



STAFF REPORT

Street Vacation

TO: Planning Commission

FROM: Debbie Erler, Planner
Community Development Department

HEARING DATE/TIME: Tuesday, January 12, 2016 at 6:00 p.m.

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

APPLICANT: Georgeann Hoeger, 270 N. Malena Drive, Orange, CA 92869
William J. Bouska, 270 N. Malena Drive, Orange, CA 92869

APPLICATION: **VACATION #187-ZON2015-045 – Filed on November 3, 2015**
It is proposed to vacate the portion of Pennsylvania Avenue, located between Southwest Blvd and South 13th Street, found in Section 3AC, Township 26, Range 13 West of the Willamette Meridian, Coos County, Oregon.

REQUEST:

The applicant is requesting approval to vacate a portion of Pennsylvania 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 December 1, 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 December 21, 2015 for the Planning Commission hearing and will mail notice on February 5, 2016 for the City Council hearing.
 - Published in "The World" newspaper on December 29, 2015 and January 5, 2016
 - Posted in the area of the vacation on December 31, 2016 (Pennsylvania Avenue at Southwest Blvd and South 13th Street), 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 or will be given when due. 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. Pennsylvania Avenue ends at South 13th Street and does not extend to the main channel of Coal Bank Slough. The City limits line is on the south side of this portion of Pennsylvania Avenue right-of-way (*Attachment B – Aerial map*).
- 4b. The proposed vacation is not located within 1,000 feet of the harbor and pierhead lines, therefore per Oregon International Port of Coos Bay Resolution 90/91-14 approval is authorized.
- 4c. Platted access to property inside and outside the City limits in the area would be from South 13th Street north and east of Pennsylvania Avenue. Platted access to property outside the City limits south of Pennsylvania Avenue would be from Iowa Avenue (*Attachment C - Tax lot map*).
- 4d. The City received an e-mail from Michael Smith, Estimator Pacific Power dated December 28, 2015 indicating the vacation of the portion of Pennsylvania Ave listed below will not have any immediate effects on Pacific Power. Tax lot #4400 could be affected, although they could get power from 13th Street if needed. They are the only adjacent lot that doesn't currently have power service. Your map indicates that you will not be vacating that portion of Pennsylvania Ave that is near tax lot #4400 (*Attachment D*).
- 4e. The City received an e-mail from Mr. Ron Hoffine, Coos Bay North Bend Water Board dated December 23, 2015 indicating they do not have any facilities within that section of Pennsylvania. Properties adjacent can be served from our mains in Southwest Blvd and the unnamed street easterly. They do not object to the vacation (*Attachment E*).
- 4f. A written response dated January 4, 2016 from the City of Coos Bay Engineering Department indicates there are no sanitary sewer or storm drain lines in the area proposed to be vacated and they do not object to the vacation(*Attachment f*).
- 4g. A written response dated January 4, 2016 from the City of Coos Bay Operations Department indicates they do not object to the vacation (*Attachment g*).
- 4h. A written response dated December 28, 2015 from the Northwest Natural Gas indicates they have no gas lines in the Englewood area beyond Southwest Blvd and Montana Avenue (*Attachment h*).
- 4i. 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 indicated written comments may be submitted prior to the hearing.

CONCLUSION: Pennsylvania Avenue does not extend to the Coal Bank slough. There are no aboveground or underground utilities in the area proposed to be vacated and access to property inside and outside the City limits would have platted access from either South 13th Street or Iowa Avenue. The decision criterion has been adequately addressed and approval of the proposal can be supported.

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-ZON15-045, for the vacation of the portion of Pennsylvania Avenue, located between Southwest Blvd. and South 13th Street, found in Section 3AC, Township 26, Range 13 West of the Willamette Meridian, Coos County, Oregon.



Debbie Erler, Planner
Community Development Department

Date: January 5, 2016

- Attachments:
- A - Applicant's submittal
 - B - Aerial /Tax lot overlay with storm/sewer lines and city limits lines.
 - C - Tax Lot Map #26-13-3AC
 - D - Pacific Power reply dated December 28, 2015
 - E - Coos Bay North Bend Water Board response dated December 23, 2015
 - F - Coos Bay Engineering Dept. response dated January 4, 2016
 - G- Coos Bay Operations Dept. response dated January 4, 2016
 - H - Northwest Natural response dated December 28, 2015

c: Applicants, Dave Perry, DLCD



City of Coos Bay

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

LAND USE DEVELOPMENT REVIEW APPLICATION

For Office Use Only	
STAFF CONTACT	PROJECT NO(S). <u>187-20N15-045</u>

Type of Review (Please check all that apply):

- | | | |
|-------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> Annexation <i>CBMC 17.385</i> | <input type="checkbox"/> Home Occupation <i>CBMC 17.260</i> | <input type="checkbox"/> Subdivision <i>CBMC 17.335</i> |
| <input type="checkbox"/> Appeal and Review <i>CBMC 17.305</i> | <input type="checkbox"/> Legislative/Text Amendment <i>CBMC 17.380</i> | <input type="checkbox"/> Temporary Use <i>Resolution 83-17</i> |
| <input type="checkbox"/> Architectural Design Review <i>CBMC 17.390</i> | <input type="checkbox"/> Lot Line Adjustment <i>CBMC 17.325</i> | <input checked="" type="checkbox"/> Vacation <i>CBMC 17.375</i> |
| <input type="checkbox"/> Conditional Use <i>CBMC 17.355</i> | <input type="checkbox"/> Partition <i>CBMC 17.330</i> | <input type="checkbox"/> Variance <i>CBMC 17.350</i> |
| <input type="checkbox"/> Cultural Resources <i>CBMC 17.365</i> | <input type="checkbox"/> Planned Unit Development <i>CBMC 17.270</i> | <input type="checkbox"/> Zone Change <i>CBMC 17.360</i> |
| <input type="checkbox"/> Estuarine Use/Activities <i>CBMC 17.205</i> | <input type="checkbox"/> Site Plan and Architectural Review <i>CBMC 17.345</i> | <input type="checkbox"/> Other |

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

Site Location/Address: <u>PENNSYLVANIA STREET ROW EAST OF SOUTHWEST BLVD AND WEST OF 13TH STREET</u>	Assessor's Map No./Tax Lot(s): <u>PENNSYLVANIA ST</u>
	Zoning: <u>? CITY ROW</u>
	Total Land Area: <u>? 60' WIDE X 300 EAST-WEST</u>

Detailed Description of Proposal:
VACATE PENNSYLVANIA ST. EAST OF SW BLVD AND WEST OF 13TH ST.
SEE 265 13W 3AC
COOS BAY

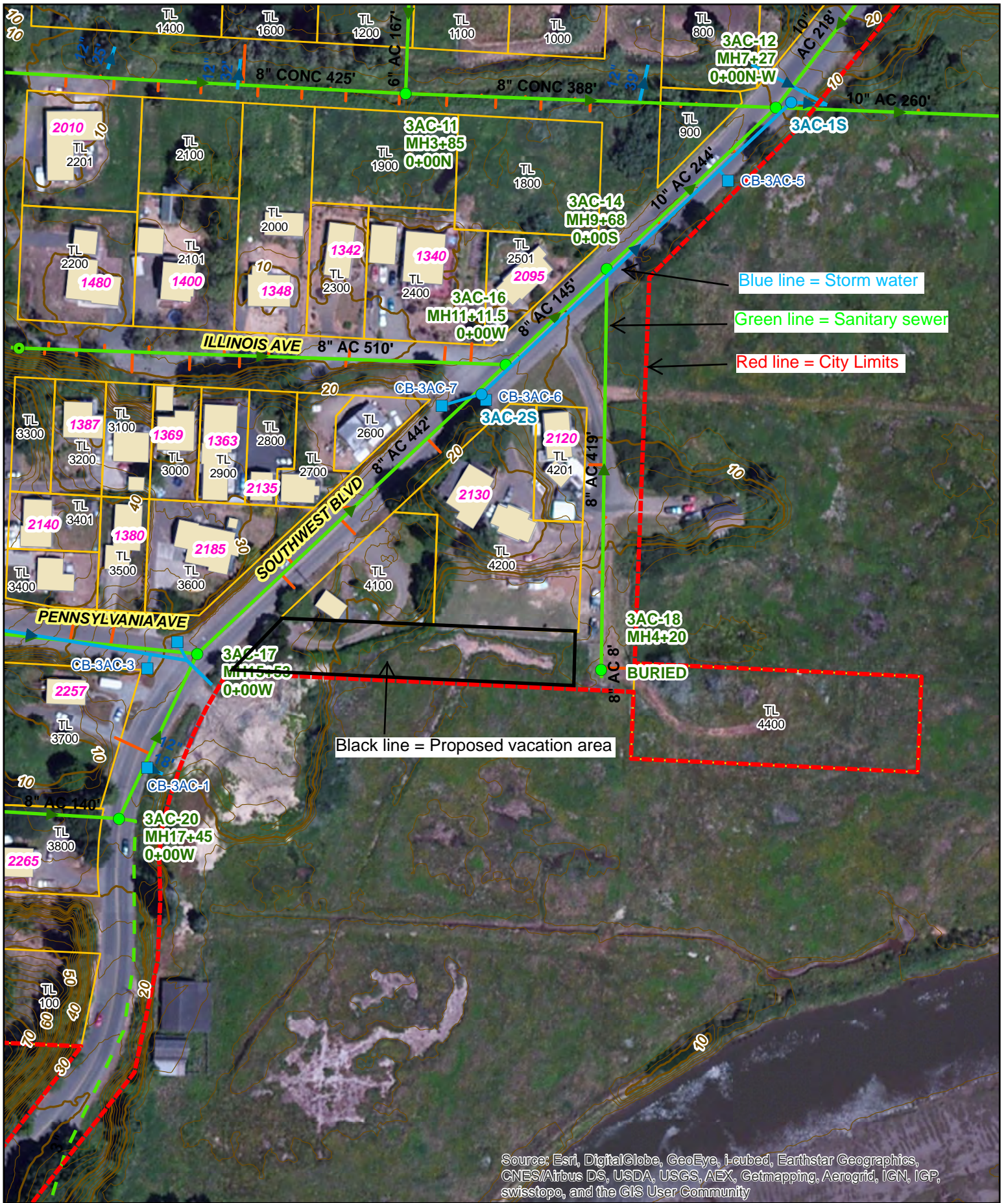
Applicant/Owner Name: <u>GEORGE AND HOEGER</u> <small>(please print)</small>	Phone: <u>714-514-5346</u>
Address: <u>(ABUTTING OWNER) 1 of 3</u> <u>270 N. MALENA DR</u>	Email: <u>GHOEGER@HOTMAIL.COM</u>
City State Zip: <u>ORANGE, CA. 92869</u>	Bill # <u>714.614.8969</u>

Applicant's Representative: <u>WILLIAM J. BOUSKA</u> <small>(please print)</small>	Phone: <u>714-614-8969</u>
Address: <u>270 N. MALENA DR</u>	Email: <u>714 514-5346</u>
City State Zip: <u>ORANGE, CA 92869</u>	<u>GHOEGER@HOTMAIL.COM</u>

- Provide evidence that you are the owner or purchaser of the property or have the written permission of owner(s) to make an application for architectural design review. In either case, include a copy of the deed for the subject property.
- Attach (a) a certified list of names and addresses of all owners of property within 250 feet of the exterior boundaries of the subject property according to the latest adopted County tax role and (b) an assessor's map showing all lots and parcels of land within that area.
- Address the Decision Criteria or Goals/Standards outlined in the Coos Bay Municipal Code chapter(s) related to your request.
- Additional information: Date construction is expected to begin; estimated completion date of the total project and of individual segments; and anticipated future development.
- Ten (10) 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 Word format. Additional copies may be required as directed by the Coos Bay Director of Community Development.

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.

William Bouska 11-3-2015
 Applicant's signature Date Owner's signature (required) Date



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:
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Date: 12/28/2015

Image Date: 7/6/2010

**ATTACHMENT B
 AREA MAP WITH FEATURES**



1 inch = 130 feet

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 NE1/4 SEC. 3 T26S T13W W.M. COOS COUNTY

1" = 100'

SEE MAP 26S 13W 03AB

26S 13W 3AC COOS BAY

CANCELLED NO.

- 4600
- 4300
- 1901
- 700
- 1700
- 2301
- 2502
- 2500
- 2401
- 2302
- 3402
- 3403
- 2801
- 2701



SEE MAP 26S 12W 03BC

SEE MAP 26S 13W 03AD

SEE MAP 26S 13W 03DB

04-15-2014
26S13W 3AC
COOS BAY

From: [Smith, Michael \(Coos Bay\)](#)
To: [Debbie Erler](#)
Subject: RE: Proposed Vacation of a Portion of Pennsylvania Avenue
Date: Monday, December 28, 2015 9:27:30 AM
Attachments: [26S 13W 3AC tax map.pdf](#)

Debbie,

The vacation of the portion of Pennsylvania Ave listed below will not have any immediate effects on Pacific Power.

Tax lot #4400 could be affected, although they could get power from 13th Street if needed. They are the only adjacent lot that doesn't currently have power service. Your map indicates that you will not be vacating that portion of Pennsylvania Ave that is near tax lot #4400. See attached tax map.

Thanks,

MICHAEL SMITH, ESTIMATOR
PACIFIC POWER, A DIVISION OF PACIFICORP
135 W. LOCKHART AVE
COOS BAY, OREGON 97420
DESK PH. 541-267-1830
FAX 541-267-1838
PH. 888-221-7070 (BUSINESS CENTER)
E-mail address: Michael.Smith@PacifiCorp.com

From: Debbie Erler [mailto:deberler@coosbay.org]
Sent: Wednesday, December 23, 2015 1:09 PM
To: ron_hoffine@cbnh2o.com; Mark Anderson; linda.kennedy@nwnatural.com; Smith, Michael (Coos Bay)
Subject: [INTERNET] Proposed Vacation of a Portion of Pennsylvania Avenue

This message originated outside of Berkshire Hathaway Energy's email system. Use caution if this message contains attachments, links or requests for information. Verify the sender before opening attachments, clicking links or providing information.

Please review and comment. Thank you and have a wonderful Christmas.

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

ATTACHMENT D

From: [Ron Hoffine](#)
To: [Debbie Erler](#)
Subject: RE: Proposed Vacation of a Portion of Pennsylvania Avenue
Date: Wednesday, December 23, 2015 2:57:14 PM

Debbie:

We do not have any facilities within that section of Pennsylvania. Properties adjacent can be served from our mains in Southwest Blvd and the unnamed street easterly. We do not object to the vacation. Thank you the opportunity for review.

And Merry Christmas backatcha!

From: Debbie Erler [mailto:deberler@coosbay.org]
Sent: Wednesday, December 23, 2015 1:09 PM
To: ron_hoffine@cbnbh2o.com; Mark Anderson; linda.kennedy@nwnatural.com; Pacific Power
(Michael.Smith@PacifiCorp.com)
Subject: Proposed Vacation of a Portion of Pennsylvania Avenue

Please review and comment. Thank you and have a wonderful Christmas.

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](#); [Mark Anderson](#); [Randy Dixon](#)
Subject: RE: Proposed Vacation of a Portion of Pennsylvania Avenue
Date: Monday, January 04, 2016 1:30:36 PM

There is no existing storm or sewer, however not sure about other utilities. But with that said, I don't have any objection or concerns.

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: Monday, January 04, 2016 11:45 AM
To: Jennifer Wirsing; Mark Anderson; Randy Dixon
Subject: FW: Proposed Vacation of a Portion of Pennsylvania Avenue
Importance: High

Any comments regarding the proposed vacation? I will be completing my report by 2:00 today.

From: Debbie Erler
Sent: Monday, December 28, 2015 10:17 AM
To: Mark Anderson; linda.kennedy@nwnatural.com; Jennifer Wirsing; Randy Dixon
Subject: RE: Proposed Vacation of a Portion of Pennsylvania Avenue
Importance: High

Please review the attached written notice/area map and provide a written comment/reply by Monday, January 4, 2016. Thank you and have a happy New Year.

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

From: [Randy Dixon](#)
To: [Jennifer Wirsing](#); [Debbie Erler](#); [Mark Anderson](#)
Subject: RE: Proposed Vacation of a Portion of Pennsylvania Avenue
Date: Monday, January 04, 2016 2:26:06 PM
Attachments: [image003.png](#)

Debbie,

Operation has no issue with vacation request. Thanks.

Randy Dixon, Operations Administrator
Public Works and Development Department
500 Central Avenue, Coos Bay, OR 97420
Office: (541) 269-1181 Ext. 2201
Cell: (541) 260-4580
rdixon@coosbay.org



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From: Jennifer Wirsing
Sent: Monday, January 04, 2016 1:31 PM
To: Debbie Erler; Mark Anderson; Randy Dixon
Subject: RE: Proposed Vacation of a Portion of Pennsylvania Avenue

There is no existing storm or sewer, however not sure about other utilities. But with that said, I don't have any objection or concerns.

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: Monday, January 04, 2016 11:45 AM
To: Jennifer Wirsing; Mark Anderson; Randy Dixon

ATTACHMENT G

From: [Brownlie, Teresa](#)
To: [Debbie Erler](#)
Subject: RE: [External]FW: Proposed Vacation of a Portion of Pennsylvania Avenue
Date: Monday, December 28, 2015 1:20:56 PM

Debbie,

We do not have gas beyond Southwest Blvd and Montana Ave.

Thank you,

Teresa

From: Debbie Erler [mailto:deberler@coosbay.org]
Sent: Monday, December 28, 2015 11:24 AM
To: Brownlie, Teresa
Subject: [External]FW: Proposed Vacation of a Portion of Pennsylvania Avenue
Importance: High

From: Debbie Erler
Sent: Monday, December 28, 2015 10:17 AM
To: Mark Anderson; linda.kennedy@nwnatural.com; Jennifer Wirsing; Randy Dixon
Subject: RE: Proposed Vacation of a Portion of Pennsylvania Avenue
Importance: High

Please review the attached written notice/area map and provide a written comment/reply by Monday, January 4, 2016 . Thank you and have a happy New Year.

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

ATTACHMENT H