



# CITY OF COOS BAY CITY COUNCIL MEETING

September 4, 2012 – 7:00 p.m.

Library Meeting Room – 525 Anderson Avenue – Coos Bay, Oregon

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- 1) Flag Salute
- 2) Public Comments
- 3) Consent Calendar
  - a) Approval of the minutes of August 21, 2012
- 4) Presentation on a Look Me in the Eye Proclamation by Heather Hopkins-Slechta
- 5) South Coast Development Council Update by Director Sandra Messerle
- 6) Public Hearing to Consider Approval of a Proposed Ordinance for the Coos Bay Municipal Code Text Amendment to Expand the Downtown Parking Lot Assessment District – Approval Would Require the Enactment of the Proposed Ordinance
- 7) Public Hearing to Consider Approval of a Proposed Ordinance for the Alley Vacation South of Schetter and North of Newmark Avenue and Between North Morrison and North Schoneman Streets - Approval will Require Enactment of the Proposed Ordinance
- 8) Consideration of Approval to Prepare Proposed Revisions to the Coos Bay Municipal Codes and the Fee Resolution Related to Business Licenses
- 9) Presentation on the New E-Permitting System by Public Works Director Jim Hossley
- 10) City Attorney's Report
- 11) City Manager's Report
- 12) Council Comments
- 13) Adjourn

All citizens addressing the City Council under regular agenda items or public comments are required by City Council Rule 4.8.4 to sign-in on the forms provided on the agenda table and podium.

If you require a listening enhancement device please contact the City Recorder.  
Please silence electronic devices – Thank you.

## MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

August 21, 2012

The minutes of the proceedings of a regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, held at 7 p.m. in the Library Meeting Room, 525 Anderson Avenue, Coos Bay, Oregon.

### **Those Attending**

Those present were Mayor Crystal Shoji and Councilors Jennifer Groth, Jon Hanson, Stephanie Kramer, Gene Melton, John Muenchrath and Mike Vaughan. City staff present were Acting City Attorney Karen Costello, Deputy Finance Director Amy Kinnaman, Economic Revitalization Administrator Joyce Jansen, Library Director Sami Pierson, Public Works and Development Director Jim Hossley, Engineering Service Coordinator Jennifer Wirsing, Fire Chief Stan Gibson, and Police Chief Gary McCullough.

### **Flag Salute**

Mayor Shoji opened the meeting and asked Gene Shoji to lead the Council and assembly in the salute to the flag.

### **Public Comments**

No comments were given.

### **Consent Calendar**

Mayor Shoji reviewed the consent calendar which consisted of 3a: approval of the minutes of August 7, 2012; 3b: acceptance of July 2012 accounts payable and payroll check registers; and 3c: acceptance of the July 2012 combined cash report. Councilor Muenchrath moved to approve the consent calendar which consisted of approving the minutes of August 7, 2012, accepting the July 2012 accounts payable and payroll check registers, and accepting the July 2012 combined cash report. Councilor Groth seconded the motion which carried with Mayor Shoji and Councilors Groth, Hanson, Kramer, Melton, Muenchrath, and Vaughan voting aye.

### **Presentation of Appreciation of Service Award for Jelena "Dudi" Wittwer**

Public Works and Development Director Jim Hossley stated Jelena "Dudi" Wittwer served on the Budget Committee from February 2004 through August 2012. Mayor Shoji presented Ms. Wittwer an appreciation of service plaque. Ms. Wittwer stated she was moving away from the area and thanked the City for the opportunity to serve on the Budget Committee.

### **Public Hearing to Consider Enactment of an Amendment to Ordinance No. 67 Relating to Disposition of Abandoned Personal Property – Approval Would Require Enactment of the Proposed Amending Ordinance**

Police Chief Gary McCullough stated while reviewing the current Municipal Code, Chapter 3.50 for Abandoned Personal Property, staff found the Police Department's current and past practice for property disposition was not in compliance with the wording within the municipal code. Staff researched procedures for personal property disposition and recommended amending

## **City Council Minutes – August 21, 2012**

Ordinance No. 67. Chief McCullough stated adjusting the procedures for abandoned personal property disposition would allow the Police Department staff to efficiently purge property and evidence in such a way that would be beneficial for the property owners as well as the City and Police Department.

Mayor Shoji opened the public hearing. No public comments were given and the hearing was closed. Councilor Kramer moved to enact the amendment to Ordinance No. 67 relating to disposition of abandoned personal property. Councilor Groth seconded the motion. Deputy Finance Director Amy Kinnaman read the ordinance by title only and Ordinance No. 447 was enacted by the following vote:

Aye:	Mayor Shoji and Councilors Groth, Hanson, Kramer, Melton, Muenchrath, and Vaughan
Nay:	None
Absent:	None

### **Presentation on the Coos Bay Rail Link's Past, Present, and Future by the Port of Coos Bay**

David Koch of the Port of Coos Bay provided a brief history of the Coos Bay Rail service and stated the Coos Bay Rail (CBR) Link re-opened the Coos Bay rail line in October 2011 to re-establish freight rail service to manufacturers for the first time in four years. The CBR currently had ten customers with inbound and outbound cargo consisting of wood products, steel, and dairy feed with a weekly load average of 45 cars weekly. CBR also purchased four reconditioned locomotives and opened a new office in Coos Bay employing ten people. The Port of Coos Bay continued oversight of the rehabilitation of the rail line in Coos, Western Douglas, and Western Lane Counties. Mr. Koch briefly reviewed the various upgrades and repairs already completed and noted train service along the full line was expected to resume in late summer or fall.

### **Consideration for Approval of an Intergovernmental Agreement with the Bunkerhill Sanitation District**

Public Works and Development Director Jim Hossley stated Oregon Department of Environmental Quality (DEQ) representative Jon Gasik approached the City earlier in the year and advised if the city worked Bunkerhill Sanitary District (BHSD) to update their Intergovernmental Agreement (IGA) to prepare an overflow points letter for the City, both DEQ and the Environmental Protection Agency (EPA) would remove the Mutual Agreement Order (MAO) and would also amend the effluent limit requirements. Mr. Hossley advised to date, the City prepared and submitted an overflow point letter and BHSD was in the process of preparing their overflow point letter. City staff and BHSD representative Daniel Hinrichs prepared an IGA which specifically addressed the inflow and infiltration reduction program. Approval of the IGA would complete one of the requirements to remove the existing MAO on Wastewater Treatment Plant No. 1 and amend the effluent limits. Councilor Groth moved to grant approval for the City of Coos Bay to enter into an Intergovernmental Agreement with the Bunkerhill Sanitary District regarding inflow and infiltration reduction. Councilor Melton seconded the motion which carried with Mayor Shoji and Councilors Groth, Hanson, Kramer, Melton, Muenchrath, and Vaughan voting aye.

## **City Council Minutes – August 21, 2012**

### **Consideration for Approval of the Redesign of 10<sup>th</sup> Street and Central Avenue**

Public Works and Development Director Jim Hossley stated the City received concerns from the community regarding the width of the turning lane at Central Avenue and 10<sup>th</sup> Street. The width of the turning lane for the past several years was nine feet. The American Association of State Highway (AASHTO) for rural and urban arterial recommended minimum turning lane widths of ten feet; the current striping pattern on Central Avenue would require shifting the traffic markings 1.5 feet to the north on Central Avenue, a solid center yellow line, a white dash line for traffic lane and turning arrows. Total estimated project costs were \$23,000 which included the estimates for design, removal of striping, and construction costs. Robert Moore, Coos Bay: expressed concern that the turn lane at 10<sup>th</sup> and Central was too narrow and suggested the City should approve the redesign. Police Chief Gary McCullough stated he did not recall any notable motor vehicle accidents at the intersection. Councilor Hanson asked if there was a difference in liability exposure between a nine and ten foot turning lane. Acting City Attorney Karen Costello stated it would depend if there was negligence involved in the part of the City in the design and maintenance of the turning lane but generally speaking she did not have any concerns. Councilor Hanson suggested based on a cost benefit analysis there were other pressing projects within the City. Councilors Kramer, Melton, and Muenchrath were in favor of having staff look into the cost and requirements for removing the turn lane at 10<sup>th</sup> and Central. Councilor Groth stated she was not in favor of making any changes. Mr. Hossley advised he would work with Police Chief McCullough to discuss other potential solutions.

### **City Attorney's Report**

No comments were given.

### **City Manager's Report**

Public Works and Development Director Jim Hossley reported improvements were underway at the Old Bank building; three B's Nursery donated landscaping materials to improve the old Fire Station lot; improvements continued at the eastside boat ramp; brush pickup was scheduled for September 4<sup>th</sup>; and reminded citizens the deadlines for Council openings were August 21<sup>st</sup> if filing by petition and August 28<sup>th</sup> if filing by fee.

### **Council Comments**

Councilor Melton thanked everyone who supported the Veterans Safety Stand Down last week; reported over 200 meals were served. Councilor Kramer stated she noticed the Coos Art Museum, Outdoor-In, and Wardrobe Cleaners buildings were recently painted and noted the positive impact of the improvements. Councilor Hanson advised Coos Bay brush pickup was scheduled for September 4<sup>th</sup>. Mayor Shoji reported today the National Register posted the Marshfield Pioneer Cemetery on their website; thanked Beckie and Cricket Soles and all the Marshfield Pioneer Cemetery volunteers; and noted there was an ice cream social scheduled at the Cemetery on Wednesday, August 29<sup>th</sup> from 4-6 p.m. to celebrate the listing on the National Registry.

**City Council Minutes – August 21, 2012**

**Adjourn**

There being no further business to come before the Council, Mayor Shoji adjourned the meeting. The next regular Council meeting was scheduled for September 4, 2012 in the Meeting Room at the Coos Bay Public Library.

\_\_\_\_\_  
Crystal Shoji, Mayor

Attest:

\_\_\_\_\_  
Susanne Baker, City Recorder

**CITY OF COOS BAY CITY COUNCIL  
Agenda Staff Report**

<b>MEETING DATE</b>	<b>AGENDA ITEM NUMBER</b>
September 4, 2012	

TO: Mayor Shoji and City Councilors

FROM: Jackie Mickelson, Executive Assistant *JM*  
Through: Rodger Craddock, City Manager *RC*

ISSUE            **Presentation on “Look Me in the Eye” Proclamation**

**BACKGROUND**

The *Look Me in the Eye* campaign originated when a disabled person was asked where to begin when interacting with a person who has a disability. Without missing a beat that person said, “you can start by looking me in the eye.” This message was heard loud and clear, and it has set the stage for reaching out to the community, raising awareness about the rights of people with disabilities, and most importantly, the rights to be respected, included and acknowledged in our community.

In August 2010, the Oregon Supported Living Program (OSLP) and Full Access began a *Look Me in the Eye* campaign. The campaign was in an effort to provide people with a better understanding of a problem and to help break down barriers between people, especially those who experience a developmental disability. OSLP thought that looking someone in the eye was a good place to start.

**ADVANTAGES**

This proclamation will encourage communities to grow closer through recognizing each other’s abilities and differences.



# Proclamation

**Whereas**, All citizens want and deserve the opportunity to meaningfully participate in all aspects of our community, and our communities can grow closer through recognizing each other's abilities, commonalities, and differences; and

**Whereas**, Our communities gain value as they are more aware of the capabilities of, and provide opportunities for, individuals with developmental and intellectual disabilities to be part of their communities; and,

**Whereas**, it is in the public's interest for individuals with developmental and intellectual disabilities to live and work in our communities, exercising their full rights and responsibilities as citizens:

**Now, Therefore**, I, Crystal Shoji, Mayor of the City of Coos Bay, do hereby proclaim September 2012,

## Look Me in the Eye

month and encourage all citizens of our communities to participate in seeing, respecting, and including one another.



In witness thereof, I hereunto set my hand and cause the seal of the City of Coos Bay to be affixed on this 4<sup>th</sup> day of September 2012.

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Crystal Shoji, Mayor

**CITY OF COOS BAY CITY COUNCIL  
Agenda Staff Report**

<b>MEETING DATE</b>	<b>AGENDA ITEM NUMBER</b>
September 4, 2012	

**TO:** Mayor Shoji and City Councilors

**FROM:** Jackie Mickelson, Executive Assistant *JM*  
**Through:** Rodger Craddock, City Manager *RC*

**ISSUE:** **South Coast Development Council (SCDC) Report**

**BACKGROUND:**

The South Coast Development Council mission is to improve the region's economy by working to recruit new businesses as well as help existing business expand. Their services include assisting in locating property, securing financing, creating a workforce training program, and selecting available incentive programs. Director Sandra Messerle will be attending the September 4<sup>th</sup> meeting to update the City Council on various projects currently underway through the South Coast Development Council.

**ADVANTAGES:**

South Coast Development Council provides a central point of contact for local and out-of-town businesses to obtain information for locating or expanding their business in the Bay Area. SCDC is an important component for growing a healthy economy for our community.

**DISADVANTAGES:**

None

**BUDGET:**

There will not be an impact to the budget.

**COUNCIL ACTION:**

No action is required by the City Council.



**CITY OF COOS BAY  
Agenda Staff Report**

MEETING DATE September 4, 2012	AGENDA ITEM NUMBER
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TO: Mayor Shoji and City Councilors

FROM: Jim Hossley, Public Works and Development Department  
Through: Laura Barron, Planning Administrator

ISSUE **TEXT AMENDMENT #ZON2012-00035: PROPOSED AMENDMENT TO THE TEXT OF ORDINANCE 93 (CODIFIED BY THE COOS BAY MUNICIPAL CODE) TO EXPAND THE PARKING LOT ASSESSMENT DISTRICT**

BACKGROUND

The applicant, Mr. Gary Rifkin, initiated the proposed amendment to expand the Parking Lot Assessment District to include property he owns at 446/454 Commercial Avenue in order to assure potential tenants that off-street parking requirements would not be an issue if they leased his building. The City legislatively expanded the proposal to include additional properties in the area in order to make the map easier to read/implement and to benefit properties where there is inadequate or no off-street parking available.

The area proposed for expansion is described as follows:

In the plat of the Town of Marshfield, the south half of Block 6, the west 12 feet of Block 7, Block 14, Lots 1 and 4; Block 15, Lots 1, 2, 3, 4, 6, and 7; and, Block 16, Lots 2 and 3.

On August 14, 2012 the Planning Commission voted unanimously to recommend approval of the proposed amendment to expand the downtown Parking Lot Assessment District with the exclusion of the building owned by Southwestern Oregon Publishing Company (The World) located at 350 Commercial Avenue. The recommended exclusion is the result of a request from landowner, Mr. Clark Walworth, owner of Southwest Publishing Company. Mr. Walworth did not see the value of being included in the district since the property includes a private parking lot adjacent to the building for employees and visitors.

See the map at *Attachment A* for the current configuration of the parking district and *Attachment B* for the proposed changes to the parking district as recommended by the Planning Commission.

ANALYSIS

A letter of objection to the proposal was received from Mr. Richard Nored, The Peregrine Group, Inc. Mr. Nored's concern is that the City has adopted specific regulations to control growth and development in the Central Commercial District, and there is no rational reason not to adhere to the existing parking requirements. Mr. Nored's letter is at Attachment D of the Planning Commission's Final Recommendation.

ADVANTAGE

- Expanding the Parking Lot Assessment District will increase the number of potential tenants for any building in the district since off-street parking requirements will no longer apply.

DISADVANTAGE

- Eliminating the requirement for off-street parking will result in more vehicles parked on the street.

BUDGET

None.

RECOMMENDATION

If it pleases the City Council **enact the attached Ordinance** approving the expansion of the Parking Lot Assessment District to include the following properties which will be reflected in Coos Bay Municipal Code, Figure 17.200.040(1) – Exempt Parking Area.

In the plat of the Town of Marshfield, the south half of Block 6, the west 12 feet of Block 7, Block 14, Lots 1 and 4; Block 15, Lots 1, 2, 3, 4, 6, and 7; and, Block 16, Lots 2 and 3.

ATTACHMENTS

Attached are the following documents: Draft Ordinance, Draft Planning Commission Minutes, Final Recommendation by the Planning Commission, Attachment A and Attachment B.

- c: Gary Rifkin  
Richard Nored, The Peregrine Group, Inc.  
Clark Walworth, Southwest Oregon Publishing

**ORDINANCE NO. ###**

**AN ORDINANCE AMENDING COOS BAY ORDINANCE 93, CODIFIED AS COOS BAY MUNICIPAL CODE, TITLE 17, ESTABLISHING LAND DEVELOPMENT STANDARDS FOR THE CITY OF COOS BAY FOR SECTION 17.200.040(4)(a), MINIMUM OFF-STREET PARKING REQUIREMENTS, EXEMPT PARKING.**

**WHEREAS**, Mr. Gary Rifkin has filed an application, to amend Coos Bay Ordinance 93, which is codified as Coos Bay Municipal Code Chapter 17.200, Minimum Off-street Parking Requirements, Section 17.200.040(4)(a), Exempt Parking, to include property he owns at Block 6, the east half of Lots 6 and 7 and the west half of Lot 8, Plat of Town of Marshfield. The City has legislatively expanded the application to amend Section 17.200.040(4)(a) to also include the following property, which together with Mr. Rifkin's property, is hereinafter referred to as the Application:

In the plat of Town of Marshfield, the south half of Block 6; the west 12 feet of Block 7, Block 14, Lots 1 and 4; Block 15, Lots 1, 2, 3, 4, 6 and 7; and, Block 16, Lots 2 and 3.

**WHEREAS**, notice that public hearing would be held before the City of Coos Bay Planning Commission (the Commission) on August 14, 2012 and public hearing would be held before the Coos Bay City Council on September 4, 2012 was published in "The World," a newspaper of general circulation within Coos County, Oregon, on August 1, 2012 and August 22, 2012.

**WHEREAS**, provisions in the Coos Bay Municipal Code relating to notice have been complied with; and,

**WHEREAS**, public hearing was held on the Application on August 14, 2012 and after receiving evidence and hearing testimony, the Commission recommended approval of the Application.

**NOW THEREFORE**, the City Council of City of Coos Bay ordains as follows:

**Section 1.** The Commission's Findings and Conclusions supporting its recommended approval are attached hereto as "Exhibit A" and incorporated herein by reference.

**Section 2.** The City Council of the City of Coos Bay, after considering the Commission's Findings and Conclusions, hereby adopts the Findings and Conclusions, and finds the change should be approved.

**Section 3.** The City of Coos Bay does hereby amend Title 17 with map, Figure 17.200.040(1), Exempt Parking Area, attached hereto as "Exhibit B."

**Section 4.** The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay the \_\_\_\_\_ day of September 2012.

Yes:

No:       None

Absent:   None

\_\_\_\_\_  
Crystal Shoji  
Mayor of the City of Coos Bay  
Coos County, Oregon

ATTEST:

\_\_\_\_\_  
Susanne Baker  
City Recorder of the City of Coos Bay  
Coos County, Oregon

## EXHIBIT A

### DECISION CRITERIA

The findings and conclusions address the following criteria from Chapter 17.380, Section 17.380.040(1), of the Coos Bay Municipal Code (CBMC):

1. An acceptable rationale which supports the need for the amendment; and
2. The amendment complies with the applicable provisions of the comprehensive plan.

### FINDINGS AND CONCLUSIONS

#### **DECISION CRITERIA #1: An acceptable rationale which supports the need for the amendment.**

##### STATEMENT OF FACT AND FINDINGS:

1a. The City purchased land for the purpose of public parking lots in the downtown area in 1959, 1963 and 1965. Reference to the establishment of a parking district first appeared in the Land Development Ordinance sometime between 1961 and 1974. In 1974, "Existing Parking Assessment District" is mentioned. In 1996 the City Council initiated the proposal to add land to the exempt area by including the area between Central and Commercial; 3rd and 5th and Bayshore and Broadway; and, Anderson and Commercial.

1b. The applicant states in his submitted information that the building at 446/454 Commercial Avenue was built in 1950 which was prior to the requirement of off-street parking. The property, which is zoned "Central Commercial (C-1), has three (3) off-street parking spaces plus one (1) disabled parking space. Attachment G is additional information submitted by the applicant at the public hearing.

1c. The amount of off-street parking required is computed according to the standards set forth in the CBMC. The amount is based on the type of use and the size of the area the use will occupy, unless the use is located in a designated parking district.

Code requires the off-street parking must be on the same parcel of land with the main use it serves. However, parking for nonresidential structures or uses may be provided within 300 feet of the main building and in the same general type of district if there is assurance in the form of deed, lease, contract or other similar document that the site is usable for the required parking for the duration of the use.

1d. The applicant states that he has been unable to secure off-street parking within the 300 feet as required by the Code. Therefore, the applicant is unable to guarantee a tenant that the parking requirements will be met. With three (3) spaces plus one disabled parking space, a tenant willing and/or able to occupy the space is limited.

1e. The area that is proposed to be included in the parking district by the City is meant to alleviate the same problem from occurring even though some of the properties have small parking lots at this time. The area was also proposed to be included to make the district boundaries easier to interpret. All of the area proposed to be included in the parking district is zoned C-1.

A letter explaining the proposed amendment was sent to landowners of the expanded area on July 2, 2012. An e-mail response was received from Cary Pugh, Presiding Officer of the Blanco Masonic Lodge, located on the north half of the block lying adjacent and south of Market Avenue between N. 4th and N. 5th Streets. Mr. Pugh indicated that they would like to be excluded from the parking district. Therefore, this property has been excluded from the proposal.

1f. On-street parking is available in this area on N. 4th and N. 5th Streets along with Market, Central and Anderson Avenues. The closest public parking lot is on the east side of N. 4th Street between Commercial and Central Avenues. This lot has 40 parking spaces plus two (2) disabled parking spaces. The 2007 report, "Assessment and Recommended Actions for Downtown Coos Bay," by the Oregon Downtown Development Association, stated the City does offer ample off-street parking in lots.

1g. A letter of objection (Attachment D) to the proposed expansion was received on August 1, 2012 from Mr. Richard Nored, The Peregrine Group Inc., located at 375 Park Avenue. Mr. Nored states there is no rational reason not to adhere to the existing parking requirements which were specifically adopted to control growth and development in the Central Commercial District:

"If we want development of new business in the downtown core, developers need to make provisions for the on-site parking that has been a requirement in this zone for many years. The general exodus of business from the downtown area to strip-type developments is almost directly attributable to convenience and parking. The existing Coos Bay parking lots in the assessment district were created to provide for existing buildings that had no opportunity to develop on-site parking facilities for their structures, and many of these structures have continued to decline simply because captive parking is not available. Increased occupancy of the downtown core is difficult for many types of business, because their owners understand that their success is directly related to the ability for customers to park in close proximity.

In addition to a need to maintain adherence to existing development regulations in the downtown Coos Bay area, it is important to consider the fact that the existing parking district has not expanded in the last 40 years...."

1h. Written testimony from Mr. Clark Walworth, publisher of The World, requesting that the Southwest Oregon Publishing Company property be excluded from the expansion proposal, was reviewed by the Planning Commission. Mr. Walworth felt that inclusion in a taxing district conceivably could lead to assessment of taxes at some later date, and because his business provides off-street parking for their employees and visitors, they would like to be excluded from the expansion proposal. Mr. Walworth's property is described as a portion of Tax Lot 2700, more specifically, Block 7, the east 88 feet of the west 100 feet of Lots 2, 3, 6 and 7. See Attachment F.

CONCLUSION: Inclusion into the parking district will allow greater flexibility for a business to occupy a building. The requirement to provide off-street parking is eliminated. However, the Planning Commission recommended granting the request that the Southwest Oregon Publishing Company be excluded from the expansion as requested. The decision criterion has been addressed and approval of the proposal can be supported.

**DECISION CRITERIA #2: The amendment complies with the applicable provisions of the comprehensive plan.**

STATEMENT OF FACT AND FINDINGS:

2a. Economic Development Goals from Coos Bay Comprehensive Plan, Volume I, Part 1, Chapter 7.5, Economic Development, state the following:

Goal #1: Encourage and support economic growth;

Goal #2: Maintain and expand a diversified economy;

Goal #3: Recruit businesses; and,

Goal #4: Work to retain, expand and strengthen existing local businesses.

2b. Uses permitted or conditionally permitted in the C-1 zoning district remain the same, regardless of the inclusion in the parking district. However, the availability of off-street parking for the type/intensity of a C-1 use is no longer a concern for building owners or a lessee.

2c. Coos Bay Land Use Plan 2000, Coos Bay Comprehensive Plan, Volume I, Part 1, Chapter 9.1, Commercial Areas, states under Objective 2 the following:

Objective 2 – It is important that the Central Business District (CBD) and its supportive commercial sub-districts remain efficient, prosperous, and easily accessible since commerce is a major source of revenue and is a necessity to the economic stability and future growth of the city. Efforts toward redevelopment of older, underutilized commercial areas will be encouraged.

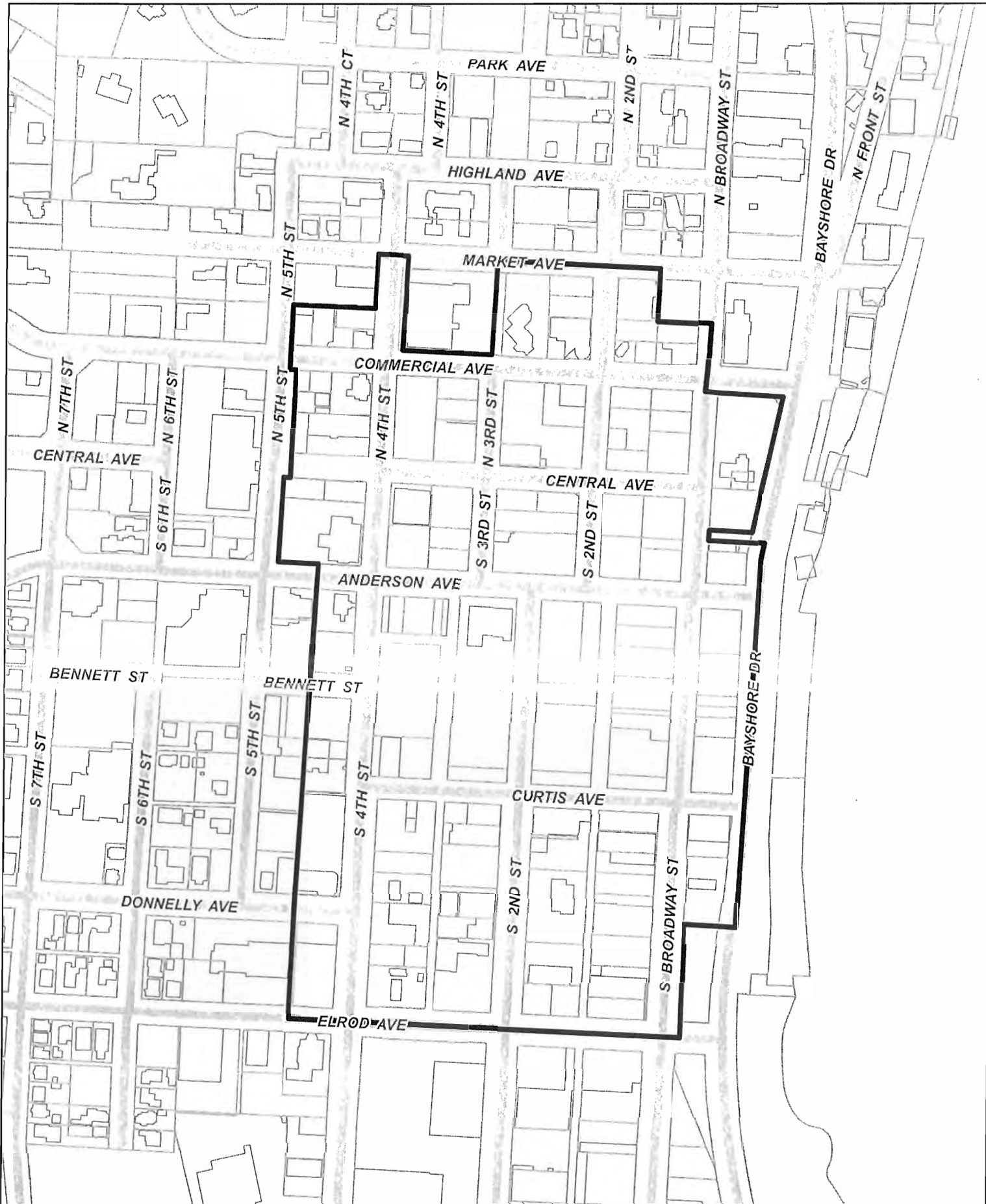
The rationale for this objective is that commercial trade and service activities are the foundation of the economic system of the city. The City finds that eliminating the requirement for off-street parking in the proposed area by including the area in the parking district will encourage an increase to the occupancy of these buildings.

**CONCLUSION:** Including the subject area into the parking district will encourage tenants to occupy buildings in this area because there will be no requirement for off-street parking. This will help attract new businesses into the building/area and, therefore, support economic growth and strengthen the existing businesses in the surrounding area.

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

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**Legend**

 DOWNTOWN PARKING DISTRICT

**Figure 17.200.040(1)**



**EXHIBIT B**

Agenda Item #6

The CITY OF COOS BAY  
PLANNING COMMISSION MINUTES

DRAFT

Tuesday, August 14, 2012

6:00 P.M. Coos Bay Library, 525 Anderson Avenue, Coos Bay

ATTENDANCE

COMMISSIONERS: Chairman Christine Coles, Commissioners Jim Berg, Bruce Harlan, Chris Hood, Phil Marler, and Jeff Marineau

ABSENT: Commissioner Danny Stoddard

STAFF: Laura Barron, Planning Administrator; Debbie Eler, Planner

SIGNED-IN GUESTS: Gary Rifkin, 580 N. 3rd Street, Coos Bay

PUBLIC HEARING

ITEM C: Amendment to the text of the Coos Bay Municipal Code #ZON2012-00035. The applicant, Mr. Gary Rifkin, 580 N. 3rd Street, Coos Bay, is proposing to amend the text of the Code to expand the downtown parking lot assessment district to include property he owns at 446 and 454 Commercial Avenue. The City is proposing to expand the proposal to include the following property: T. 25, R. 13, S. 26CC, Tax Lots 2100, 2400, 2500, 2600, 2700, 4800, 7200, 7300 and 7401.

Chairman Coles asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. She asked if any Planning Commissioner had exparte contact or conflict of interest to report.

Chairman Coles opened the public hearing.

Laura Barron read the public hearing disclosure statement and outlined the applicant's request. The applicant, Mr. Gary Rifkin, is requesting to amend Ordinance 93, which is codified in the Coos Bay Municipal Code, Chapter 17.200.040(4), Figure 17.200.040(1), for exempt parking in the downtown assessment district. Mrs. Barron outlined the review criteria for an amendment. She stated the applicant proposes to expand the "Parking Lot Assessment District" to include the applicant's commercial property at 454 Commercial Avenue, which has three off-street parking spaces. The building at this address was built in 1950 prior to the district or public parking lots. The applicant would like to lease his property and assure possible lessees that off-street parking is not an issue. The previous owner leased parking from the property to the north; however, that property is no longer available for lease.

Mrs. Barron stated the City has expanded the application to include eight (8) other properties in the area. The purpose is to "square up" the outline of the district for easier implementation, and also to respond to the buildings in the area that are without adequate off-street parking. The opportunity for occupants/lessees diminishes if the parking requirements of the CBMC cannot

be met. The parking lot assessment district was created in 1963; however, property for the public lots were purchased or leased in the late 1950s, 1960s and 70s. Beginning in 1963, for a 20-year term, those properties directly benefiting from the public parking lots made payments for the lots. We also find documentation that the property for parking lots was paid for in part with revenue from parking meters downtown.

Mrs. Barron stated there was an urban renewal district in the central downtown core in 1968. Projects included property acquisition to create parking lots. That Urban Renewal District ended in 1989 and was replaced with the Downtown URD that we have today. She stated it is likely that if the existing parking lots were to require maintenance or new lots acquired, the Urban Renewal District would be paying for them.

Mrs. Barron stated the City received three (3) letters regarding the project. The first was an e-mail from Blanco Masonic Lodge, asking to be excluded from the proposal. The property is located at the southwest corner of Market Ave and N. 4th street. The second was a letter from Richard Nored, The Peregrine Group, Inc., dated July 31, 2012, objecting to the proposed expansion of the parking lot assessment district. The letter was included in the "Staff Report." Mr. Nored states that developers need to make provisions for the on-site parking since it has been a requirement for years. He states the existing parking lots in the assessment district were created to provide for existing buildings that had no opportunity to develop on-site parking facilities for their structures. The third response was received from Clark Walworth, (The World) which we received via e-mail this morning (Exhibit 1 - read into record). A second e-mail was received from Mr. Walworth stating he is skeptical about the value of being included in the district because their business provides off-street parking for their employees and visitors. Mr. Walworth is concerned that being included will lead to taxes and asked that his property be excluded from the proposal. (Exhibit 2 - read into record).

Mrs. Barron stated the applicant provided a summary of prior uses just prior to the meeting. She read the document into the record (Exhibit 3).

Gary Rifkin, 580 North 3rd Street, Coos Bay gave each Planning Commissioner a copy of the summary which indicated that the building had been occupied by only a few companies, including a liquor store, real state office and First American Title Company.

Chairman Coles closed the public hearing.

The Planning Commission discussed the two properties that requested to be excluded from the expansion to the district. They questioned if the City could request additional payment to cover the cost of repairs or additional parking lots being added to the parking district. Mrs. Barron stated the City cannot predict the future, but it is unlikely property owners would be required to pay additional funds. Commissioner Hood stated the original bond expired and the City would need to create a new bond to collect any future funds from the property owners. They discussed that whether existing and proposed property owners will be liable for future improvements, repairs or expansions should be clarified prior to expanding the parking district.

Commissioner Marineau stated he is very familiar with the area and past business did not have issues with parking. He stated there is a few off-street spaces and on-street parking.

MOTION: Commissioner Hood – Based on the applicant’s submittal, and the Statement of Facts, Findings, Conclusions attached hereto and incorporated herein by reference as “Attachment A”, recommend the City Council approve the requested amendment to the Coos Bay Municipal Code as outlined in application #ZON2012-00035 and expand the downtown parking lot assessment district to include property 446 and 454 Commercial Avenue as well as property at Tax Lot Map #T. 25, R. 13, S. 26CC, Tax Lots 2100, 2400, 2500, 2600, 4800, 7200, 7300 and 7401.

SECOND: Commissioner Marineau

VOTE: Unanimous

////



# City of Coos Bay

## Public Works & Development Dept.

500 Central Ave., Coos Bay, Oregon 97420 • Phone (541) 269-8918  
Fax (541) 269-8916

### AMENDMENT TO TEXT OF ORDINANCE 93 (CODIFIED IN COOS BAY MUNICIPAL CODE) NOTICE OF PLANNING COMMISSION RECOMMENDATION

**APPLICATION:** Code Text Amendment #ZON2012-00035

**APPLICANT:** Mr. Gary Rifkin, 580 N. Third Street, Coos Bay, OR 97420

**APPLICATION:** **Coos Bay Municipal Code Chapter 17.200.040(4)(a), Figure 17.200.040.1:**  
The applicant is proposing to expand the downtown Parking Lot Assessment District to include property he owns at 446/454 Commercial Avenue. This City is legislatively expanding the proposal to include additional properties in the area. In all, the area to be included is described as follows: T. 25, R. 13, S. 26CC, Tax Lots 2100, 2200, 2400, 2500, 2600, portion of 2700, 4800, 7200, 7300 and 7401.

The area proposed for expansion is also described as: In the plat of the Town of Marshfield, the south half of Block 6 consisting of Lots 5, 6, 7 and 8; the west half of Block 7 consisting of the Lots 2, 3, 6, and 7; Block 14, Lots 1 and 4; Block 15, Lots 1, 2, 3, 4, 6, and 7; and Block 16, Lots 2 and 3.

**RECOMMENDATION:** August 14, 2012 the Planning Commission recommended approval of the expansion with the exception that the west 88 feet of Tax Lot 2700 (Town of Marshfield, Block 7, the east 88 feet of the west 100 feet of Lots 2, 3, 6, and 7) be excluded.

Final Vote: Yea: Chairman Coles, Commissioners Jim Berg, Bruce Harlan, Chris Hood, Jeff Marineau, and Phil Marler  
Nay: None

**APPEAL PROVISIONS:** See page 2

**DECISION CRITERIA AND THE COMMISSION'S ADOPTED FINDINGS OF FACT,**

**CONCLUSIONS:** See pages 3-6

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### FINAL RECOMMENDATION

Recommend City Council approve text amendment application #ZON2012-00035, based on the Findings and Conclusions set forth in Exhibit A, for the expansion of the downtown parking lot assessment district to include the following property:

Plat of the Town of Marshfield, the south half of Block 6 consisting of Lots 5, 6, 7 and 8; Block 7, the west 12 feet of Lots 2, 3, 6, and 7; Block 14, Lots 1 and 4; Block 15, Lots 1, 2, 3, 4, 6, and 7; and Block 16, Lots 2 and 3.

**APPEAL PROVISION**

The final decision will be made by the City Council, and this decision may be appealed to the Land Use Board of Appeals pursuant to ORS 197.830.

Questions regarding the appeal procedure may be directed to the Public Works and Development Department, City Hall, 500 Central, Coos Bay, Oregon or phone (541) 269-8918.

**DECISION PROCESS - EFFECTIVE DATE**

The Planning Commission makes a recommendation to the City Council after hearing public testimony and addressing the applicable decision criteria from Coos Bay Municipal Code Chapter 17.375.050. 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.

The Council shall review the record and affirm, amend, or reverse the Commission recommendation, or remand the matter back for further consideration.

Upon approval of a proposed vacation and/or fulfillment of conditions, the City Council shall have prepared an ordinance which declares the land to be vacated and specifies the conditions under which the vacation is made. The proposed vacation will become effective upon enactment of the ordinance.

## EXHIBIT A

### DECISION CRITERIA

The Planning Commission will make a recommendation to the City Council based on the findings and conclusions which address the following criteria from Chapter 17.380, Section 17.380.040(1), of the Coos Bay Municipal Code (CBMC):

1. An acceptable rationale which supports the need for the amendment; and
2. The amendment complies with the applicable provisions of the comprehensive plan.

### FINDINGS AND CONCLUSIONS

DECISION CRITERIA #1: An acceptable rationale which supports the need for the amendment.

#### STATEMENT OF FACT AND FINDINGS:

1a. The City purchased land for the purpose of public parking lots in the downtown area in 1959, 1963 and 1965. Reference to the establishment of a parking district first appeared in the Land Development Ordinance sometime between 1961 and 1974. In 1974, "Existing Parking Assessment District" is mentioned. In 1996 the City Council initiated the proposal to add land to the exempt area by including the area between Central and Commercial; 3rd and 5th and Bayshore and Broadway; and, Anderson and Commercial.

1a. The applicant states in his submitted information that the building at 446/454 Commercial Avenue was built in 1950 which was prior to the requirement of off-street parking. The property, which is zoned "Central Commercial (C-1), has three (3) off-street parking spaces plus one (1) disabled parking space. Attachment G is additional information submitted by the applicant at the public hearing.

1b. The amount of off-street parking required is computed according to the standards set forth in the CBMC. The amount is based on the type of use and the size of the area the use will occupy, unless the use is located in a designated parking district.

Code requires the off-street parking must be on the same parcel of land with the main use it serves. However, parking for nonresidential structures or uses may be provided within 300 feet of the main building and in the same general type of district if there is assurance in the form of deed, lease, contract or other similar document that the site is usable for the required parking for the duration of the use.

1c. The applicant states that he has been unable to secure off-street parking within the 300 feet as required by the Code. Therefore, the applicant is unable to guarantee a tenant that the parking requirements will be met. With three (3) spaces plus one disabled parking space, a tenant willing and/or able to occupy the space is limited.

1d. The area that is proposed to be included in the parking district by the City is meant to alleviate the same problem from occurring even though some of the properties have small parking lots at this time. The area was also proposed to be included to make the district boundaries easier to interpret. All of the area proposed to be included in the parking district is zoned C-1.

A letter explaining the proposed amendment was sent to landowners of the expanded area on July 2, 2012. An e-mail response was received from Cary Pugh, Presiding Officer of the Blanco Masonic Lodge, located on the north half of the block lying adjacent and south of Market Avenue between N. 4th and N. 5th Streets. Mr. Pugh indicated that they would like to be excluded from the parking district. Therefore, this property has been excluded from the proposal.

1e. On-street parking is available in this area on N. 4th and N. 5th Streets along with Market, Central and Anderson Avenues. The closest public parking lot is on the east side of N. 4th Street between Commercial and Central Avenues. This lot has 40 parking spaces plus two (2) disabled parking spaces. The 2007 report, "Assessment and Recommended Actions for Downtown Coos Bay," by the Oregon Downtown Development Association, stated the City does offer ample off-street parking in lots.

1f. A letter of objection (Attachment D) to the proposed expansion was received on August 1, 2012 from Mr. Richard Nored, The Peregrine Group Inc, located at 375 Park Avenue. Mr. Nored states there is no rational reason not to adhere to the existing parking requirements which were specifically adopted to control growth and development in the Central Commercial District:

"If we want development of new business in the downtown core, developers need to make provisions for the on-site parking that has been a requirement in this zone for many years. The general exodus of business from the downtown area to strip type developments is almost directly attributable to convenience and parking. The existing Coos Bay parking lots in the assessment district were created to provide for existing buildings that had no opportunity to develop on-site parking facilities for their structures, and many of these structures have continued to decline simply because captive parking is not available. Increased occupancy of the downtown core is difficult for many types of business, because their owners understand that their success is directly related to the ability for customers to park in close proximity.

In addition to a need to maintain adherence to existing development regulations in the downtown Coos Bay area, it is important to consider the fact that the existing parking district has not expanded in the last 40 years...."

1g. Written testimony from Mr. Clark Walworth, publisher of *The World*, requesting that the Southwest Oregon Publishing Company property be excluded from the expansion proposal, was reviewed by the Planning Commission. Mr. Walworth felt that inclusion in a taxing district conceivably could lead to assessment of taxes at some later date, and because his business provides off-street parking for their employees and visitors, they would like to be excluded from the expansion proposal. Mr. Walworth's property is described as a portion of Tax Lot 2700, more specifically, Block 7, the east 88 feet of the west 100 feet of Lots 2, 3, 6 and 7. See Attachment F.



CONCLUSION: Inclusion into the parking district will allow greater flexibility for a business to occupy a building. The requirement to provide off-street parking is eliminated. However, the Planning Commission recommended granting the request that the Southwest Oregon Publishing Company be excluded from the expansion as requested. The decision criterion has been addressed and approval of the proposal can be supported.

DECISION CRITERIA #2: The amendment complies with the applicable provisions of the comprehensive plan.

STATEMENT OF FACT AND FINDINGS:

2a. Economic Development Goals from Coos Bay Comprehensive Plan, Volume I, Part 1, Chapter 7.5, Economic Development, state the following:

Goal #1: Encourage and support economic growth;

Goal #2: Maintain and expand a diversified economy;

Goal #3: Recruit businesses; and,

Goal #4: Work to retain, expand and strengthen existing local businesses.

2b. Uses permitted or conditionally permitted in the C-1 zoning district remain the same, regardless of the inclusion in the parking district. However, the availability of off-street parking for the type/intensity of a C-1 use is no longer a concern for building owners or a lessee.


2c. Coos Bay Land Use Plan 2000, Coos Bay Comprehensive Plan, Volume I, Part 1, Chapter 9.1, Commercial Areas, states under Objective 2 the following:

Objective 2 – It is important that the Central Business District (CBD) and its supportive commercial sub-districts remain efficient, prosperous, and easily accessible since commerce is a major source of revenue and is a necessity to the economic stability and future growth of the city. Efforts toward redevelopment of older, underutilized commercial areas will be encouraged.

The rationale for this objective is that commercial trade and service activities are the foundation of the economic system of the city. The City finds that eliminating the requirement for off-street parking in the proposed area by including the area in the parking district will encourage an increase to the occupancy of these buildings.

CONCLUSION: Including the subject area into the parking district will encourage tenants to occupy buildings in this area because there will be no requirement for off-street parking. This will help attract new businesses into the building/area and, therefore, support economic growth and strengthen the existing businesses in the surrounding area.

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

  
Laura Barron  
Planning Administrator

Date: August 16, 2012

- Attachments: A – Applicant's submitted information  
B – Zoning map  
C – Current and proposed configuration of parking district  
D - Letter of objection  
E – Proposed new CBMC Figure 17.200.040(1)  
F -- Written testimony from Clark Walworth  
G -- Information submitted by applicant at the public hearing

c: Gary Rifkin  
Richard Nored, The Peregrine Group Inc.  
Clark Walworth  
Dave Perry, DLCD

G:\DCS\PLANNING\FinalRecomm\Ordinance Amendment\2012\F012-035expandparkingdist



# City of Coos Bay

## Public Works and Development

500 Central Avenue, Coos Bay, Oregon 97420  
Phone 541-269-8918 Fax 541-269-8916

### 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: Gary Rifkin

Address: 580 N 3rd, Coos Bay Phone: 541-543-0875

1 What section of Coos Bay Municipal Code Title 17 do you propose to be amended?  
a. 17.200.040 #4

2. What changes in the code do you propose and how are they justified?  
a. I am proposing to expand the NW corner of the parking district to include the east side of 5th Street and the south side of Market Street. This would "square off" the parking district and make it easier to use/reference. The proposed change would match the corner of the C1 zone and the business district.  
b. The building at 454 Commercial Ave. was built in 1960, before parking restrictions. The building has three onsite parking spaces plus one ADA parking space. Although there is plenty of un-timed, unused parking on streets surrounding the building (within 300 ft), none of the parking is allowed to be calculated into the parking usage for the building. There is no room to build another parking lot within 300 ft. Without this code change, only a very small portion of the building

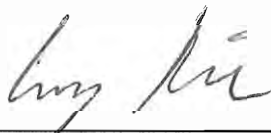
can be used by current code. The building was used by the First American Title Company and before that the Willamette Valley Title Company and Fitzpatrick Realty. I recently purchased the building and have a possible tenant (a solid 17 year old business) that wants to update the inside of the building. I am renting parking next to the Hall building but the owner of that lot cannot guarantee it will stay a parking lot. He will only guarantee 3 months at a time. I would like to assure the possible tenant that they would be able to use the building for as many years as they would like but can not do that unless I can guarantee they will have legal parking.

c. I have attached images that show the streets surrounding my property at 446/454 Commercial Ave. are predominantly unused for parking during business hours. They are unmarked which allows for all day parking. These streets are zoned C1 one side and R-4P on the other which allows for commercial use. I would instruct any tenant that employees are not allowed to park onsite (leaving the spaces for customer use) and should park on 5th Street or Market Street in these predominantly unused spaces.

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.

b. In the past, changes to the parking district have been made to include the south side of Market Street between 2nd St. and 4th St. The proposed change would extend the inclusion of Market Street in the parking district all the way to 5th street.

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.



Signature of Applicant or Authorized Agent

6/19/2012

Date

Filing Fee: \$825.00, Plus publishing cost \*

Date paid:

\* If BM56 notice is required add \$2,000 plus mailing & publishing cost

Planning Commission Hearing:

Referred to City Council:

**Rifkin Property  
446 and 454 Commercial Ave.**

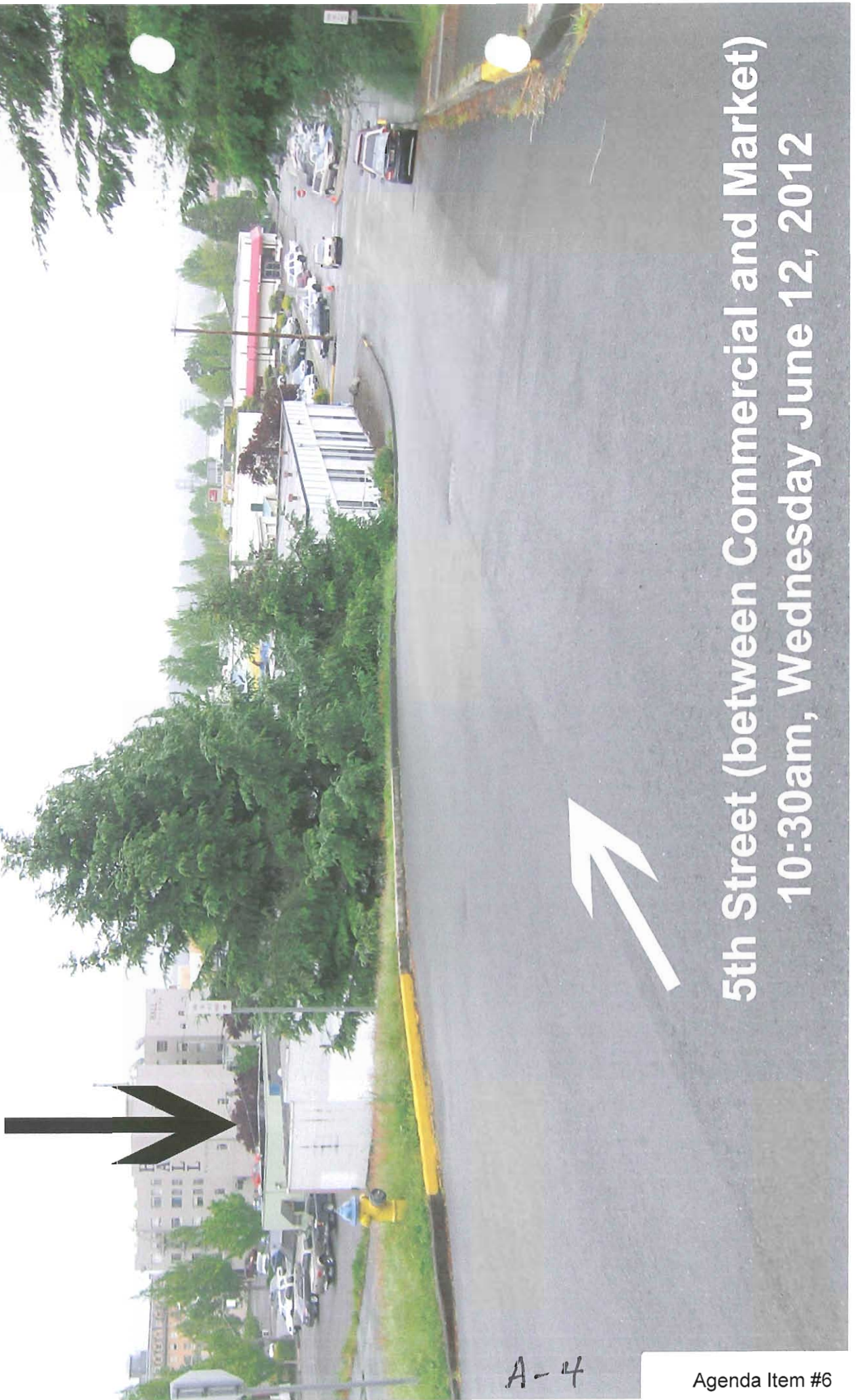


**Market Street (between 4th and 5th)  
10:30am, Wednesday June 12, 2012**

A-3



**Rifkin Property  
446 and 454 Commercial Ave.**



A-4

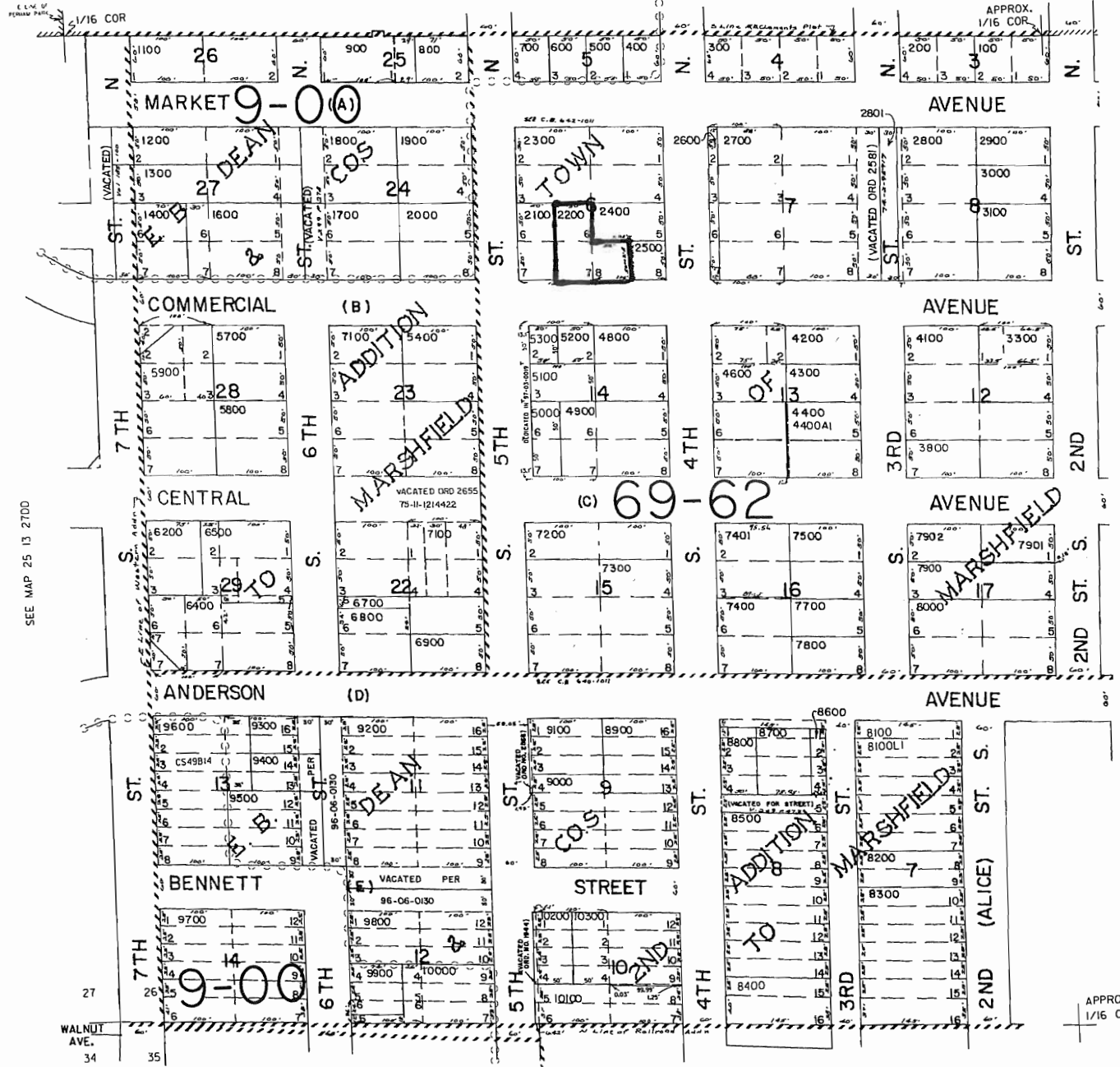
**5th Street (between Commercial and Market)  
10:30am, Wednesday June 12, 2012**

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 SW1/4 SEC.26 T.25S. R.13W. W.M. COOS COUNTY

1" = 100'

SEE MAP 25 13 26CB

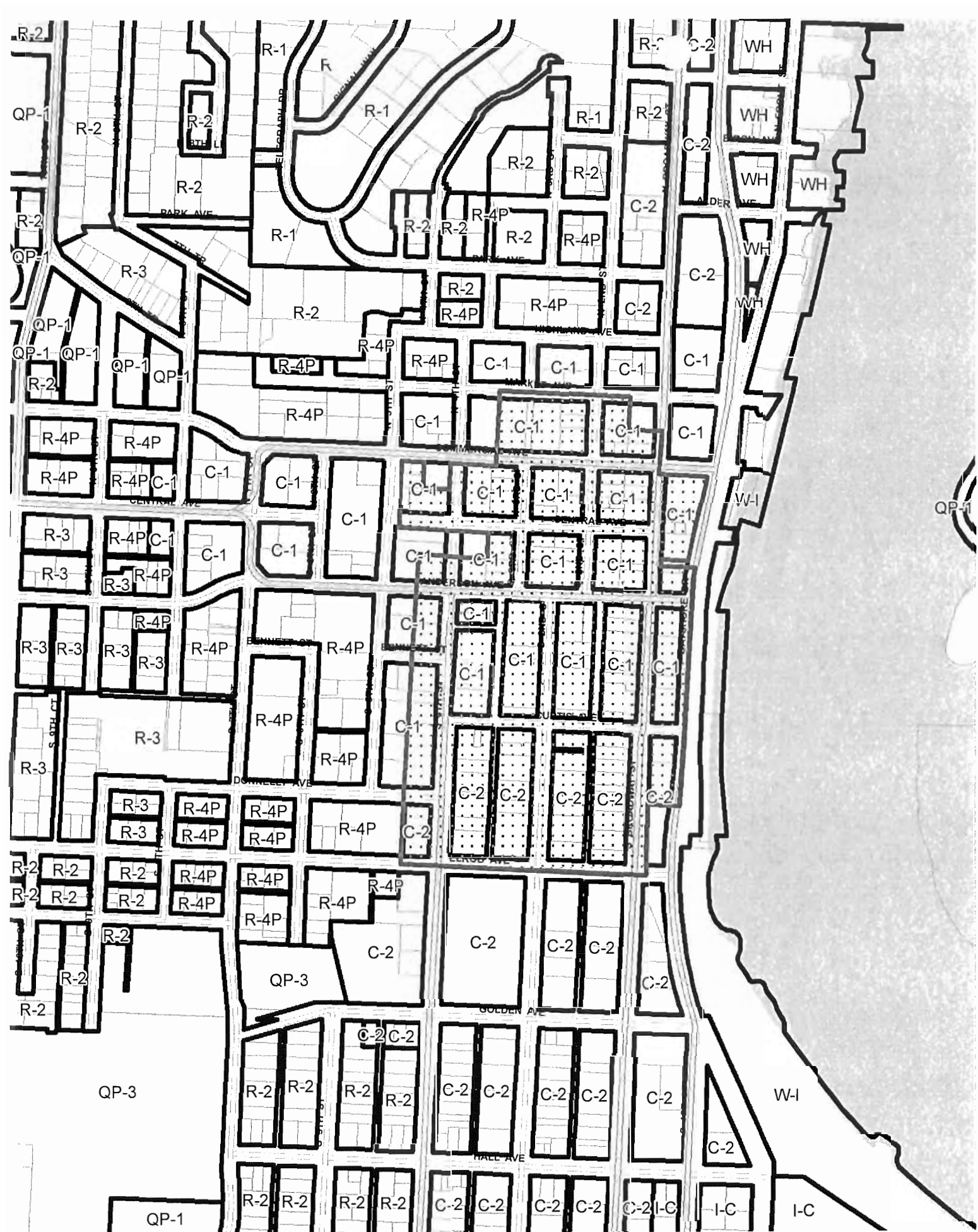


SEE MAP 25 13 2700

SEE MAP 25 13 3588

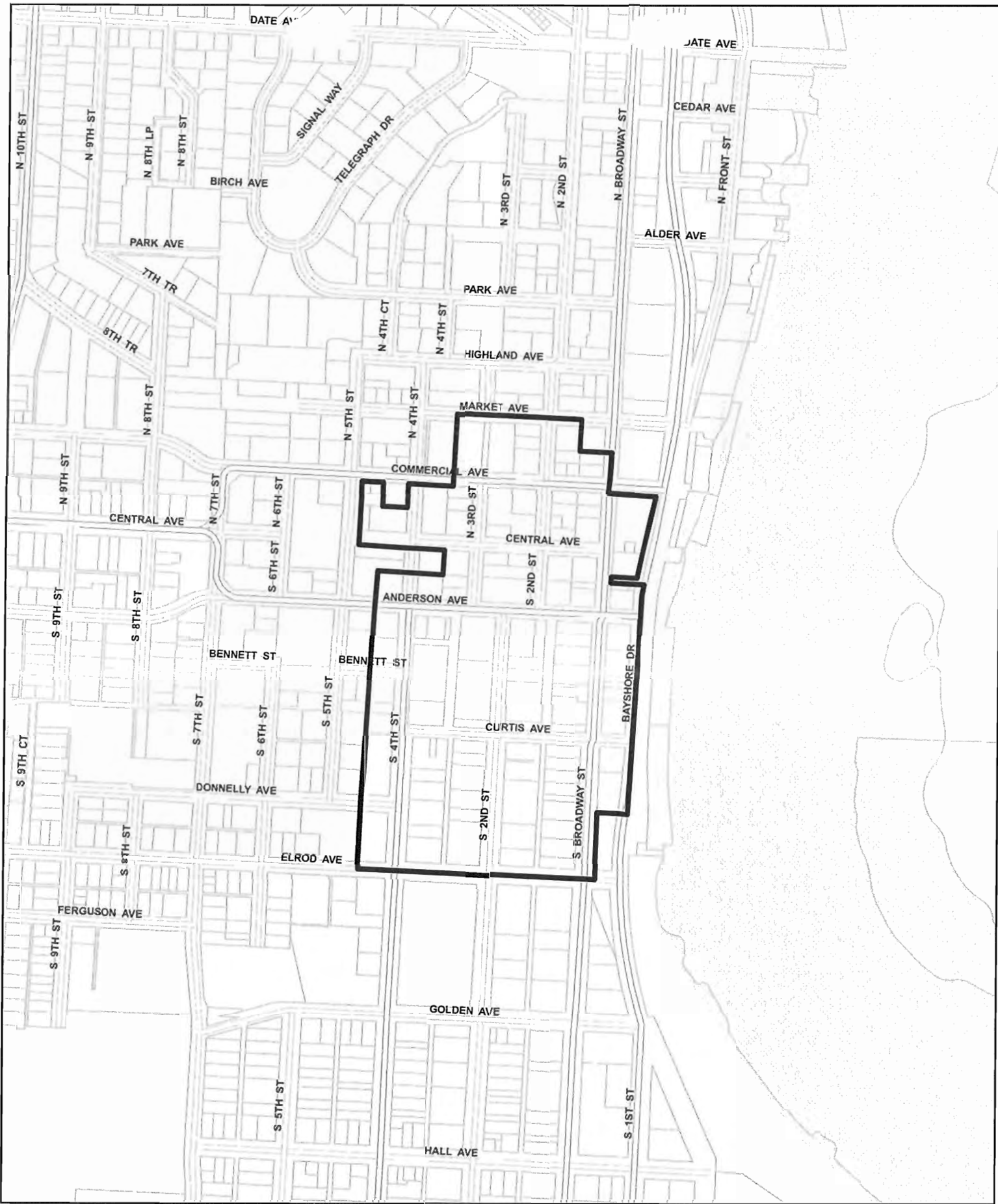
APPROX. 1/16 COR





B - ZONING

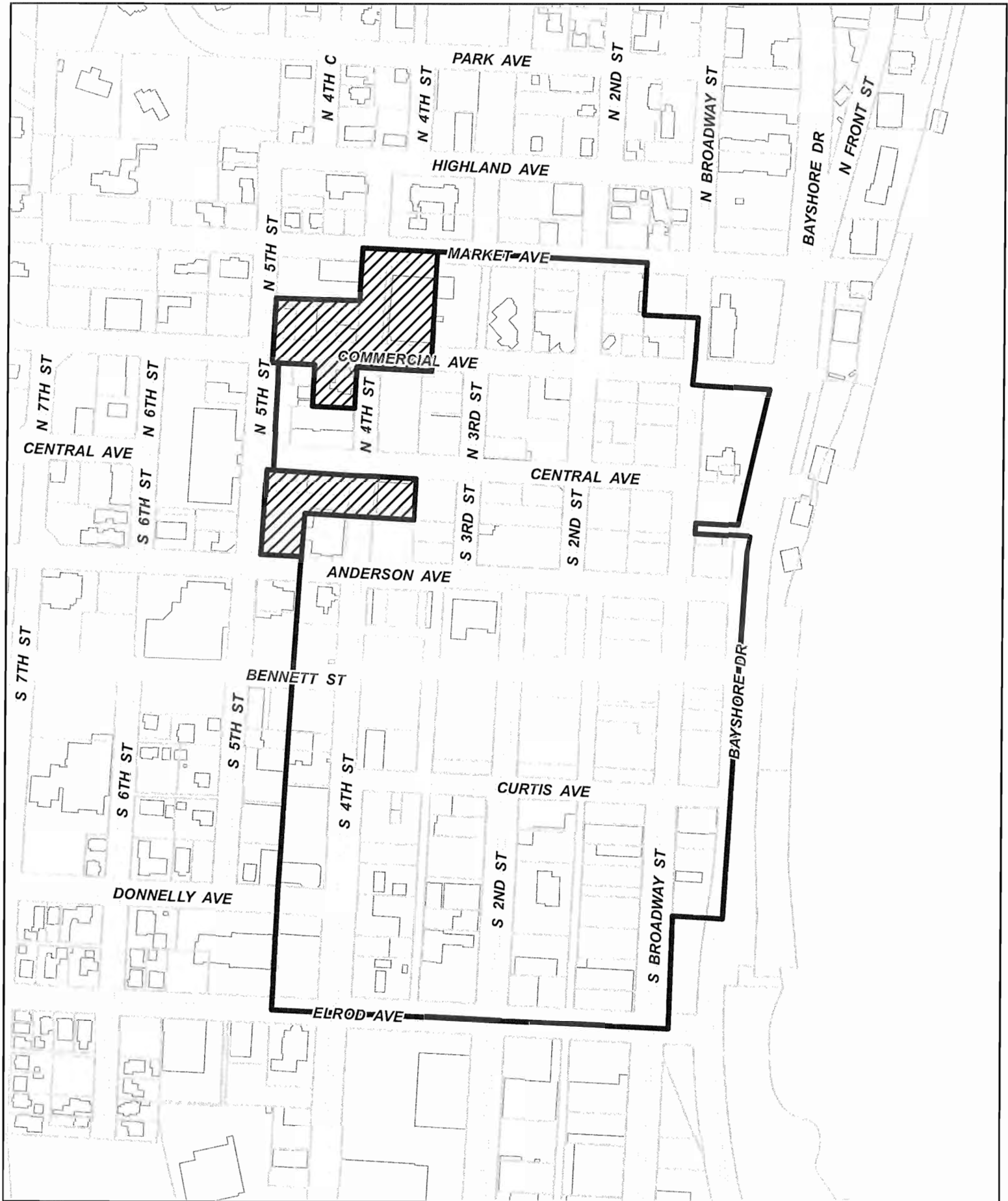




**EXISTING DOWNTOWN  
PARKING DISTRICT**

*C-1*





**Legend**

 PROPOSED ADDITION

**PROPOSED ADDITION  
TO DOWNTOWN PARKING DISTRICT**

*C-2*



*The Peregrine Group Inc.  
375 Park Avenue  
Coos Bay, Oregon 97420*

July 31, 2012

City of Coos Bay  
Public Works & Development Dept.  
500 Central Ave.  
Coos Bay, OR 97420

Attn: Laura Barron  
Planning Administrator

Dear Laura:

This correspondence is intended as formal objection to the request to expand the parking lot assessment district and to amend the Coos Bay Municipal Code Chapter 17.200.040(4).

Our concern is that the City has adopted specific regulations to control growth and development in the Central Commercial District, and there is no rational reason not to adhere to the existing parking requirements. If we want development of new business in the downtown core, developers need to make provisions for the on-site parking that has been a requirement in this zone for many years. The general exodus of business from the downtown area to strip type developments is almost directly attributable to convenience and parking. The existing Coos Bay parking lots in the assessment district were created to provide for existing buildings that had no opportunity to develop on-site parking facilities for their structures, and many of these structures have continued to decline simply because captive parking is not available. Increased occupancy of the downtown core is difficult for many types of business, because their owners understand that their success is directly related to the ability for customers to park in close proximity.

In addition to a need to maintain adherence to existing development regulations in the downtown Coos Bay area, it is important to consider the fact that the existing parking district has not expanded in the last 40 years. The majority of the existing parking lots were financed with grant monies from the Department of Housing and Urban Development, and these funds were awarded specifically to purchase deteriorated properties and to provide parking for the downtown core. Local contributions for purchase and development of the existing parking lots was minimal, and new development needs to provide parking to satisfy the needs of business that will be located on that specific property. The City of Coos Bay cannot, and should not, afford to expand the existing public parking assessment districts to provide benefit to individual developers. Good citizens need to meet or exceed development guidelines in order to provide for the long term benefit of the residents of this City.

Your consideration of these facts is appreciated.

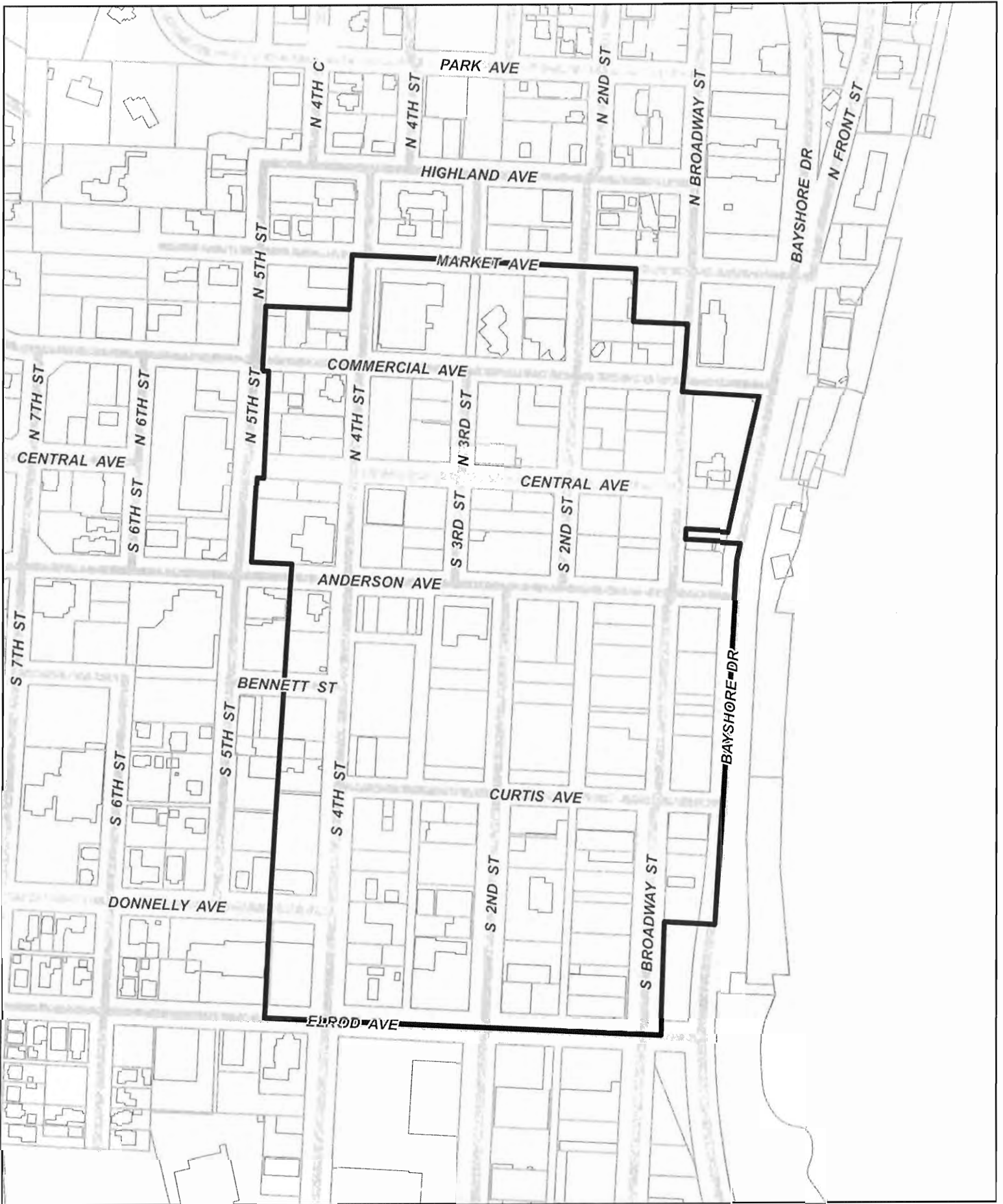
Very truly yours,

**THE PEREGRINE GROUP, INC.**



Richard Nored  
President

D



**Legend**

 DOWNTOWN PARKING DISTRICT

**Figure 17.200.040(1)**

**E**



## Laura Barron

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**From:** Clark Walworth <CWalworth@theworldlink.com>  
**Sent:** Monday, August 13, 2012 7:51 PM  
**To:** Laura Barron  
**Subject:** Inclusion in Parking Lot Assessment District

Aug. 13, 2012

Ms. Barron,

On July 2, 2012, you sent me a letter indicating that our property at 350 Commercial Ave. would be included in an expansion of the Downtown Parking Lot Assessment District. The notice mentioned a public hearing before the Planning Commission on Aug. 14, and it promised notification about the time and location of this hearing. I have not yet received that notice, but I am willing to attend the meeting if you will give me the details.

Your letter further suggested that I notify you in writing if we do not want our property included in the downtown parking district. Because I've been too busy to call you for further information, I can't make an informed judgment on this question. However, because inclusion in a taxing district often leads to taxes, and because our business provides off-street parking for our employees and visitors, I would be skeptical about its value to us.

After I have learned more about the plan, I may change my mind. For the time being, however, please accept this message as notification that Southwestern Oregon Publishing Co. does not wish to have its property included in this district.

I would welcome your reply by phone or email.

Sincerely,

Clark Walworth | Publisher and Editor | The World | Coos Bay, Ore. | 541-269-5756  
The Umpqua Post | Bandon Western World | www.theworldlink.com

F.1

1

Exhibit 1  
PC 8-14-12

Agenda Item #6

**Laura Barron**

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**From:** Clark Walworth <CWalworth@theworldlink.com>  
**Sent:** Tuesday, August 14, 2012 4:22 PM  
**To:** Laura Barron  
**Cc:** Rodger Craddock  
**Subject:** RE: Inclusion in Parking Lot Assessment District

Aug. 14, 2012

RE: Expansion of Parking District

Ms. Barron,

Our property at 350 Commercial Ave. is included in a proposed expansion of the Downtown Parking Lot Assessment District. I have no objection to the overall proposal, and I wish Mr. Rifkin success in his venture. But I see no benefit to us in having our property included. Because inclusion in a taxing district conceivably could lead to assessment of taxes at some later date, and because our business provides off-street parking for our employees and visitors, I ask that our property be excluded from the expansion.

After discussing this matter with you and with Rodger Craddock, I trust that I need not appear before the Planning Commission today. I request that I be informed about the Planning Commission's recommendation to the City Council on this matter. If the Planning Commission recommends including our property, I will ask for the opportunity to address the City Council.

Sincerely,

Clark Walworth | Publisher and Editor | The World | Coos Bay, Ore. | 541-269-5756  
The Umpqua Post | Bandon Western World | www.theworldlink.com

F-2  
1

Exhibit ~

**Rifkin Building at 446/454 Commercial - Built 1950**

<b>Year</b>	<b>446 Commercial Ave.</b>	<b>454 Commercial Ave.</b>
1948	No Listing	No Listing
1950	<b>Building Constructed</b>	
1954	Coos Bay Launderette	Oregon State Liquor Store
1959	Coos Bay Laundry	Oregon State Liquor Store
1961 - 62	Coos Bay Launderette	Oregon State Liquor Store
1965 - 66	Bay Printers	Oregon State Liquor Store
1968	Bay Printers	Oregon State Liquor Store
1976	Bay Printers	Oregon State Liquor Store
1980	Bay Printers	PSI Real Estate
1987	Fitzpatrick Realtors, Inc.	Willamette Valley title
1989	Fitzpatrick Realtors, Inc.	Willamette Valley title
2005	Locators Realty	First American Title Company
2006		First American Title Company (used 446 and 454 Commercial)
2011		First American Title Company (used 446 and 454 Commercial)

Information from the Polk Directories, Johnson Directories and Info - USA

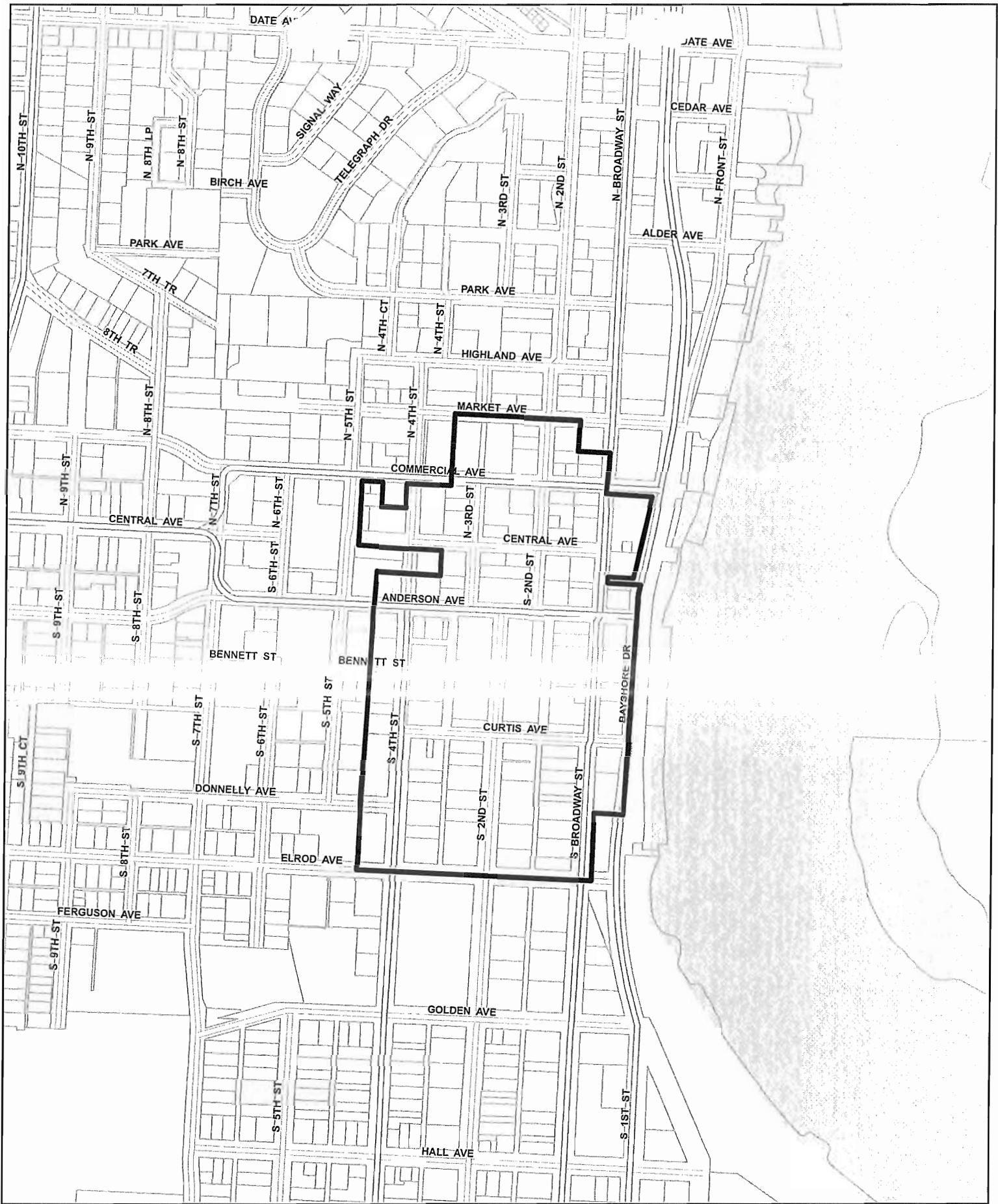
**Neighboring Properties**

<b>Year</b>	<b>350 Com.</b>	<b>356 Com.</b>	<b>372 Com.</b>	<b>388 Com.</b>	<b>402 Com.</b>	<b>408 Com.</b>	<b>490 Com.</b>
1968					Snack Shack	Western Mercantile	Nothing
1970							Harry Abel Ins.
1972	Vacant	Vacant	Larry Myers	Vacant			
1974	The World Newspaper						

G

*from applicant, G. Rifkin  
PC B-14-12  
Exhibit 7*





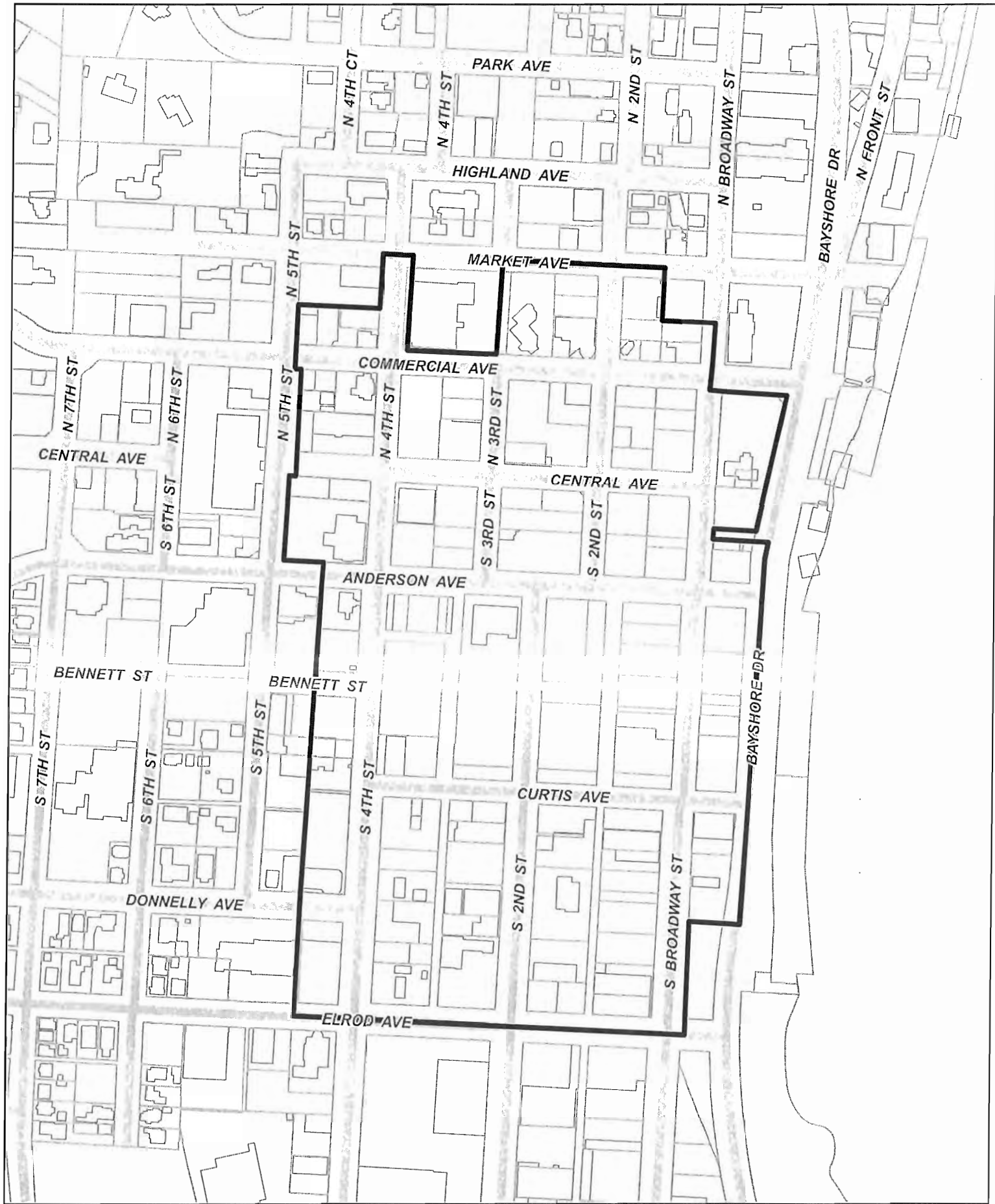
**EXISTING DOWNTOWN  
PARKING DISTRICT**

*C-1*

**ATTACHMENT ^**







**Legend**

 DOWNTOWN PARKING DISTRICT

**Figure 17.200.040(1)**



**ATTACHMENT B**

**CITY OF COOS BAY  
Agenda Staff Report**

MEETING DATE September 4, 2012	AGENDA ITEM NUMBER
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TO: Mayor Shoji and City Councilors

FROM: Jim Hossley, Public Works and Development Department *JH*  
Through: Laura Barron, Planning Administrator *LB*

ISSUE **VACATION #ZON2012-00031– PROPOSED VACATION OF THE ALLEY LOCATED SOUTH OF SCHETTER AND NORTH OF NEWMARK AVENUE AND BETWEEN NORTH MORRISON AND NORTH SCHONEMAN STREETS, FOUND IN SECTION 20BA, TOWNSHIP 25, RANGE 13 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.**

BACKGROUND

On August 14, 2012 the Planning Commission voted unanimously to recommend approval of the proposed alley vacation as described above.

The applicant, 1090 Newmark, LLC, 8733 S.E. Division Street #201 Portland Oregon 97266, owns the property on both sides of the east 215 feet of the alley proposed for vacation. The City legislatively expanded the proposal to include the remainder of the alley, the west 125 feet, since it would no longer be of use to anyone except the abutting landowners.

The alley is not platted as a through right of way; it ends approximately 56 feet short of Schoneman Avenue.

ANALYSIS

For years the portion of the alley abutting the applicant’s property has been incorporated into the parking lot for the business on that property. Recently, redevelopment of the property resulted in a small addition encroaching into the alley right of way.

ADVANTAGE

- Vacating the alley right of way will increase property taxes slightly; and,
- Vacating the alley will allow the applicant to own the property where the parking lot improvements and encroaching building are located.

DISADVANTAGE

None

BUDGET

None.

RECOMMENDATION

If it pleases the City Council **enact the attached Ordinance** approving the proposed vacation of the alley located in Block 28, First Addition to Empire which is south of Schetter Avenue, north of Newmark Avenue, east of N. Morrison Street and west of N. Schoneman Street, found in Section 20BA, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon.

ATTACHMENTS

Attached are the following documents: Draft Ordinance, Draft Planning Commission Minutes, Final Recommendation by the Planning Commission, Maps

c: 1090 Newmark Avenue, LLC  
John Hamilton  
Henry Hernandez

**ORDINANCE NO.\*\*\***

**AN ORDINANCE PROVIDING FOR THE VACATION OF THE ALLEY LOCATED IN BLOCK 28, FIRST ADDITION TO EMPIRE, SECTION 20BA, TOWNSHIP 25 SOUTH, RANGE 13 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON**

**WHEREAS**, 1090 Newmark, LLC, filed an application for the vacation of the portion of the alley abutting their property described as Block 28, Lots 1 through 5 and 12 through 16, First Addition to Empire; the City legislatively expanded the application to include the remainder of the alley that abuts Lots 6 through 11; the alley proposed for vacation is more particularly described as follows:

Beginning at the southeast corner of Lot 8, Block 28, First Addition to Empire; thence, east along the alley right of way for a distance of 339 feet to the southeast corner of Lot 1; thence, southerly a distance of 20 feet to the northeast corner of Lot 16; thence, west along the south alley right of way line for a 339 feet to the northwest corner of Lot 9; thence northerly a distance of 20 feet to the point of beginning.

**WHEREAS**, the City Council of the City of Coos Bay set the hour of 6:00 p.m. August 14, 2012 in the Council Chambers of the City Hall in Coos Bay, Oregon, as the time and place for a public hearing before the Coos Bay Planning Commission on the matter of the vacation, at which time and place all persons having any objections were invited to be heard;

**WHEREAS**, the City of Coos Bay Public Works and Development Department provided notice of the hearing as prescribed in OR Sections 271.080 – 271.120, which notice declared the Council's intention to consider, upon recommendation by the Planning Commission, to vacate the above described alley within the City of Coos Bay, Coos County, Oregon;

**WHEREAS**, notice of time and place of the hearings before the City of Coos Bay Planning Commission and the Coos Bay City Council was mailed to all the affected property owners, as defined by Oregon law, on July 20, 2012, and was also published in The World, a newspaper of general circulation printed and published in Coos Bay, Oregon once a week for two consecutive weeks beginning with the July 30, 2012 issue and continuing through the August 6, 2012 issue, as shown on the affidavit of publication which is attached hereto as "Exhibit A." and incorporated herein by reference;

**WHEREAS**, the Public Works and Development Department gave notice of time and place of the hearings before the Planning Commission and City Council by posting notice on July 31, 2012, "Notice of Alley Vacation," on Morrison Street at the west end of the ally proposed for vacation, and on Schoneman Street near the east end of the alley proposed for vacation. The notices were posted in a conspicuous place where they could be easily read. The notice was also posted on the bulletin board in the City Hall for the City of Coos Bay;

RETURN TO: City of Coos Bay  
500 Central Avenue  
Coos Bay OR 97420

**WHEREAS**, provisions in the Coos Bay Municipal Code relating to notice have been complied with; and

**WHEREAS**, public hearing was held before the Planning Commission on August 14, 2012, in the Council Chambers of Coos Bay City Hall, at the hour of 6:00 p.m. at which time and place all persons had an opportunity to appear and object to the vacation of the above-described real property.

**WHEREAS**, after careful consideration of all evidence and testimony presented during the public hearing, the Planning Commission found that the public interest would not be prejudiced by the vacation of the above-described real property and recommended the City Council vacate the above-described area.

**NOW THEREFORE**, the City Council of the City of Coos Bay ordains as follows:

**Section 1.** Having reviewed the Planning Commission's findings of fact, conclusions and final recommendation and the record of the public hearing held on August 14, 2012, the City Council hereby adopts the following findings of fact and conclusions of the Commission:

1. 1090 Newmark, LLC has submitted the notarized signatures of the abutting property owners and of two-thirds in area of the property embraced within the alley proposed to be vacated.
2. Notice procedures under ORS 271.110 have been complied with.
3. Granting the requested street vacation will not prejudice the public interest.
4. The vacation does not conflict with the City of Coos Bay's Comprehensive Plan, including the adopted Coos Bay Transportation System Plan, or other ordinances.

**Section 2.** The City Manager shall have prepared within a reasonable time an intelligible map of the property hereby vacated and the City Recorder shall cause the map to be filed with this Ordinance in the office of the County Clerk, Coos County, Oregon, incorporated herein by reference as "Exhibit B."

**Section 3.** It is hereby declared that public interest will not be prejudiced by the vacation of the above described alley, that such vacation is in the best interests of the City of Coos Bay, and that the City of Coos Bay does hereby vacate the entire area described above.

**Section 4.** This Ordinance shall take effect 30 days after enactment by the Council and signature by the Mayor, whichever is later.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this \_\_\_\_\_ day of September 2012 by the following vote:

Yes:  
No:  
Absent:

\_\_\_\_\_  
Crystal Shoji  
Mayor of the City of Coos Bay  
Coos County, Oregon

ATTEST:

\_\_\_\_\_  
Susanne Baker  
City Recorder of the City of Coos Bay  
Coos County, Oregon

State of OREGON    )  
County of COOS    )  
City of Coos Bay    )

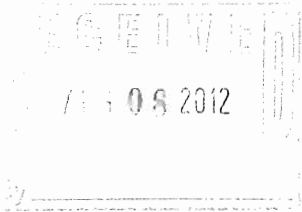
On this \_\_\_\_\_ day of September 2012 before me personally appeared the within named Crystal Shoji, Mayor of the City of Coos Bay, and Amy Kinnaman, Deputy Recorder of the City of Coos Bay, and the seal affixed hereto is the official seal of the City of Coos Bay.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

**AFFIDAVIT OF PUBLICATION**

**The World**

Lee Enterprises - Coos County  
350 Commercial Ave. Coos Bay, OR 97420  
P.O. Box 1840, Coos Bay, Or, 97420



**STATE OF OREGON - COUNTY OF COOS**

**City of Coos Bay  
500 Central Ave  
Coos Bay, OR 97420**

Reference: 60005035/ 20213301

I, **Bonnie Wilkins**, first duly sworn, deposed and say that I am the Legal Advertising Clerk for THE WORLD a newspaper, of general circulation published at Coos Bay, Oregon, in the aforesaid county and state; that I know from my personal knowledge that the **ZON2012-00031 Land Use Application**, printed copy of which hereto annexed, was published in the entire issue of said newspaper **two** time (s) in the following issues:

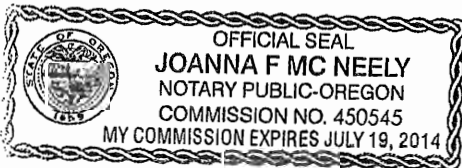
PUBLISHED: July 30, and August 06, 2012

TOTAL COST: \$239.04

*Bonnie Wilkins*  
\_\_\_\_\_  
Legal Clerk, **Bonnie Wilkins**

Subscribed and sworn to before this 06 day of August, 2012

*Joanna McNeely*  
\_\_\_\_\_  
Notary Public of Oregon  
My Commission expires: 19<sup>th</sup> day of July 2014



FILED ON: 08/06/2012

**CITY OF COOS BAY  
PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Coos Bay Planning Commission and City Council will conduct public hearings at the times and locations noted below for the purpose of taking testimony on the matter of vacating a portion of the alley located between North Morrison Street and North Schenckman Street, found in Section 20BA, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon.

Land Use Application #ZON2012-00031 was filed by 1090 Newmark, LLC 8733 S.E. Division Street #201, Portland Oregon. 97266 on June 11, 2012.

The Planning Commission will make a recommendation to the City Council following a public hearing on the matter. The hearing will take place on August 14, 2012 at 6:00 p.m. in the Coos Bay Library at 525 Anderson Avenue.

The City Council will consider the matter and the Planning Commission's recommendation at a public hearing which will occur on September 4, 2012 at 7:00 p.m. at the same location.

The hearings are open to the public and all interested parties are encouraged to attend. Written objections may be filed with the Public Works and Development Department, City Hall, 500 Central Avenue, Coos Bay, prior to the hearings and will be considered at the time of the hearings. The final decision by the City Council may be appealed to the Land Use Board of Appeals pursuant to ORS 197.830.

Those wishing further information shall contact Laura Barron, Planning Administrator at (541) 269-8918.

PUBLISHED: The World - July 30, and August 06, 2012. (ID-20213301)

SEE MAP 25 13

MORRISON

SCHONEMAN



25S 13W 2C  
COOS BA

NEWARK

SEE MAP 25 13 20BD

EXHIBIT B



The CITY OF COOS BAY  
PLANNING COMMISSION MINUTES

DRAFT

Tuesday, August 14, 2012

6:00 P.M. Coos Bay Library, 525 Anderson Avenue, Coos Bay

ATTENDANCE COMMISSIONERS: Chairman Christine Coles, Commissioners Jim Berg, Bruce Harlan, Chris Hood, Phil Marler, and Jeff Marineau

ABSENT: Commissioner Danny Stoddard

STAFF: Laura Barron, Planning Administrator  
Debbie Eler, Planner 1

SIGNED-IN GUESTS: Gary Rifkin, 580 N. 3rd Street, Coos Bay

---

PUBLIC HEARING

ITEM B: Vacation of Alley #ZON2012-00031. The applicant, 1090 Newmark, LLC, 8733 S.E. Division Street #201, Portland, OR 97266, is proposing to vacate the 20-foot-wide alley located between Schetter and Newmark Avenues and between North Morrison and North Schoneman Streets.

Chairman Coles asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. She asked if any Planning Commissioner had exparte contact or conflict of interest to report.

Chairman Coles opened the public hearing.

Laura Barron read the public hearing disclosure statement and outlined the applicant's request.

The applicant, 1090 Newmark Avenue, LLC, requests the vacation of the 20-foot-wide alley abutting their property Tax Lots 7900 and 7901, 8200 and 8201. The alley is located south of Schetter Avenue and north of Newmark Avenue, between Schoneman Street and North Morrison Street. The City expanded the original request to include the remaining 125 feet which abuts Tax Lot 8000 and 8100. Mrs. Barron stated the block is zoned General Commercial (C-2). The alley for the most part is undeveloped. The portion of the alley abutting the 1090 Newmark Avenue, LLC, property is incorporated as part of the parking lot and the remainder of the alley to the west is unused. The alley is relatively flat; however, it is not a through alley; the right of way ends about 56 feet west of Schoneman Street. In addition, the re-development that recently took place at 1088 Newmark resulted with an encroachment into the alley.

Chairman Coles closed the public hearing.

Commissioner Marler asked if Tax Lot #7900 of the subject property would be land locked if the alley was vacated. Mrs. Barron stated the platted right of way of Schetter Avenue abuts the property on the north. She explained that if Tax Lot #7900 was sold separate from the rest of the property an easement would need to be provided for access, due to topography issues. She stated the tax lot currently provides off-street parking for the existing development.

Commissioner Marineau asked how the encroachment into the alley occurred. Mrs. Barron stated a smoking deck was added on the north elevation as part of the remodel.

MOTION: Commissioner Coles – Based on the applicant’s submittal, and the Statement of Facts, Findings, conclusions attached hereto and incorporated herein by reference as “Attachment A”, recommend the City Council approve alley vacation application #ZON2012-00031vacating the 20-foot-wide alley located between Schetter and Newmark Avenues and between North Morrison and North Schoneman Streets.

SECOND: Commissioner Berg

VOTE: Unanimous

///



# City of Coos Bay

## *Public Works & Development Dept.*

500 Central Ave., Coos Bay, Oregon 97420 • Phone (541) 269-8918  
Fax (541) 269-8916

### **ALLEY VACATION NOTICE OF PLANNING COMMISSION RECOMMENDATION**

**APPLICATION:** ALLEY VACATION #ZON2012-00031

**APPLICANT:** 1090 Newmark, LLC, 8733 S.E. Division Street #201  
Portland, Oregon 97266 on June 11, 2012

**APPLICATION:** **VACATION #ZON2012-00031– Filed on June 11, 2012**  
Vacate the alley located south of Schetter and north of Newmark  
Avenues between North Morrison and North Schoneman Streets, found in  
Section 20BA, Township 25, Range 13 West of the Willamette Meridian,  
Coos County, Oregon.

**RECOMMENDATION:** August 14, 2012 the Planning Commission recommended approval  
to vacate the above described alley

Final Vote: Yea: Chairman Coles, Commissioners Jim Berg, Bruce  
Harlan, Chris Hood, Jeff Marineau, and Phil Marler  
Nay: None

**APPEAL PROVISIONS:** See page 2

**DECISION CRITERIA AND THE COMMISSION'S ADOPTED FINDINGS OF FACT,  
CONCLUSIONS:** See pages 3-5

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### **FINAL RECOMMENDATION**

Recommend City Council approve Vacation application #ZON2012-00031, based on the Findings and Conclusions set forth in Exhibit A, for the vacation of the alley located south of Schetter Avenue and north of Newmark Avenue between North Morrison and North Schoneman Streets, found in Section 20BA, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon.

**APPEAL PROVISION**

The final decision will be made by the City Council, and this decision may be appealed to the Land Use Board of Appeals pursuant to ORS 197.830.

Questions regarding the appeal procedure may be directed to the Public Works and Development Department, City Hall, 500 Central, Coos Bay, Oregon or phone (541) 269-8918.

**DECISION PROCESS - EFFECTIVE DATE**

The Planning Commission makes a recommendation to the City Council after hearing public testimony and addressing the applicable decision criteria from Coos Bay Municipal Code Chapter 17.375.050. 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.

The Council shall review the record and affirm, amend, or reverse the Commission recommendation, or remand the matter back for further consideration.

Upon approval of a proposed vacation and/or fulfillment of conditions, the City Council shall have prepared an ordinance which declares the land to be vacated and specifies the conditions under which the vacation is made. The proposed vacation will become effective upon enactment of the ordinance.

# EXHIBIT A

## DECISION CRITERIA, FINDINGS & CONCLUSIONS

The following is a list of the decision criteria applicable to the request, Coos Bay Municipal Code 17.375.050. Each of the criterion is 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 decision.

Based on their conclusions, the Commission must recommend approval, approval with conditions, or recommend denial of the application. Conditions may be used by the Commission in order to address concerns about how the applicant will meet the criteria applicable to the request.

### **DECISION CRITERIA #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 CRITERIA #2: Notice has been duly given.**

#### STATEMENTS OF FACT AND FINDINGS:

- 2a. On July 17, 2012 the Coos Bay City Council initiated the vacation process at the applicant's request.
- 2b. The Public Works and 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 July 20, 2012.
  - Published in "The World" newspaper on July 30, 2012 and August 6, 2012.
  - Posted in two conspicuous locations in the area of the vacation on July 31, 2012 (at each end of the alley proposed for vacation and posted on the bulletin board at Coos Bay City Hall and Coos Bay Public Library).

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

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

STATEMENTS OF FACT AND FINDINGS:

4a. The 20-foot-wide alley is not a through right of way. That is, the alley extends east from the east boundary of the N. Morrison Street right of way to a point approximately 56 feet west of the N. Schoneman west right of way line.

4b. The east 215 feet of the alley abuts property owned by the applicant. This portion of the alley is incorporated into the parking lot for the structures at 1050 and 1090 Newmark Avenue. Access to the parking lot is off of N. Schoneman and Newmark Avenue. From the aerial photo, it appears that vehicles may be driving across the north part of vacant Tax Lot 8100 to access the parking lots.

4c. Both N. Schoneman and N. Morrison are developed with 36-foot-wide paved streets. Schetter Avenue, lying to the north of Block 28 is undeveloped due to topographical problems. Newmark Avenue, lying to the south is developed also. The entire block is zoned "General Commercial (C-2)."

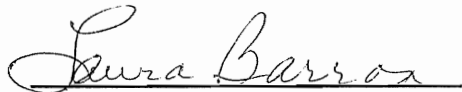
4d. During the remodeling of the building at 1090 Newmark, an addition was placed on the north side of the building. It was discovered that a portion of the addition lay over the alley right of way. It was also discovered that a storm line extends a short distance into the parking lot from N. Schoneman Street. There is no easement for the maintenance or replacement of the storm line. Because the line is on private property it is the sole responsibility of the landowner and is not considered a public utility.

4e. Published notice, posted notice and mailed notice of hearings concerning street vacations provide the public and affected utility agencies with an opportunity to express their opinions concerning a proposed vacation. The notices indicate written comments may be submitted prior to the hearing.

4f. A response (telephone) was received on July 23, 2012 from Pacific Power indicating they have no issues with the alley vacation request. The Coos Bay Fire Chief has indicated that he has no issues with the proposed vacation. An e-mail was received from Mr. Ron Hoffine, Coos Bay North Bend Water Board, that they have no objections to the proposed vacation.

- 4g. The proposed vacation is not located within 1,000 feet of the harbor and as provided by Resolution 90/91-14 the vacation of streets/right of ways in areas in excess of 1,000 feet from the harbor and pierhead 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.

**CONCLUSION:** Existing utilities located within the limits of the vacation area are the sole responsibility of the landowner and are not considered public utilities. The decision criterion has been adequately addressed and approval of the proposal can be supported.



Laura Barron, Planning Administrator  
City of Coos Bay

Date: August 16, 2012

*(previously provided)*

Attachments: A – Applicant's submittal

B - Aerial /Tax lot overlay of proposed vacation

- c: Applicant  
Mr. John Hamilton  
Mr. Henry Hernandez  
Dave Perry, DLCD





# City of Coos Bay

## Public Works and Development

500 Central Avenue, Coos Bay, Oregon 97420  
Phone 541-269-8918 Fax 541-269-8916

### PETITION FOR VACATION OF STREET, ALLEY, OR PLAT

In accordance with Coos Bay Municipal Code, Chapter 17.375, a street, alley, plat or other public place can be vacated when it can be determined that a proposed vacation meets the consent and notice requirements of ORS 271, does not conflict with the City's comprehensive plan or other ordinances, and does not prejudice the public interest.

#### DESCRIPTION OF GROUND PROPOSED TO BE VACATED:

Street / Alley / Plat: 1088 Newmark Ave. Coos Bay  
Township 25 Range 13 Section 20BA Tax lot # \_\_\_\_\_  
Lot(s) \_\_\_\_\_ Block: \_\_\_\_\_ Addition: \_\_\_\_\_

#### APPLICANT / OWNER

Name of Applicant: 1090 Newmark, LLC  
Address: 8733 S.E. Division St. #201 Portland, OR 97266 Telephone: 503-257-6674

#### LEGAL DESCRIPTION OF APPLICANT'S PROPERTY ABUTTING PROPOSED VACATION:

Township 25 Range 13 Section S20AB Tax lot # 1200, 1300  
S20BA 8200, 8201  
Lot(s) \_\_\_\_\_ Block: \_\_\_\_\_ Addition: \_\_\_\_\_

Please answer the following questions as completely as possible; use additional paper if necessary. The approval of this permit must be based on specific facts; therefore, yes/no answers are not sufficient. City personnel will assist you in answering any question.

1. Why are you requesting this vacation and how will the vacated right of way be used if the vacation is approved?

A public entrance cover, wheel chair access ramp, stairs, and smoking area cover were constructed on the rear of the building at 1050 & 1090 Newmark Ave. and extend into the alleyway in accordance with permit #BLD2010-00190.

The discrepancy was realized when the application was submitted to enclose the smoking area permit #BLD 2010-00027, at which time an agreement was signed agreeing to submit an application of vacation of the alley.

The area will be use and maintained as parking, landscape area, wheel chair ramp, and smoking area.

2. How are the properties surrounding the proposed vacation zoned and developed?

The properties to the East and South of the alleyway are developed as restaurant, lounge, and retail spaces.

The properties to the North of the alleyway are developed as parking and landscape areas in accordance with permit # MIS2010-00080 and serve as main parking for the building at 1050 & 1090 Newmark Ave.

3. Is the right of way proposed to be vacated currently used for vehicular or pedestrian access? If so, explain type and amount of traffic.

The alleyway has no vehicular traffic as it dead-ends to the existing building at 1090 Newmark Ave. and is boarded on the South and East by the existing building and parking area with access from Newmark Ave. The alleyway is boarded on the North by parking area.

4. How is the desired use consistent with the best interests of the general public (i.e., added to tax roles, help meet housing need, etc.)?

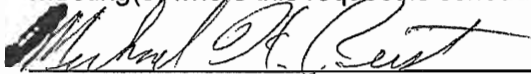
The City of Coos Bay will benefit by an increase in value to tax lots #8200, #1200, #1300, #7900, #7901 and #8201 by the unification of the parking area and lots having the building on them currently divided the alleyway. The City of Coos Bay will also no longer need to spend funds and man-power to maintain the alleyway property.

**ADDITIONAL INFORMATION TO BE FURNISHED BY APPLICANT:**

**CONSENT OF PROPERTY OWNERS:**

- A. Street or Alley Vacation: Attach the notarized signatures of all owners of property abutting the right of way AND those of not less than two-thirds of the area of real property affected by the proposed vacation, as defined in ORS 271.080(2).
- B. Plat Vacation: Attach the notarized signatures of the owners of two-thirds of the area of property embraced within the plat or part of plat proposed to be vacated. (If street area is included, the requirements of part A above must also be met.)
- C. 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 roles and (b) an assessor's map showing all lots and parcels of land within that area.

The above 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.

  
Signature of Applicant or Authorized Agent

6-11-2012  
Date

Filing Fee: <b>\$795.00 + Publishing Cost</b>	Date paid:
Planning Commission Hearing:	Referred to City Council:

SEE MAP 25 13

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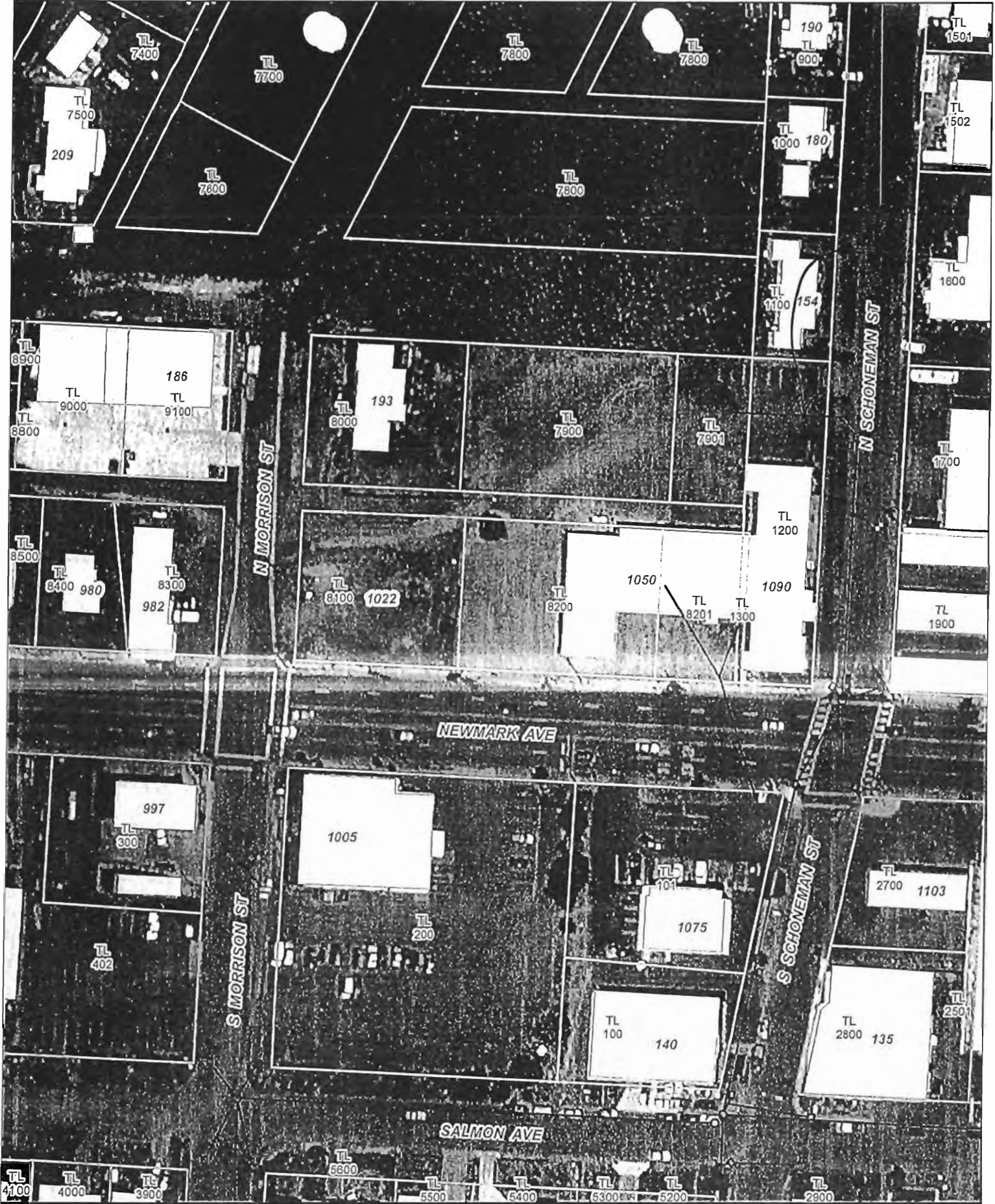
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SEE MAP 25 13 20BD

NEWARK

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COOS BA

Agenda Item #7



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: 8/3/2012



Agenda Item #7

**CITY OF COOS BAY CITY COUNCIL  
Agenda Staff Report**

<b>MEETING DATE</b> September 4, 2012	<b>AGENDA ITEM NUMBER</b>
--	---------------------------

**TO:** Mayor Shoji and City Councilors

**FROM:** Jim Hossley, Public Works Director

**Through:** Rodger Craddock, City Manager



**ISSUE** Swap Meet Business License Fees

**BACKGROUND**

Coos Bay Municipal Code (CBMC) 5.05, Business Licenses Generally, provides the authority for licensing businesses in the City of Coos Bay as well as charging fees for said licenses. Resolution 12-02 sets the current fees for business licenses, as well as permits and some City services. CBMC 5.20, Secondhand Stores and Gem and Precious Metal Dealers, authorizes licensing secondhand stores as well as gem and precious metal dealers. The Code also authorizes a fee for this license. Currently, those businesses subject to licensing under CBMC 5.20 get a business license under CBMC 5.05 and fill out a supplemental application for the activities regulated by CBMC 5.20. No additional fee is currently assessed for the CBMC 5.20 license.

The purpose of CBMC 5.05, Business Licenses Generally, is to license businesses in the City of Coos Bay. Through the licensing process the City can keep track of businesses, their location and the contact information for their owners. This information helps the City ensure we can contact business owners related to City activities that impact their business. Additionally, through the licensing process, the City can identify fire & life safety issues related to new proposed uses in existing buildings. The city also determines if the zoning for the proposed business location is compatible with the proposed type of business. The purpose of CBMC 5.20 is to provide a means to monitor the sale and resale of valuable used merchandise as well as gems and precious metals in the City of Coos Bay to deter trafficking in stolen merchandise and to provide revenue to pay expenses incurred therein.

Steve Pilant, with the Green Spot, came to the City Council last month to voice his concern regarding the City's business license code and specifically fees for the business license to conduct a swap meet. Steve suggested that there are other businesses that appear to be conducting somewhat similar business to his, but pay lower business license fees. Staff concurs that this appears to be the case and recommends that staff come back with proposed language changes to CBMC 5.05 and 5.20 as well as the Fee Resolution to address the concerns expressed by Mr. Pilant and other items identified by staff. Staff intends to charge Mr. Pilant under the General Business category and refund him the excess he has paid this year under the Flea Market Category.

At issue is that the Fee Resolution sets fees for the category, "General Retail and Service Businesses". The fee under this category ranges from \$25 to \$150 annually based on the number of employees. There is no specific definition of this category in the CBMC 5.05 other than the word "Business" which is defined to mean "professions, trades, occupations, shops and every kind of calling carried on for profit or livelihood." Mr. Pilant's business is called a Swap Meet. Swap Meet is not defined in CBMC 5.05, nor in the Fee Resolution. In the Fee Resolution there is a category for Flea Market. The fee is \$25 per day plus \$1 per table per day. The term, "Flea market" is defined in CBMC 5.05. It "means all general sales, open to the public, conducted in any commercial zone within the city, for the purpose of disposing of personal property. The general sales include, but are not limited to, sales entitled flea markets, bazaars, and rummage sales. Flea market also includes situations where booths, tables, or spaces are sold or rented for the purpose of conducting sales of personal property. For the purpose of the definition of flea market, personal property means property which is owned by the individual conducting the sale, is purchased for resale, or is obtained on consignment."

There are a number of businesses in the City such as antique dealer, consignment stores, pawnshops and secondhand stores that appear to fit either General Retail or the Flea Market category in the Fee Resolution. CBMC 5.20 further defines "Secondhand store" to mean "any place in which items of used personal property, other than motor vehicles, are purchased, bartered, pawned or consigned and placed on sale or resale as part of a regular course of business, but excluding yard sales, moving sales, and other similar one-time sales occurring at a residence". There is no category for Secondhand Store in the Fee Resolution.

### **ADVANTAGES**

Coos Bay Municipal Codes and Fee Resolution, related to business licenses, need to be revised. The revision will improve clarity, fairness and interpretation.

### **DISADVANTAGES**

None

### **BUDGET**

N/A

### **RECOMMENDATION**

Staff recommends the City Council consider directing staff to prepare proposed revisions to the applicable Coos Bay Municipal Codes and the portion of the Fee Resolution related to business licenses as well as impose a temporary annual cap of \$25 on the Flea Market category in the Fee Resolution (Resolution 12-02) until such time as City Council adopts a new Fee Resolution.

### **ATTACHMENTS**

CBMC 5.05 and 5.20  
Resolution 12-02



## Chapter 5.05 BUSINESS LICENSES GENERALLY

### Sections:

<a href="#">5.05.010</a>	Definitions.
<a href="#">5.05.020</a>	Purpose.
<a href="#">5.05.030</a>	Nonprofit organizations.
<a href="#">5.05.040</a>	Agents of proprietors.
<a href="#">5.05.050</a>	License required.
<a href="#">5.05.060</a>	Duration of license.
<a href="#">5.05.070</a>	License fees.
<a href="#">5.05.080</a>	License application.
<a href="#">5.05.090</a>	Unlawful acts.
<a href="#">5.05.100</a>	Delinquent license fees.
<a href="#">5.05.110</a>	Fee amounts.
<a href="#">5.05.120</a>	Violations.
<a href="#">5.05.130</a>	Revocation of license.
<a href="#">5.05.140</a>	Suspension of license.
<a href="#">5.05.150</a>	Appeal.
<a href="#">5.05.160</a>	Penalties.

### **5.05.010 Definitions.**

For the purpose of licensing businesses in the city of Coos Bay, Oregon, the following definitions apply:

“Amusement device” means any game, device, or machine kept, operated, or played in any place of business or other place where the public is invited or permitted to attend and which may be played by the insertion of coins.

“Application” means a new application, a renewal of an application, or a transfer of license application.

“Auctioneer” means any person who sells or offers to sell merchandise by public outcry or to the highest bidder, either for himself or for another person.

“Business” means professions, trades, occupations, shops, and every kind of calling carried on for profit or livelihood.

“Child care provider” means a person who regularly provides child care to five or more children at a time as a business.

“Exhibition” means the display of goods or materials for which an admission fee is charged.

“Flea market” means all general sales, open to the public, conducted in any commercial zone within the city, for the purpose of disposing of personal property. These general sales include, but are not limited to,



sales entitled “flea markets,” “bazaars,” and “rummage sales.” “Flea market” also includes situations where booths, tables, or spaces are sold or rented for the purpose of conducting sales of personal property. For the purpose of the definition of “flea market,” personal property means property which is owned by the individual conducting the sale, is purchased for resale, or is obtained on consignment.

“Garage sale” means any public sale of new or used goods within the city limits by an individual or group of individuals from private property when the individual or group of individuals is not in the business of selling goods or is not licensed as a secondhand dealer, and when the property from which the sale is to be conducted is not within a zone permitting commercial business or otherwise permitted under the provisions of this chapter.

“General contractor” means businesses registered by the State Construction Contractors Board as general contractor – all structures or residential only.

“Limited contractor” means businesses registered by the State Construction Contractors Board as limited contractor – all structures or residential only.

“Nonprofit” means any business or organization which holds a certificate of exemption from taxes from the Internal Revenue Service.

“Person” means all domestic and foreign corporations, associations, syndicates, partnerships of every kind, joint ventures, societies, and individuals transacting and carrying on any business in the city.

“Real estate business” means any enterprise or undertaking of any nature that deals directly or indirectly with any interest in land, including, but not limited to, leaseholds of any nature involving property located within the jurisdiction of the city of Coos Bay.

“Seasonal business” means Christmas tree lots, firework stands, or any other special seasonal business operating not less than 30 consecutive days in the same location.

“Special contractor” means business registered by the State Construction Contractors Board as specialty contractor – all structures or residential only.

“Transient merchant” means any person, firm, or corporation selling or offering to sell, other than at auction, any merchandise in any building, store, room, or place of business occupied by the person, firm, or corporation within the city with the intention of doing so for a short period of time and without the intention of permanently doing so in the regular course of business, except for seasonal businesses.

“Vending machine” means any machine from which food, drink, or cigarettes are received in return for the insertion of coins. [Ord. 425 § 1, 2010; Ord. 197 § 1, 1993; Ord. 103 § 1, 1987].

#### **5.05.020 Purpose.**

This chapter is enacted to provide revenue to pay for the expenses required to issue licenses, to provide revenue to pay for municipal services to businesses, and to regulate businesses. [Ord. 103 § 2, 1987].

**5.05.030 Nonprofit organizations.**

All nonprofit organizations doing business in the city shall register with the city by filling out a business license application. Upon receipt of a completed application, which may include a requirement of proof of the organization's nonprofit, tax-exempt status, the finance department shall issue a business license, which shall be issued without charge. [Ord. 287 § 1, 1999; Ord. 103 § 3, 1987].

**5.05.040 Agents of proprietors.**

(1) The owner of property who contracts with a third party to manage such property for purposes of leasing and/or renting the property shall be assessed a business license fee pursuant to resolution of the city council under the heading within such resolution of "Residential, Commercial and Industrial Leaseholds and Tenancies." The license fee for the third party agent/manager shall be assessed pursuant to such resolution, under the heading "General Retail and Service Businesses."

(2) The agent or agents of a nonresident proprietor engaged in any business for which a license is required by this chapter shall be jointly liable with the proprietor for the payment of fees established by the council, and for the penalties for failure to pay the fees or to comply with the provisions of this chapter. [Ord. 425 § 2, 2010; Ord. 103 § 4, 1987].

**5.05.050 License required.**

It shall be unlawful for any person to transact or carry on or cause to be transacted or carried on any business without having first obtained a license therefor from the city recorder for the current calendar year. [Ord. 103 § 5, 1987].

**5.05.060 Duration of license.**

All business licenses under this chapter are annual and shall expire on December 31st. The required application and license fee are due on January 1st of each year for the calendar year commencing with that date and are delinquent on February 1st. [Ord. 103 § 6, 1987].

**5.05.070 License fees.**

(1) All trades, shops, businesses, occupations, professions, and callings carried on in the city and not licensed and taxed by other provisions of this chapter or other ordinances of the city shall be licensed and the amount to be paid as license fees shall be established by resolution of the council.

(2) Garage sales may be conducted without obtaining a business license. However, no household may conduct more than two garage sales in a one-year period, and no sale may last longer than five days.

(3) A license fee is not delinquent until after the applicant has commenced operation of his trade, shop, business, occupation, profession or calling within the city during the calendar year without paying the required license fee.

(4) When an applicant for a business license has not engaged in business during the calendar year until after June 30th, the required fee for the license shall be reduced by one-half. If the applicant had engaged

in the same or similar business during the previous calendar year, there will be no reduction in the required fee.

(5) Where the applicant for a business license is operating more than one trade, shop, business, occupation, profession or calling, they must be separately licensed, but the applicant need pay only the one license fee which would be the highest fee. [Ord. 103 § 7, 1987].

**5.05.080 License application.**

(1) All business licenses required under this chapter or any other ordinance shall be issued by the recorder. The application for any license shall contain the following information:

- (a) The description of the business carried on within the city.
- (b) The name of the applicant, with a statement of all persons having an interest in the business, either as proprietors or owners of the business.
- (c) The location in which the business is conducted.
- (d) Upon request of the city recorder, any applicant shall provide proof of possession of any licenses, certificates, or registrations that are required by state or federal laws to conduct the type of business listed on the application. Failure to provide such proof shall be cause of denial or revocation of the license.
- (e) The date of application.
- (f) The average number of persons regularly employed by the business at the time the application for license is made. When practicable, this average shall be computed by adding all regular employees listed on the business's Social Security reports during the year and dividing this total by the number of reports.
- (g) The amount of money tendered with the application.
- (h) Any other information necessary to enable the city to review the application under subsection (2) of this section and to determine the appropriate fee as established by resolution of the council.

(2) The recorder shall refer each application to the appropriate departments of the city for review. Approval or denial of the application shall be based on consideration of all available evidence as to whether the proposed business will meet the requirements of the City Charter and ordinances. The license may not be granted if:

- (a) The activity or device to be licensed would not comply with city ordinances or state or federal laws.

- (b) The licensed activity or device would endanger property or the public's health or safety.
- (c) The applicant's violation of law or ordinance represents a reasonable doubt about the applicant's ability to perform the licensed activity without endangering property or the public's health or safety.
- (d) The applicant fails to supply the information required, or submits misleading or false information, or submitted misleading or false information on a previous application.
- (e) The premises to be used by the business do not fully comply with all city ordinances and requirements.

(3) In the event of the transfer of any business, the license shall be transferred using a form provided by the recorder, signed by the person making the transfer, and accompanied by a transfer fee established by resolution of the council.

(4) Upon a favorable recommendation from each department, the recorder shall issue the license. If any department determines that the application should be denied, the recorder shall notify the applicant of the denial and the reasons for the denial. [Ord. 214, 1995; Ord. 103 § 8, 1987].

#### **5.05.090 Unlawful acts.**

It is unlawful for any person to willfully make false or misleading statements to the city recorder for the purpose of determining the amount of a license fee, or to fail to comply with any of the provisions of this chapter, or to fail to pay any required license fee or penalty. [Ord. 103 § 9, 1987].

#### **5.05.100 Delinquent license fees.**

In the event that any person required to obtain a license fails to obtain the license or pay the required fee before it becomes delinquent, the recorder shall collect the fee payment with a penalty of 10 percent of the fee payment for each calendar month, or fraction of a month, that the fee payment is delinquent. [Ord. 103 § 10, 1987].

#### **5.05.110 Fee amounts.**

Nothing contained in this chapter may be construed as vesting any right in a license or a contract obligation on the part of the city as to the amount of the fee. Other taxes or fees and the fees provided by council resolution may be increased, decreased, or created by the city. Any business may be reclassified at any time and other fees or taxes may be levied. No person who has received a license and has paid the fee required under this chapter shall be entitled to any refund. [Ord. 103 § 11, 1987].

#### **5.05.120 Violations.**

The conviction of a person for violation of any provision of this chapter may not serve to relieve the person from paying the fee or penalty for which the person is liable. The payment of any fee may not bar or prevent legal prosecution of a complaint for the violation of any provision of this chapter. [Ord. 103 § 12, 1987].

**5.05.130 Revocation of license.**

Upon determination that a licensed business, activity, or device within the city violated city ordinances or state or federal laws, or that the application contains false or misleading information, the city recorder may revoke the license upon 30 days' notice in writing to the licensee, with the notice delivered to the licensee's establishment, or the licensee's business address. The notice shall state the reasons for the revocation. [Ord. 103 § 13, 1987].

**5.05.140 Suspension of license.**

Upon determining that a licensed business, activity, or device presents an immediate danger to persons or property, the recorder may suspend the license. The suspension takes effect upon the licensee's receipt of the suspension notice, or upon delivery of the notice to the establishment or the licensee's business address. The notice shall state the reason for the suspension. The recorder may continue a suspension as long as the reason for the suspensions exists, or until a determination on an appeal regarding the suspension is made. [Ord. 103 § 14, 1987].

**5.05.150 Appeal.**

(1) Any person whose application for a license has been denied, or a licensee whose license has been denied renewal, has been suspended or has been revoked, may, within 30 days after the notice of denial, suspension, or revocation is mailed, appeal to the council. The appeal shall be in writing and filed with the recorder. The appeal shall state:

- (a) The name and address of the appellant.
- (b) The nature of the determination being appealed.
- (c) The reason the determination is incorrect.
- (d) What the correct determination of the appeal should be.

(2) An appellant who fails to file a statement within the time permitted waives all objections, and relinquishes all rights to appeal. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal. At the hearing, the appellant may present testimony and oral argument. The decision of the council is final. [Ord. 214, 1995; Ord. 103 § 15, 1987].

**5.05.160 Penalties.**

Violation of, or failure to comply with, any provision of this chapter is punishable upon conviction by a fine not to exceed \$500.00. [Ord. 103 § 16, 1987].

## Chapter 5.20 SECONDHAND STORES AND GEM AND PRECIOUS METAL DEALERS

Sections:

- [5.20.010](#) Purpose.
- [5.20.020](#) Definitions.
- [5.20.030](#) License required.
- [5.20.040](#) License application.
- [5.20.050](#) License fee.
- [5.20.060](#) License display.
- [5.20.070](#) Transferability.
- [5.20.080](#) Record of purchases – Restrictions on resale – Prohibited transactions.
- [5.20.090](#) Revocation.
- [5.20.100](#) Appeal.
- [5.20.110](#) Penalties.

### **5.20.010 Purpose.**

The purpose of this chapter is to provide a means to monitor the sale and resale of valuable used merchandise and gems and precious metals in the city of Coos Bay to deter trafficking in stolen merchandise and to provide revenue to pay expenses incurred therein. [Ord. 279 § 1, 1999].

### **5.20.020 Definitions.**

“Gem and precious metal dealer” means any person who owns, manages or operates a business, including transient merchants, for the purpose of buying, receiving, selling, or in any way exchanging precious metals or gems including, but not limited to, gold, silver, zirconium, platinum, diamonds, rubies, sapphires, emeralds, and turquoise.

“Licensee” means a gem or precious metal dealer or secondhand store which has a license pursuant to this chapter.

“Person” means an individual, corporation, partnership, or other legal entity or entity-in-fact.

“Police department” means the city of Coos Bay police department.

“Public safety officer” means a police officer or any designee of the city of Coos Bay police chief.

“Secondhand store” means any place in which items of used personal property, other than motor vehicles, are purchased, bartered, pawned or consigned and placed on sale or resale as part of a regular course of business, but excluding yard sales, moving sales, and other similar one-time sales occurring at a residence. [Ord. 279 § 2, 1999].

### **5.20.030 License required.**

No person shall conduct, keep, manage, operate, or assist in the conducting, keeping, managing, or operating any gem and precious metals dealership or secondhand store, as owner, officer, principal, agent, employee or otherwise, unless a license is first obtained from the city. [Ord. 279 § 3, 1999].

**5.20.040 License application.**

(1) Written application for a license shall be filed with the city of Coos Bay finance department. Applications for licenses by or on behalf of a corporation, partnership or other business entity shall be made by an agent properly authorized by that entity.

(2) Each application shall be accompanied by an irrevocable consent to inspect and examine the licensed premises and business records of the licensee applicant at any time during the term of the license by any officer of the police department.

(3) The police department shall examine and investigate the background and qualifications of all applicants for licenses and shall make a recommendation whether or not to issue the license.

(4) The license shall not be granted if:

(a) The applicant's activity will not comply with any city ordinance or state or federal law;

(b) The applicant does not have the knowledge or skill required to engage in the licensed activity;

(c) The applicant's activity would endanger property, public health or public safety; or

(d) The applicant's past or present violations of laws or ordinances present a reasonable question about his or her ability to perform the licensed activity without danger to property, public health or public safety.

(5) Approval or denial of the license shall be based on consideration of all available evidence indicating whether the applicant meets the requirements of this chapter.

(6) The license required by this chapter shall be in addition to, and not in lieu of, any business licenses required by other city ordinances or state or federal laws. [Ord. 279 § 4, 1999].

**5.20.050 License fee.**

The license fee shall be set by council resolution. License fees shall be payable at the time of application. Licenses shall commence on the day issued and shall expire on the thirty-first day of December of the calendar year in which the license is issued. License fees shall not be prorated for any portion of any calendar year. [Ord. 279 § 5, 1999].

**5.20.060 License display.**

Every licensee must display the license in a conspicuous manner in the licensee's business premises. [Ord. 279 § 6, 1999].

**5.20.070 Transferability.**

Licenses may not be assigned or otherwise transferred. [Ord. 279 § 7, 1999].

**5.20.080 Record of purchases – Restrictions on resale – Prohibited transactions.**

(1) Every licensee shall keep a permanent record of all items purchased, traded, pledged or consigned from private persons with a resale value of \$50.00 or more.

(2)(a) Records of such transactions may be a permanent bound volume or prenumbered forms. Entries shall be handwritten in ink or typed so that removal of an entry will be obvious.

(b) Records shall contain the following information:

(i) A complete description of the property received in the transaction;

(ii) Date of receipt of the property;

(iii) Price or consideration paid for property or value of property consigned, pledged or traded;

(iv) Name, address, telephone number, date of birth, Social Security number, and other identifying information as to the person selling, consigning, pledging or trading the property;

(v) Signature of the seller; and

(vi) Notation of the type of identification shown by the seller, consignor, pledger or trader.

(3) The record of purchases shall be available during regular business hours to the inspection of any public safety officer of the city. Records shall be maintained for not less than three years.

(4) All property purchased from any person shall be retained by the licensee for a period of not less than 10 days from the date of purchase or receipt, provided each business day the licensee forwards to the police department a copy of the record of purchases made that day. If daily reports are not provided to the police department, then all property purchased or received must be held for a period of 30 days from the date of purchase.

(5) No licensee shall buy or receive any article from persons under the influence of alcohol or drugs or from any person under the age of 18 years. [Ord. 279 § 8, 1999].

**5.20.090 Revocation.**

(1) The city manager may revoke any license if the licensee, licensee's employees or agents have permitted the licensee's business premises to be used in violation of this chapter or any ordinance of the city, or any state or federal law.



(2) The licensee shall be notified, in writing, of the effective date of revocation, the reasons for revocation, and the licensee's right to appeal. Notice may be given either by mailing the notice of revocation by first class mail to the business address of the licensee or by leaving the notice at the licensed premises. [Ord. 279 § 9, 1999].

**5.20.100 Appeal.**

(1) Any person whose application for a license has been denied, or a licensee whose license has been denied renewal or revoked, may, within seven business days after the notice of denial or revocation is mailed, appeal such action. The notice of appeal shall be in writing and filed with the city recorder.

(2) The notice of appeal shall contain the following information:

- (a) The name and address of the appellant;
- (b) The nature of the action being appealed;
- (c) The reason the action is incorrect;
- (d) A statement of facts establishing the contentions of the appellant.

(3) A licensee who fails to file a notice of appeal within the time permitted waives all rights to an appeal. If the action appealed is revocation, revocation does not take effect until final decision on the appeal. At the hearing, the appellant may present evidence, testimony and oral argument. [Ord. 279 § 10, 1999].

**5.20.110 Penalties.**

Violation of any provision of this chapter is punishable upon conviction by a penalty not to exceed \$750.00 per violation, and each day that the violation persists shall be a separate and distinct violation. [Ord. 279 § 11, 1999].

**City of Coos Bay**

**Resolution 12-02**

**A RESOLUTION OF THE CITY OF COOS BAY, COOS COUNTY, OREGON AMENDING FEES FOR GENERAL GOVERNMENTAL OPERATIONS AND SERVICES PROVIDED.**

**WHEREAS**, the City of Coos Bay adopted Resolution 11-26 on October 18, 2011, which established fees for business licenses, moorage rates, building code fees, public records research and copying fees, planning fees, and other general governmental and facility use charges; and

**WHEREAS**, the necessary State of Oregon Building Codes Division 45-day state wide notice of the proposed changes was not completed in advance of adoption of Resolution 11-26; and

**WHEREAS**, the necessary State of Oregon Building Codes Division 45-day state wide notice of the proposed changes has now been completed; and

**WHEREAS**, amendments to the language of the fee schedule are necessary to adjust fees for services, add additional fees for services the city has not previously charged for and to clarify language as follows;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF COOS BAY** that fees for utilizing City owned facilities and services provided shall be revised as follows:

BUSINESS LICENSES (Ordinance 103 / Codified Title 5, Chapter 5.05):

General Retail and Service Businesses

1 to 5 Employees	\$25 per year
6 to 10 Employees	\$50 per year
11 to 20 Employees	\$100.00 per year
21 to 30 Employees	\$125.00 per year
Over 30 Employees	\$150.00 per year

Residential, Commercial and Industrial Leaseholds and Tenancies

1 to 5 units	\$15.00 per year
6 to 12 units	\$15.00 per year plus \$2.50 per year per each unit in excess of five
Over 12 units	\$35.00 per year plus \$1.50 per year per each

unit in excess of twelve

<u>Auctions</u>	\$50.00 per auction with an annual limit of \$250.00
<u>Auto Wreckers</u>	\$75.00 per year
<u>Carnivals and Circuses</u>	\$100 per performance plus a \$500.00 refundable clean-up deposit
<u>Exhibitions</u>	\$10 each day
<u>Flea Markets</u>	\$25 per day plus \$1 per table per day
<u>General Contractors</u>	\$125.00 per year
<u>License Transfers</u>	\$5 each
<u>Limited Contractors</u>	\$25.00 per year
<u>Mobile Home Parks</u>	\$75 per year for first space, \$2 per year for spaces 2 to 15, \$1 per year for each space in excess of 15, \$500.00 per year maximum
<u>Non-profit Organizations</u>	No Fee
<u>Seasonal</u>	\$25 per season
<u>Special Contractors</u>	\$75 per year
<u>Transient Merchants</u>	\$125 per day or \$500.00 per year whichever is less, plus posting of a \$2500 bond for one year
<u>Vehicles for Passenger Hire</u>	\$125 per year plus \$25 per vehicle
<u>Entertainment Clubs</u>	\$175.00 per year

MOORAGE (Ordinance 217 / Codified Title 11, Chapter 11.05):

Long-Term Moorage (30 day minimum) Agreements. Each owner or operator shall pay a fee equal to \$2.50 per foot/per each month of long-term moorage, \$50.00 minimum (effective 7/1/09, \$3.00/ft/mo, \$60.00 minimum; effective 7/1/10, \$3.50/ft/mo, \$70.00 minimum) \$4.00/ft/month, \$80 minimum effective 7/1/12.

Short-Term Moorage Agreements. Each owner or operator shall pay a fee as follows: (Exceeding seven consecutive calendar days but less than thirty consecutive calendar days) Rate change effective 7/1/12.

Vessels 15' in length and under:	\$27.00 per week
Vessels greater than 15' in length,	

but less than 40' in length:	\$45.00 per week
Vessels 40' in length and over:	\$2.00 / foot per week

Transient Moorage Agreements: Each owner or operator shall pay a fee as follows:  
(Exceeding 12 hours but less than one week)

Vessels 15' in length and under:	\$7.00 per day
Vessels greater than 15' in length, but less than 40' in length:	\$13.00 per day
Vessels 40' in length and over:	\$.50 / foot per day

Due Date and Late Fees: Moorage payments shall be payable by the first of the month for long-term moorage and within twelve (12) hours of mooring for short-term and transient. A late fee of \$25.00 shall be assessed for late payments for each month or part of a month that payments are late.

Live-Aboard Permits: Each owner and operator desiring to live aboard his/her vessel shall apply for a live-aboard permit with the Public Works and Development-Department. Issuance of a permit is contingent upon inspection of the vessel and may be renewed annually. There will not be a fee for the permit. A charge of \$100.00 for non-compliance shall be assessed if an owner or operator proceeds to live-aboard and does not apply for a live-aboard permit.

Finger Docks: All vessels 20' in length and under shall moor at a finger dock.

Reserved Docks: Day-to-day Transient Moorage from May through October; available for short-term and long-term moorage from November through April.

Service Docks: Restricted to temporary docking only.

Docks: All dock space other than finger docks, reserved docks and service docks shall be used to dock vessels greater than 20' feet in length.

Vessels assigned to the dock spaces that are metered for electricity shall pay for their electrical usage based upon the electrical rates used to calculate the total bill for the main electrical meter for the downtown city dock.

PLANNING (Ordinance 93 / Codified Title 17):

Additional plan review or planning assistance required or requested for which no fee is specifically indicated.....	\$70.00 per hour
Annexation .....	\$1690.00 +
Plus: Publishing and election.	
Appeal to the Planning Commission or City Council.....	\$375.00

Architectural Design Review: Waterfront Heritage Zoning District (WH) as defined by Coos Bay Municipal Code 17.240, Empire Waterfront Settlement Design Review and Hollering Place (HP) Zoning District

- |   |         |
|---|---------|
| 1. Color selection; painting exterior of building ..... | 0.00    |
| 2. Signage only .....                                   | \$50.00 |

3. 30% or less change to the exterior of the structure, with no change in the square footage of the structure (e.g., replace windows with a different style of window).... 50.00
4. Greater than 30% change to the exterior of the structure, with no change in the square footage of the structure (e.g., replace more than 30% of the siding)..... 100.00
5. New structures or change in the square footage of the existing structure ..... 200.00

Administrative Conditional Use ..... \$200.00  
 Conditional Use; Cultural Resource ..... \$375.00  
 Engineering and other professional service recovery fees: All applications requiring additional professional services will pay a minimum retainage of \$500.00 to be applied against the actual cost of said services. Retainage to be increased as the cost of the professional services billed against the retainage. Balance of retainage will be returned to the applicant at final acceptance of the action by the City.

Estuarine & Coastal Shore Land Uses..... \$400.00  
 Extension to land use applications..... \$55.00  
 Flood Plain Elevation Certificate ..... \$115.00  
 May include Pre-elevation, Building Under Construction and Final Construction Elevation Certificates for a single project for one fee  
 Flood Plain Map Revision Review..... \$70+, 1<sup>st</sup> hour \$70.00, additional review time \$70/hr  
 Hearings Official - Applicant to pay the actual costs of hearing, recording fees, filing fees and publishing fees plus 10% Administrative fee Varies by case  
 Home Occupation ..... \$15.00  
 If public hearing is required..... \$375.00  
 Lot Line Adjustment..... \$190.00+  
 Plus: \$25.00 for each additional line adjusted after the first  
 Ordinance Amendment (text)..... \$825.00+  
 Plus: Publishing and if BM56 notice is required add \$2,000 for mailed notice  
 Partition ..... \$575.00  
 Plan Amendment (text or map) ..... \$960.00+  
 Plus: Publishing  
 PUD (Requires Conditional Use and Site Plan & Architectural Review applications)  
 Varies by case  
 Site Plan & Architectural Review..... minimum \$525.00+  
 \$0.00357 per sf. of the building square footage and all impervious surfaces  
 Street Names or Address Change ..... \$55.00  
 Subdivision (Plus \$27.00 per lot and the cost of publishing) ..... \$1630.00+  
 Vacation (Plus: Publishing)..... \$795.00+  
 Variance ..... \$375.00  
 Waterway..... \$55.00  
 Zone Change ..... \$675.00

BUILDING AND CONSTRUCTION (Ordinance 405/ Title 15):

Plumbing:

Sewer cap and minimum fee..... \$50.00  
 Plan check..... 65% of fee  
 Sewer connection. .... \$145.00

Building: (Based on Valuation)

<u>Total Valuation</u>	<u>Fee</u>
\$1 to \$500	\$17.05
\$501 to \$2,000	\$17.05 for the 1st \$500.00 plus \$2.56 for each additional \$100 or
\$2,001 to \$25,000	\$55.45 for the 1st \$2,000 plus \$10.23 for each additional \$1,000 or
\$25,001 to \$50,000	\$290.74 for the 1st \$25,000 plus \$7.68 for each additional \$1,000 or fraction thereof,
\$50,001 to \$100,000	\$482.74 for the 1st \$50,000 plus \$5.12 for each additional \$1,000
\$100,001 and up	\$738.74 for the 1st \$100,000 plus \$4.27 for each additional \$1,000 or

Valuation Table: A structural permit fee for new residential construction and additions shall be calculated using the International Code Council (ICC) Building Valuation Data Table current as of April 1 of each year, multiplied by the square footage of the dwelling to determine the valuation.

Valuation Table: A structural permit fee for new commercial construction and additions shall be calculated using the International Code Council (ICC) Building Valuation Data Table current as of April 1 of each year, multiplied by the square footage of the building to determine the valuation and the contracted value for the actual work with the applicant supplying a copy of said contract to the city. The permit fee shall be based on the highest value of the two methods of calculation.

Demolition (Requires a performance bond equal to the contract amount or requires a signed Demolition Bond Waiver). The demolition fee includes sewer cap fee

Residential home or garage.....	\$100
Commercial Building.....	\$250

(Complex commercial building demolition, as determined by the building official or city engineer, which may include multi-story buildings or a contract cost of \$100,000 or more will, in addition to the permit fee, pay a minimum retainage of \$500.00 to be applied against the actual cost of professional services used by the city to review the demolition permit. Retainage is to be increased as the cost of the professional services billed against the retainage exceeds \$500.00. Balance of the retainage will be returned to the applicant at final approval of the demolition work.)

Demolition Bond Waiver, failure to complete work.....	\$500 per day
Deferred Submittal Plan Review...65% of the permit fee, using the value of the deferred portion, with minimum fee of \$200.00 for each deferred submittal item	
Fire and Life Safety Plan Review .....	40% of fee
Phased Projects Plan Review...\$250.00 + 10% of total permit fee phase, not to exceed \$1500 per phase	
Plan Review.....	65% of fee
Residential Fire Sprinkler .....	\$1.50 per square foot of coverage

Grade/Fill/Excavation: (Based on Quantity)

<u>Total Valuation</u>	<u>Fee</u>
50 cubic yards or less	\$25.58
51 to 100 cubic yards	\$64.11

101 to 1,000 cubic yards	\$77.07 for the 1st 100 cubic yards plus \$18.07 for each additional 100 cubic yards or fraction, thereof to and including 1,000 cubic yards
1,001 to 10,000 cubic yards	\$239.70 for the 1st 1,000 cubic yards, plus \$15.35 for each additional 1,000 cubic yards or fraction thereof, to and including 10,000 cubic yards
10,001 to 100,000 cubic yards	\$377.85 for the 1st 10,000 cubic yards, plus \$49.79 for each additional 10,000 cubic yards or fraction thereof, to and including 100,000 cubic yards
100,001 and up	\$825.96 for the 1st 100,000 plus \$4.27 for each additional 1,000 cubic yards or fraction thereof
Fill for landscape work of less than 20 cubic yards is exempt from permit fee	
Plan Review.....	65% of fee

Mechanical:

Residential (Based on per item)

For installation, relocation or alteration of each appliance, including vents, ducts, metal & chimney, and fuel tanks.....	\$34.10
For each vent, duct or metal chimney not included in an appliance permit.....	\$ 6.82
Fuel gas, hazardous or non-hazardous, piping system regardless of outlet number...	\$20.46
Minimum fee.....	\$50.00
Plan Review .....	65% of fee

Commercial (Based on Valuation of the job)

<u>Total Valuation</u>	<u>Fee</u>
\$1 to 1,000	\$35.00
\$1,001 to 10,000	\$35.00 for the 1 <sup>st</sup> \$1,000 plus \$.45 for each additional \$100 or fraction thereof, to and including \$10,000
\$10,001 to 100,000	\$195.20 for the 1 <sup>st</sup> \$10,000 plus \$10.98 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 and up	\$1,183.40 for the 1 <sup>st</sup> \$100,000 plus \$7.54 for each additional \$1,000 or fraction thereof

Plan Review ..... 65% of fee

OTHER:

Advanced Financing of Public Improvement Fee.....	\$431.00
Access Driveway/Curb Cut; Fireworks Retail Permit .....	\$75.00
Additional fees and bonding may apply based on the proposed project.	
Agreement to pay origination fee, 2% of loan amount or \$250.00 whichever is greater	
Certified Factory Built & Modular Homes .....	\$333.66
Engineering and other professional service recovery fees: All applications requiring additional professional services will pay a minimum retainage of \$500.00 to be applied against the actual cost of said services. Retainage to be increased as the cost of the professional services billed against the retainage. Balance of retainage will be returned to the applicant at final acceptance of the action by the City.	
Investigation Fee equal to permit fee with a minimum of two hours of "Other Inspections" listed below	
Inspection Fee (minimum one hour charge).....	\$70.00 per hour

Land Use Review Fee for building permits is 10% of the building permit fee-minimum fee \$55.00  
 Plan Review fee for all other.....65% of fee  
 Parking Lot Permits ..... \$190.00  
 Right of Way Use (e.g. sidewalks, utility work, landscaping, fences, etc.).....\$75.00  
 Sign Permits: Based upon the cost of the contract to perform the work, labor & materials, building permit fee, building plan check fee, land use review fee, fire/life safety as applicable and the state surcharge.  
 Additional Plan Reviews are Subject to Plan Review/Check Fees after 1st review each review shall be the greater of 50% of original fee or \$110.00  
 Solar Structural Installations that comply with the prescriptive path in OSISC 305.4 \$100.00  
 (includes review and one inspection) .....\$100.00  
 Temporary Certificate of Occupancy (Residential).....\$100.00  
 Temporary Certificate of Occupancy (Commercial) .....\$250.00  
 Temporary Use (Regulates placement of RV on site during construction per Resolution No 83-17 and includes inspection fees, and sewer connection fee) ..... \$301.80

**FIRE:**

Flammable or Combustible Liquid Storage installation, construction or removal from service:  
 Less than 130 gallons ..... \$68.20  
 Greater than 130 gallons..... 109.12  
 Exception: Storage of less than 25 gallons inside, less than 60 gallons outside;  
 Fuel oil used in connection with oil burning equipment  
 Investigation fee..... Equal to permit fee  
 Aerial ladder ..... 150.00  
 Burn Permit.....No charge  
 Rescue units..... 40.00  
 Suppression Costs (minimum one hour): Career firefighters: Actual cost  
 Volunteer: 12.00/hr; If in excess of 40 hours: 18.00/hr.....Varies by case  
 Squad vehicles, personnel transportation ..... 20.00  
 Support vehicles ..... 15.00  
 Type 1 pumper ..... 100.00  
 Water tender..... 70.00

**PUBLIC RECORDS:**

- A. Compliance. The public records policy shall follow the Oregon Public Records Law as stated in Oregon Revised Statutes 192.410 - 192.505.
  - 1. Specificity of Request. In order to facilitate the public’s access to records in the City’s possession, and to avoid unnecessary expenditure of staff time, persons requesting access to public records for inspection or copying, or who submit written requests for copies of public records, shall specify the records requested with particularity, furnishing the dates, subject matter and such other detail as may be necessary to enable City personnel to readily locate the records sought.
  - 2. Access. The City shall permit inspection and examination of its non-exempt public records during regular business hours in the City’s offices. Copies of non-exempt public records maintained in machine readable or electronic form shall be furnished, if available, in the form requested. If not available in the form requested, such records shall be made available in the form in which they are maintained.



Certified Copies. Certified copies of non-exempt public records shall be furnished upon request and receipt of payment therefore.

- B. Fees for Public Records. In order to recover its costs for responding to public records requests, the following fees shall be established:

Copies of Public Records; Certified Copies. Copies of public records shall be \$.25 per copy for standard, letter-size copies. Copies may be certified for an additional charge of \$10.00.

Copies of Sound Recordings. Copies of sound recordings of meetings shall be \$25.00 per copy.

Copies of Video Recordings. Copies of video recordings of meetings shall be \$25.00 per copy.

Copy of Police investigative Report. \$10.00 up to 10 pages. .25 cents per page thereafter.

Certified Copy of Police Report. \$5.00 per page.

Copy of Audio Recording. Minimum charge of \$15.00 (to be billed at rate of \$25.00 per hour).

Copy of Video Recording. Copies of video recordings related to police investigation shall be \$25.00 per copy.

Copy of Photo CD. \$10.00 per disc.

Card Room Application Background Check - \$40.00 per applicant.

Criminal History Record Check for Non-Profit/Charitable Organization and non-law enforcement governmental agencies - \$10.00 per applicant.

Copies of Maps and Other Nonstandard Documents. Charges for copying maps or other non-standard size documents shall be charged in accordance with the actual costs incurred by the City.

Research Fees. If a request for records requires City personnel to spend more than 15 minutes searching or reviewing records prior to their review or release for copying, the fee shall be the actual cost to the City, with a minimum charge for one-quarter hour. The City shall estimate the total amount of time required to respond to the records request, and the person making the request shall make payment for the estimated cost of the search and copying in advance. If the actual time and costs are less than estimated, the excess money shall be refunded to the person requesting the records. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records at the time the records are produced.

Additional Charges. If a request is of such magnitude and nature that

compliance would disrupt the City's normal operation, the City may impose such additional charges as are necessary to reimburse the City for its actual costs of producing the records.

Reduced Fee or Free Copies. Whenever it is determined that furnishing copies of the City's public records at a reduced fee or without cost, would be in the public interest because making the record available primarily benefits the general public, the City may so authorize (ORS 192.440(4)).

3. Authorization Required for Removal of Original Records. At no time shall an original record of the City be removed from the City's files or the place at which the record is regularly maintained, except upon authorization of the City Council of the City of Coos Bay.
4. On-Site Review of Original Records. If a request to review original records is made, the City shall permit such a review provided that search fees are paid in advance in accordance with paragraph B6 above. A representative shall be present at any time original records are reviewed, and the charges for standing by while the records are reviewed shall be the same as the charges for searching or reviewing records.
5. Unauthorized Alteration, Removal or Destruction of Originals. If any person attempts to alter, remove or destroy any City record, the City representative shall immediately terminate such person's review, and notify the attorney for the City.

PARKING (Ordinance 114 / Codified Title 10, Chapter 10.15):

1 <sup>st</sup> Offense within 60 days	\$	7.00
2 <sup>nd</sup> Offense within 60 days		15.00
3 <sup>rd</sup> Offense within 60 days		25.00
4 <sup>th</sup> and subsequent offenses within 60 days		50.00

Late penalty will be added to any fine remaining Unpaid after 30 days from date of issue		20.00
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MISCELLANEOUS:

Animal Permit – initial application and annual renewal	\$50.00
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Intrusion Alarm Permit -	\$35.00 per permit
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Interest shall be charged, pursuant to the rate allowed by ORS, on accounts greater than three months past due.

Lien search fee (per property)	\$45.00
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Liquor License – initial application and annual renewal	\$25.00
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Police Officer Training Reimbursement, as allowed in 2009 Senate Bill 971, at actual cost.

Scout Cabin	
Non profit organizations or governmental agencies	\$ 10.00

Private groups, individuals, or other organizations	\$ 50.00
Damage deposit	\$ 100.00

NOW, THEREFORE, BE IT RESOLVED THAT, the Coos Bay City Council of the City of Coos Bay, Oregon, hereby amends the fee schedule for applications, permits and charges for utilizing City owned facilities and for services provided.

The foregoing resolution was duly adopted by the City Council of the City of Coos Bay, Coos County, Oregon this 3rd day of January 2012.

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Crystal Shoji, Mayor

ATTEST:

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Susanne Baker, Acting City Recorder

**CITY OF COOS BAY CITY COUNCIL  
Agenda Staff Report**

<b>MEETING DATE</b> September 4, 2012	<b>AGENDA ITEM NUMBER</b>
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**TO:** Mayor Shoji and City Councilors

**FROM:** Jim Hossley, Public Works Director

**Through:** Rodger Craddock, City Manager

**ISSUE** E-Permitting

**BACKGROUND**

The City of Coos Bay is nearly ready to “go live” with e-permitting for building permit application submittal and review. Jim Hossley will give a presentation on this new system.

**ADVANTAGES**

This system will allow applicants to submit permit applications online, review progress of their application review online and pay application/permit fees online.

**DISADVANTAGES**

None

**BUDGET**

E-permitting is paid for out of a 12% surcharge the State of Oregon charges on all building permits issued by the City of Coos Bay and other communities throughout Oregon.

**RECOMMENDATION**

No action is required.