, Oregon

PETITION:

In the matter of the vacation of)

FIR AVE FROM EAST LINE OF)

N FRONT ST TO THE LOW)

WATER LINE.)

EXHIBIT "A"

In the City of Coos Bay)

_____)

We, the undersigned, do hereby give our consent to said vacation.

Owner Signature <i>David Koch</i>	Block No. N/A	Lot(s) N/A
Print Name David Koch		
Property Address PORT OF COOS BAY COOS BAY, OR 97420	Addition: BENNETT'S ADDITION TO MARSHFIELD	

Owner Signature	Block No.	Lot(s)
Print Name		
Property Address	Addition:	

Owner Signature	Block No.	Lot(s)
Print Name		
Property Address	Addition:	

Personally appeared before me the above named individual(s) and acknowledged the foregoing instrument to be their voluntary act and deed. This 1st day of April, 2015.

Megan M Richardson
Signature of Notary Officer,
My Commission expires: August, 01, 2016



ATTACHMENT D-2

**OREGON INTERNATIONAL PORT OF COOS BAY
BOARD OF COMMISSIONERS
ACTION/DECISION REQUEST**

DATE: March 30, 2015

PROJECT TITLE: City of Coos Bay, Oregon – Vacation of Street: Fir Avenue from the East Line of North Front Street to low water line of Coos Bay; Bennett’s Addition to Marshfield

ACTION REQUESTED: Approval of Signature Authority for Port CEO David Koch to execute a Petition to the Coos Bay City Council for a Street Vacation of Fir Avenue

BACKGROUND:

The Coos County Historical Society, owner and operator of the new Coos History Museum and Maritime Collection, located on the Coos Bay waterfront along North Front Street near Fir Avenue, is working to ensure that the historical society has clear title to the property now occupied by the museum.

One specific issue which must be resolved is the status of a portion of Fir Avenue platted across North Front Street to the low water line of Coos Bay. For several decades a marine cargo facility – Central Dock – occupied the site of the museum, and Fir Avenue was apparently never vacated by the City of Coos Bay prior to construction of the cargo facility. The historical society is applying to the city for Vacation of Fir Avenue and must secure the consent of a defined percentage of adjacent landowners.

The Port, as owner of the Coos Bay rail line corridor representing three defined parcels, is an adjacent landowner and the historical society is requesting the Port’s consent for the Street Vacation. To that end the historical society has provided the Port a Petition to be presented to the Coos Bay City Council. The Port, and other adjacent property owners, must approve the proposed Vacation and sign the petition in order to provide the required consent for the city to execute the Vacation of Fir Avenue.

Additionally, under local zoning statutes contained within the Coos Bay Estuary Management Plan (CBEMP) the Port must be informed of all land use actions relating to property within 1,000 feet of the Coos Bay Harbor Line.

RECOMMENDED MOTION:

Motion to authorize signature authority for Oregon International Port of Coos Bay Chief Executive Officer David Koch to execute a Petition for presentation to the Coos Bay City Council for the Vacation of Fir Avenue from the East Line of North Front Street to the low water line of Coos Bay in the Bennett’s Addition to Marshfield.

From: [Mark Anderson](#)
To: [Debbie Erler](#)
Subject: RE: Proposed Vacation of Fir Avenue
Date: Tuesday, May 26, 2015 10:10:34 AM

Debbie,

The fire department has no concerns regarding the proposed vacation.

Mark Anderson, Fire Chief
Coos Bay Fire Department

From: Debbie Erler
Sent: Tuesday, May 26, 2015 9:50 AM
To: Jim Hossley; Jennifer Wirsing; Randy Dixon; Mark Anderson; ron_hoffine@cbnbh2o.com; linda.kennedy@nwnatural.com
Subject: Proposed Vacation of Fir Avenue

Please review the attached proposed vacation information and provide a written comments by June 1, 2015 if possible. Thank you.

Debbie Erler, Planner
City of Coos Bay
Community Development
derler@coosbay.org
phone 541.269.1181 x 2259
fax 541.269.8916

ATTACHMENT E

From: [Ron Hoffine](#)
To: [Debbie Erler](#)
Subject: RE: Proposed Vacation of Fir Avenue
Date: Tuesday, May 26, 2015 4:36:00 PM

Debbie:

No comments/no objections to the proposed vacation. Thank you for the opportunity for review.

From: Debbie Erler [mailto:deberler@coosbay.org]
Sent: Tuesday, May 26, 2015 9:50 AM
To: Jim Hossley; Jennifer Wirsing; Randy Dixon; Mark Anderson; ron_hoffine@cbnbh2o.com;
linda.kennedy@nwnatural.com
Subject: Proposed Vacation of Fir Avenue

Please review the attached proposed vacation information and provide a written comments by June 1, 2015 if possible. Thank you.

Debbie Erler, Planner
City of Coos Bay
Community Development
derler@coosbay.org
phone 541.269.1181 x 2259
fax 541.269.8916

From: [Jennifer Wirsing](#)
To: [Debbie Erler](#)
Cc: [Eric Day](#)
Subject: RE: Proposed Vacation of Fir Avenue
Date: Tuesday, June 02, 2015 12:48:33 PM

Debbie,

Not sure about the other utilizes, but we will need an easement for the storm drain (blue line) that runs easterly across the southern limits of this property. The easement shall be 15 feet on either side of the pipe.

However, I thought that you and Eric were just going to put a condition that no permanent structure will be built on the entire segment.....Did I not hear that right???

Jennifer Wirsing, PE*
Wastewater Project Engineer
City of Coos Bay - Public Works & Development Department
500 Central Avenue 97420
Phone 541-269-1181 Ext 2247 / Fax 541-267-8237
jwirsing@coosbay.org

*Professional Registration: CA

From: Debbie Erler
Sent: Tuesday, May 26, 2015 9:50 AM
To: Jim Hossley; Jennifer Wirsing; Randy Dixon; Mark Anderson; ron_hoffine@cbnbh2o.com; linda.kennedy@nwnatural.com
Subject: Proposed Vacation of Fir Avenue

Please review the attached proposed vacation information and provide a written comments by June 1, 2015 if possible. Thank you.

Debbie Erler, Planner
City of Coos Bay
Community Development
derler@coosbay.org
phone 541.269.1181 x 2259
fax 541.269.8916

ATTACHMENT G