



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

STAFF REPORT

Right-of-Way Vacation

TO: Planning Commission

FROM: Debbie Erler, Planner
Community Development Division

HEARING DATE/TIME: **Tuesday, April 11, 2017 at 6:00 p.m.**

LOCATION: Coos Bay Library – Myrtlewood Room
525 Anderson Avenue, Coos Bay

APPLICANT: RAF Development
25602 Alicia Parkway #421, Laguna Hills, CA 92653

APPLICATION: **VACATION #187-ZON2017-012 – Filed on February 13, 2017**
Request to vacate an unimproved portion of Division Avenue, located between N. Empire Blvd and N. Marple Street, found in Section 17CD, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon.

I. APPLICANT'S REQUEST

The applicant is requesting approval to vacate the unimproved portion of Division Avenue, located between N. Empire Blvd and N. Marple Street.

II. BACKGROUND/HISTORY

The property south of the right-of-way proposed to be vacated (25-13-17DC- tax Lot 5500) is owned by the City of Coos Bay. RAF Development has made an offer on the property that is contingent upon the vacation of the Division Avenue right-of-way abutting the property.

III. APPLICABLE REGULATIONS

Coos Bay Municipal Code Chapter 17.130 Procedures
Coos Bay Municipal Code Chapter CBMC 17.345 Vacation

I. STAFF RECOMMENDATION

Staff prepared the following report based on the applicant's submittal, information available at City Hall and the City of Coos Bay Land Development Code (CBMC Title 17). Staff finds there is sufficient evidence in the record upon which an approval can be based; therefore, staff is recommending the Planning Commission support and pass on a recommendation to the City Council for approval of application #187-ZON2017-012, as found on page 4 of this staff report.

II. DECISION CRITERIA FOR CONDITIONAL USE STATEMENTS OF FACT/ FINDINGS AND CONCLUSIONS

It is the responsibility of the director or designee to review each plan for compliance with the applicable provisions of this chapter and any other applicable regulations.

The following is a list of the decision criteria applicable to the request. According to Chapter 17.345.050 of the City of Coos Bay Municipal Code (CBMC) a Vacation request must be supported by each of the criteria followed by findings or justification statements that may be adopted 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 recommendation.

Based on their conclusions the Commission must recommend approve or deny the application. Conditions may be imposed by the Commission in order to address concerns about the compatibility of the proposed request.

III. STATEMENTS OF FACT / FINDINGS AND CONCLUSION

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

STATEMENTS OF FACT AND FINDINGS:

- A1. 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 17.345.020.

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

DECISION CRITERION B: The city-provided notice has been provided consistent with CBDC 17.130.120, Notices.

STATEMENTS OF FACT AND FINDINGS:

- B1. On March 21, 2017, the Coos Bay City Council initiated the vacation process at the applicant's request.
- B2. The Community Development Division 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 300 feet of the area to be vacated on March 22, 2017.
- Published in “The World” newspaper on March 23, 2017 and March 31, 2017.
- Posted in the area of the vacation on March 23, 2017 (Division and N. Marple), 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 C: The proposal does not conflict with the comprehensive plan, including the adopted Coos Bay transportation system plan (TSP), or other applicable ordinances.

STATEMENTS OF FACT AND FINDINGS:

- C1. 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 D: The vacation does not prejudice the public interest.

STATEMENTS OF FACT AND FINDINGS:

- D1. The platted right-of-way of Division Avenue is a width of 30 feet. The right-of-way does not extend to the bay (ends at S. Empire Blvd.) and there is an extreme elevation change (50+ feet) to the next property (*Attachment B - aerial map w/Topo-Lidar*).
- D2. 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.
- D3. The platted right-of-way of Division Avenue does not extend to the bay and as provided by Port of Coos Bay Resolution 90/91-14 *“The vacation of streets/right of ways in areas in excess of 1,000 feet from the harbor and pier head lines will not have an adverse effect on transportation or commerce with the Port district therefore, the Board of Commissioners approves the proposed alley vacation”*.
- D4. The City received an e-mail from Mr. Matt Whitty, Coos Bay North Bend Water Board, dated March 29, 2017 indicating the Water Board does not have any infrastructure nor any plans for future infrastructure in the proposed vacation area. We have no objection to this application (*Attachment C*).

- D5. The City received an e-mail from Coos Bay Operations Administrator, Randy Dixon, dated March 29, 2017, indicating Operations has no issue or concerns with the proposed vacation (*Attachment D*).
- D6. A written response dated March 31, 2017 from Jason Vinyard Engineering Technician the City of Coos Bay Engineering Department (*Attachment E*) indicates the Engineering Division has no objections with the proposed vacation.

CONCLUSION: Access to abutting property is available from N. Marple Street and N. Empire Blvd. The right-of-way does not extend to the bay and according to responses from affected utility companies, the right-of-way is not needed for utility lines. 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-ZON17-012, for the vacation of Division Avenue, located between N. Empire Blvd and N. Marple Street, found in Section 17CD, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon.



Debbie Erler, Planner
Community Development Division

Date: April 4, 2017

Attachments: A - Applicant's submittal
B - Aerial /Tax lot overlay with topo-Lidar lines
C - Coos Bay North Bend Water Board response dated March 29, 2017
D - Coos Bay Operations response dated March 29, 2017
E - Coos Bay Engineering response dated March 31, 2017

c: Applicants, Dave Perry, DLCD

G:\DCS\PLANNING\LAND USE APPLICATIONS\Staff Reports\2017\SRZON17-012- Street Vacation - Division Ave.doc



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).

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Appeal and Review | <input type="checkbox"/> Legislative/Text Amendment | <input type="checkbox"/> Temporary Use |
| <input type="checkbox"/> Architectural Design Review | <input type="checkbox"/> Lot Line Adjustment | <input checked="" type="checkbox"/> Vacation |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Partition | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Estuarine Use/Activities | <input type="checkbox"/> Site Plan 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: Tax Lot 5500 located in the southeast quarter of the southwest quarter of section 17, Township 25 South, Range 13 West; west side of North Marple Street, southwest of Division Avenue

Assessor's Map No./Tax Lot(s): 25S1317CD05500

Zoning: LDR-6

Total Land Area: 1.56 Acres

Detailed Description of Proposal:

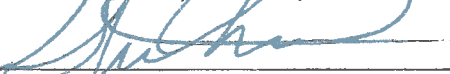



Proposed vacation of 6,538.56 sq ft / 0.15 Acres of public right-of-way located north of tax lot 5500. This application is submitted in accordance with pre-application conference action items for the proposed development of tax lot 5500 which took place October 20, 2016. The proposed vacation submitted herein reflects approval criteria outlined in Chapter 17.345 of the Coos Bay Municipal Code: vacation does not prejudice public interest nor does it conflict with the City's comprehensive plan. This vacation will not substantially affect the marketability of abutting property in terms of access, utility, or protective services.

Applicant/Owner Name: <small>(please print)</small>	RAF Development	Phone: 949-916-7555
Address:	25602 Alicia Parkway # 421	Email: johnmartindale@cox.net
City State Zip:	Laguna Hills, CA 92653	

Applicant's Representative: <small>(please print)</small>	Civil West Engineering Services, Inc.	Phone: 541-266-8601
Address:	486 E Street	Email: wboger@civilwest.com
City State Zip:	Coos Bay, OR 97420	

1. Provide evidence that you are the owner or purchaser of the property or have the written permission of owner(s) to make an application.
2. Copy of the deed for the subject property.
3. Address the Decision Criteria or Goals/Standards outlined in the Coos Bay Municipal Code chapter(s) related to your request.
4. Additional information: Date construction is expected to begin; estimated completion date of the total project and of individual segments; and anticipated future development.
5. Type II requires three (3) **complete hard-copy sets** (single sided) of application & submitted documents must be included 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.
6. Type III requires **Ten (10) complete hard-copy sets** (single sided) of application & submitted documents must be included 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.

			
Applicant's signature	Date	Owner's signature (required)	Date

ATTACHMENT A



February 9, 2017

Eric Day
Community Development Director
City of Coos Bay
500 Central Avenue
Coos Bay, Oregon 97420

RE: Vacation of public right-of-way abutting tax lot 5500

Dear Mr. Day,

This document has been generated per the requirements outlined in Chapter 17.345 of the Coos Bay Municipal code. It is proposed herein that a public right-of-way north of tax lot 5500, SE ¼ of the SW ¼ of Section 17, Township 25 South, Range 13 West be vacated per the action items prescribed in accordance with a pre-application conference for the proposed development of said parcel held October 20, 2016.

Per Section 17.345.020 Initiation of the Coos Bay municipal code, the following have been provided;

- A. Notarized petition of consent signed by owners of the "affected property"
- B. Legal description of the ground proposed to be vacated:
A 0.15-acre portion of Division Avenue between the rights of way of Marple Street and N Empire Boulevard and abutting lot 1202, block 1 (Flanagan Addition to Empire) and lots 1 – 15, block 10 (First Addition to Empire) located in the SE ¼ & NE ¼ of the SW ¼ of Section 17, Township 25 South, Range 13 West.
- C. Map of ground proposed to be vacated
- D. Purpose and Justification for vacation:
A request to vacate a section of Division Avenue directly west of Marple Street is proposed for ultimate inclusion in a four-lot subdivision in the LDR-6 zone district for tax lot 5500 currently owned by The City of Coos Bay.

The proposed vacation submitted herein does not prejudice public interest nor does it conflict with the City's comprehensive plan or transportation system plan. This vacation will not affect the marketability of abutting properties in terms of access, utility, or protective services.

We appreciate the time and effort taken by the City in reviewing this application.

Respectfully,
Civil West Engineering Services, Inc.

A handwritten signature in blue ink that reads 'William Boger'.

William Boger, PE
Project Manager
cc: fileEncl.



TAX LOT 2000

TAX LOT 1200

TAX LOT 1300

TAX LOT 1201

TAX LOT 1202

TAX LOT 1900

TAX LOT 1800

TAX LOT 100

PROPOSED RIGHT-OF-WAY VACATION
6,538.56 SQ FT / 0.15 ACRES

TAYLOR AVENUE

CITY OF COOS BAY
TAX LOT 5500

TAX LOT 5400

TAX LOT 4500

TAX LOT 5300

TAX LOT 4600

TAX LOT 5200

TAX LOT 4700

N MAPLE STREET

EXISTING RIGHT-OF-WAY

N WALL STREET



DRAWN BY: BS
DATE: NOV 2016



AFFECTED PROPERTY

FIGURE

RIGHT-OF-WAY VACATION

COOS BAY
COOS COUNTY, OR

A



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: 4/4/2017

Image Date: 7/6/2010

ATTACHMENT B



1 inch = 80 feet

Debbie Erler

From: Matt Whitty <matt_whitty@cbnbh2o.com>
Sent: Wednesday, March 29, 2017 3:34 PM
To: Debbie Erler
Subject: RE: Proposed vacation of a portion of Division Avenue.

You are welcome. Reviewing them only takes a minute, and if I do it right away I don't forget and miss our opportunity to comment. Thanks Debbie.

Matt

From: Debbie Erler [mailto:derler@coosbay.org]
Sent: Wednesday, March 29, 2017 9:18 AM
To: Matt Whitty
Subject: RE: Proposed vacation of a portion of Division Avenue.

Wow, That was fast. Thank you so much.

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

From: Matt Whitty [mailto:matt_whitty@cbnbh2o.com]
Sent: Wednesday, March 29, 2017 9:19 AM
To: Debbie Erler <derler@coosbay.org>
Subject: RE: Proposed vacation of a portion of Division Avenue.

Hi Debbie,

The Water Board does not have any infrastructure nor any plans for future infrastructure in the proposed vacation area. We have no objection to this application.

Matt

Matt Whitty, PE, PLS
Engineering Manager
Coos Bay-North Bend Water Board
2305 Ocean Boulevard
Post Office Box 539
Coos Bay, Oregon 97420-0108
Tel: (541)267-3128, ext.232
Fax: (541)269-5370

Debbie Erler

From: Randy Dixon
Sent: Wednesday, March 29, 2017 12:13 PM
To: Debbie Erler
Subject: RE: Proposed vacation of a portion of Division Avenue.

Operations has no issues or concerns with the proposed vacation. Thanks.

Randy Dixon, Operations Administrator
Public Works and Development Department
500 Central Avenue, Coos Bay, OR 97420
Office: [541\) 269-1181 Ext. 2201](tel:5412691181)
Cell: [541\) 260-4580](tel:5412604580)
rdixon@coosbay.org



PUBLIC RECORDS LAW DISCLOSURE: Emails are generally public records and therefore subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. Emails can be sent inadvertently to unintended recipients and contain confidential or privileged information. If you are not the intended recipient (or authorized to receive for the recipient), please advise by return email and delete immediately without reading or forwarding to others. Thank you.

From: Debbie Erler
Sent: Wednesday, March 29, 2017 9:08 AM
To: Jennifer Wirsing <jwirsing@coosbay.org>; Randy Dixon <rdixon@coosbay.org>; Matt Whitty <matt_whitty@cbnbh2o.com>; Pacific Power (Michael.Smith@PacifiCorp.com) <Michael.Smith@PacifiCorp.com>; Kennedy, Linda <l2k@nwnatural.com>
Subject: Proposed vacation of a portion of Division Avenue.
Importance: High

I am sorry, it appears I didn't email the above request to you for your review. If it is possible, could you review the proposed request and comment by **Monday, April 3, 2017**. Sorry for the short notice.

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

Debbie Erler

From: Debbie Erler
Sent: Monday, April 3, 2017 12:46 PM
To: Jason Vinyard
Subject: RE: Vacation on N Marple Street

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: Jason Vinyard
Sent: Friday, March 31, 2017 2:09 PM
To: Debbie Erler <derler@coosbay.org>
Cc: Jennifer Wirsing <jwirsing@coosbay.org>
Subject: Vacation on N Marple Street

The engineering department has no objections with the proposed vacation for #187-ZON2017-012 on N Maple Street.

Jason Vinyard
Engineering Technician
500 Central Avenue
Coos Bay, OR 97420
541-269-1181 ext. 2249
Cell: 541-297-0533