

**CITY OF COOS BAY City Council
Agenda Staff Report**

MEETING DATE December 2, 2014	AGENDA ITEM NUMBER
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TO: Mayor Shoji and City Council

FROM: Eric Day, Community Development Director
Through: Rodger Craddock, City Manager

ISSUE: PUBLIC HEARING ON A PROPOSAL TO VACATE THE EAST 30-FEET OF SOUTH 13TH STREET BETWEEN IDAHO AND MONTANA AVENUES

BACKGROUND

The proposed vacation was initiated by Council motion on October 7, 2014 at the request of the applicants. After a public hearing on November 12, 2014, the Planning Commission voted unanimously to recommend approval of the proposed vacation.

South 13th Street is platted to be 60-feet in width. Currently, the right of way is graveled to varying degrees between 12-feet and 20-feet in width. As shown on the attached aerial map (*Attachment B-page 9*), the roadway is developed entirely on the west side of the platted right of way, due to the higher elevation on the west side (approximately 10-feet). There is a drop of approximately 30-feet between the end of the developed South 13th Street and the developed portion of the Montana Avenue right of way.

It is unlikely that a connection from Idaho Avenue to Montana Avenue would be completed due to the following circumstances:

- The 30-foot elevation change at the south end of South 13th Street at Montana Avenue,
- The right-of-way provides primary access to one single-family dwelling and secondary access for an additional single-family dwelling, and
- There are no vacant lots in the proposed vacation area

The attached "Notice of Planning Commission Recommendation" addressed the Decision Criteria, Findings, and the Conclusion for the proposed vacation (*Attachment A*). As indicated in the notice, the Port of Coos Bay, Coos Bay/North Bend Water Board, Pacific Power, and the City of Coos Bay Fire Department and Engineering Department have no objections to the proposed vacation.

ADVANTAGE

Vacating the right-of-way as proposed would increase property taxes slightly and provide a higher use of the property.

DISADVANTAGE

The area proposed for vacation would not be available for public purposes in the future.

BUDGET IMPLICATIONS

None

RELATED CITY GOAL

To maintain and improve the City's physical infrastructure and provide quality services for current and future citizens. Ensure that the City can protect and enhance the useful life of streets, utilities and facilities.

ACTION REQUESTED

If it pleases the City Council, **enact the attached Ordinance** approving the proposed vacation of the east 30-feet of South 13th Street, between Idaho and Montana Avenues, abutting Lot 12 and 13, Block 18, First Addition to Marshfield, found in Section 3AB, Township 26, Range 13 West of the Willamette Meridian, Coos County, Oregon.

ATTACHMENT:

- A - Final Recommendation by the Planning Commission
- B - Staff Report with applicant's submittal
- C - Draft Ordinance with exhibits
- D - Draft Planning Commission Minutes



City of Coos Bay

Community Development Dept.

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

NOTICE OF PLANNING COMMISSION RECOMMENDATION STREET VACATION

- APPLICATION:** Vacation #187-ZON14-054
- APPLICANT:** Margaret Mitchell of 1195 Idaho Avenue and
Benjamin Nothiger of 1196 Montana Avenue
- PROPOSAL:** **Filed on August 29, 2014**
Vacate the east 30-feet of South 13th Street, located between
Idaho and Montana Avenues, found in Section 03AB, Township
26, Range 13 West of the Willamette Meridian, Coos County, OR
- RECOMMENDATION:** November 12, 2012 the Planning commission recommended
approval to vacate the above described right of way.
- Final Vote:
Yea: *Vice-Chairman Jeff Marineau, Commissioners Rex Miller,
Christina Coles, Bruce Harlan and Phil Marler.*
Nay: None **Abstain:** None
- APPEAL PROVISIONS:** Page 2.
- DECISION CRITERIA AND THE COMMISSION'S ADOPTED FINDINGS OF FACT,
CONCLUSIONS:** See pages 3-5

FINAL RECOMMENDATION

Based on the applicant's submittal, attached herein by reference, and the Findings and
Conclusions in Exhibit A, recommend City Council approve the proposed vacation of the East
30-feet of South 13th Street, between Idaho and Montana Avenues.

ATTACHMENT "A" (5 Pages)

APPEAL PROVISION

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

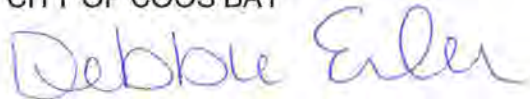
Questions regarding the appeal procedure may be directed to the Community Development Department, City Hall, 500 Central, Coos Bay, Oregon or phone (541) 269-8918.

DECISION PROCESS - EFFECTIVE DATE

The Planning Commission makes a recommendation to the City Council after hearing public testimony and addressing the decision criteria applicable for the proposed zone change and plan map amendment. The Commission may recommend approval, approval with conditions, or deny the proposals after approving findings or statements which substantiate their conclusions.

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 the proposed amendments, the City Council shall have prepared an ordinance declaring the changes. The proposed changes will become effective 30 days after the enactment of the ordinance.

Sincerely,
CITY OF COOS BAY



Debbie Erler, Planner

Date November 13, 2014

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 October 7, 2014 the Coos Bay City Council initiated the vacation process at the applicant's request.
- 2b. The Community Development Department has given notice of the hearings in accordance with Coos Bay Municipal Code (CBMC) Chapter 17.300 and state statute. Notice of the time and place of the hearings were:
 - Mailed to all property owners within 250 feet of the area to be vacated on October 20, 2014.
 - Published in "The World" newspaper on October 23rd and October 30th, 2014.
 - Posted in two conspicuous locations in the area of the vacation on October 27, 2014 (South 13th Street at Idaho and Montana Avenues and posted on the bulletin board at Coos Bay City Hall.

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

DECISION 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. South 13th Street is platted to be 60-feet in width. Currently the right of way is graveled to varying degrees between 12-feet and 20-feet in width. As shown on the attached aerial map (*Attachment B*) the roadway is developed entirely on the west side of the platted right of way, due to the higher elevation on the west side (approximately 10-feet). There is a drop of approximately 30-feet between the end of the developed South 13th Street and the developed portion of the Montana Avenue right of way.
- 4b. The South 13th Street right of way provides primary access to two single-family dwellings (1195 Idaho Avenue and 1303 South 13th Street). It also provides secondary access to 1196 Montana Avenue.
- 4c. A letter of opposition dated July 22, 2014 was received from Howard Willett, 1369 Idaho Avenue, Coos Bay (*Exhibit D*). The letter indicates that he is opposed to the vacation because someday, if the city decides to develop the road to provide better access to the area it would not be available.
- 4d. 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.
- 4e. A written response dated October 31, 2014 from the City of Coos Bay Engineering Department indicates they have no objections with this proposed vacation (*Attachment E*)
- 4f. The City received an e-mail from Mr. Ron Hoffine, Coos Bay North Bend Water Board, dated October 31, 2014 indicating they have no objections to the proposed vacation. There are no water facilities in that portion of South 13th Street and they don't foresee needing any (*Attachment F*).
- 4g. The City received an e-mail from Michael Smith, Estimator, from Pacific Power dated October 31, 2014 indicating they are not opposed to the partial vacation of South 13th Street between Idaho and Montana Avenues. The proposal does not appear to have any adverse effects on their current or future operations (*Attachment G*).
- 4h. The City received an e-mail from Coos Bay Fire Chief, Mark Anderson, dated November 4, 2014, indicating it appears that the topography is severe enough that the future development of this street is impractical and improbable. Therefore, the fire department does not oppose this proposed street (*Attachment H*).

- 4i. The proposed vacation is not located within 1,000 feet of the harbor and as provided by Port of Coos Bay Resolution 90/91-14 the vacation of streets/right of ways in areas in excess of 1,000 feet from the harbor and 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: Due to an elevation drop of approximately 30-feet in the South 13th Street at Montana Avenue it is unlikely that the South 13th Street right of way would ever be extended to Montana Avenue. The property in the area is developed with single-family dwellings (no vacant lots). There are no underground sanitary sewer lines, storm water systems, power lines or domestic water lines in the area. The decision criterion has been adequately addressed and approval of the proposal can be supported.



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

STAFF REPORT

Street Vacation

TO: Planning Commission

FROM: Debbie Erler, Planner
Community Development Department

HEARING DATE: **Wednesday, November 12, 2014**
TIME/ PLACE: at 6:00 p.m. Coos Bay City Hall
500 Central Avenue, Coos Bay, OR 97420

APPLICANT: Margaret Mitchell of 1195 Idaho Avenue and
Benjamin Nothiger of 1196 Montana Avenue

APPLICATION: **VACATION #187-ZON14-054 – Filed on August 29, 2014**
Vacate the east 30-feet of South 13th Street, located between
Idaho and Montana Avenues, found in Section 03AB, Township
26, Range 13 West of the Willamette Meridian, Coos County, OR

REQUEST:

The applicants are requesting approval to vacate a portion of South 13th Street located between Idaho and Montana Avenues (as described above).

DECISION PROCESS:

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

DECISION CRITERIA:

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

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

ATTACHMENT "B" (14 Pages)

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 October 7, 2014 the Coos Bay City Council initiated the vacation process at the applicant's request.
- 2b. The Community Development Department has given notice of the hearings in accordance with Coos Bay Municipal Code (CBMC) Chapter 17.300 and state statute. Notice of the time and place of the hearings were:
- Mailed to all property owners within 250 feet of the area to be vacated on October 20, 2014.
 - Published in "The World" newspaper on October 23rd and October 30th, 2014.
 - Posted in two conspicuous locations in the area of the vacation on October 27, 2014 (South 13th Street at Idaho and Montana Avenues and posted on the bulletin board at Coos Bay City Hall.

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

DECISION 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:

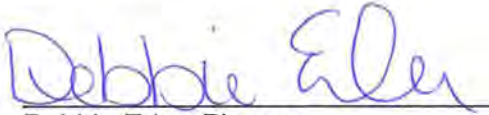
- 4a. South 13th Street is platted to be 60-feet in width. Currently the right of way is graveled to varying degrees between 12-feet and 20-feet in width. As shown on the attached aerial map (*Attachment B*) the roadway is developed entirely on the west side of the platted right of way, due to the higher elevation on the west side (approximately 10-feet). There is a drop of approximately 30-feet between the end of the developed South 13th Street and the developed portion of the Montana Avenue right of way.
- 4b. The South 13th Street right of way provides primary access to two single-family dwellings (1195 Idaho Avenue and 1303 South 13th Street). It also provides secondary access to 1196 Montana Avenue.
- 4c. A letter of opposition dated July 22, 2014 was received from Howard Willett, 1369 Idaho Avenue, Coos Bay (*Exhibit D*). The letter indicates that he is opposed to the vacation because someday, if the city decides to develop the road to provide better access to the area it would not be available.
- 4d. 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.
- 4e. A written response dated October 31, 2014 from the City of Coos Bay Engineering Department indicates they have no objections with this proposed vacation (*Attachment E*).
- 4f. The City received an e-mail from Mr. Ron Hoffine, Coos Bay North Bend Water Board, dated October 31, 2014 indicating they have no objections to the proposed vacation. There are no water facilities in that portion of South 13th Street and they don't foresee needing any (*Attachment F*).
- 4g. The City received an e-mail from Michael Smith, Estimator, from Pacific Power dated October 31, 2014 indicating they are not opposed to the partial vacation of South 13th Street between Idaho and Montana Avenues. The proposal does not appear to have any adverse effects on their current or future operations (*Attachment G*).
- 4h. The City received an e-mail from Coos Bay Fire Chief, Mark Anderson, dated November 4, 2014, indicating it appears that the topography is severe enough that the future development of this street is impractical and improbable. Therefore, the fire department does not oppose this proposed street (*Attachment H*).
- 4i. The proposed vacation is not located within 1,000 feet of the harbor and as provided by Port of Coos Bay Resolution 90/91-14 the vacation of streets/right of ways in areas in excess of 1,000 feet from the harbor and 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: Due to an elevation drop of approximately 30-feet in the South 13th Street at Montana Avenue it is unlikely that the South 13th Street right of way would ever be extended to Montana Avenue. The property in the area is developed with single-family dwellings (no vacant lots). There are no underground sanitary sewer lines, storm water systems, power lines or domestic water lines in the area. The decision criterion has been adequately addressed and approval of the proposal can be supported.

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

STAFF RECOMMENDATION

Based on the Findings and Conclusions set forth above, the Planning Commission recommends the City Council approve Vacation application #187-ZON14-054, for the vacation of the east 30-feet of South 13th Street, located between Idaho and Montana Avenues, found in Section 03AB, Township 26, Range 13 West of the Willamette Meridian, Coos County, OR



Debbie Erler, Planner
Community Development Department

Date: November 4, 2014

- Attachments:
- A - Applicant's submittal
 - B - Aerial /Tax lot overlay of proposed vacation
 - C - Aerial/Topo/Utility map
 - D - Letter of opposition dated July 22, 2014
 - E - Coos Bay Engineering Dept. response dated October 31, 2014
 - F - Coos Bay North Bend Water Board response dated October 31, 2014
 - G - Pacific Power response dated October 31, 2014
 - H - Coos Bay Fire response dated November 4, 2014

c: Applicants, Dave Perry, DLCD

G:\DCS\PLANNING\LAND USE APPLICATIONS\Staff Reports\2014\Drafts - Word docs\SRZON14-54- Street Vacation - S 13th St.doc



City of Coos Bay

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

LAND USE DEVELOPMENT REVIEW APPLICATION

For Office Use Only

STAFF CONTACT

PROJECT NO(S)

187-ZON14-054

Type of Review (Please check all that apply):

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

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

Location/Address:

SOUTH 13TH STREET BETWEEN IDAHO AVE &
MONTANA AVE, COOS BAY, OR

Assessor's Map No./Tax Lot(s): 26-13-3AB

Zoning: N/A

Total Land Area: 30 feet by 240 feet

Detailed Description of Proposal:

VACATION OF THE EAST 30-FEET OF SOUTH 13TH STREET BETWEEN IDAHO AVENUE AND MONTANA AVENUE IN BLOCK 18 OF THE FIRST ADDITION TO MARSHFIELD IN THE CITY OF COOS BAY, COOS COUNTY OREGON

Applicant/Owner Name: MARGARET A MITCHELL

Phone: (541)297-2969

Address: 1195 IDAHO AVE

Email: peggy541@hotmail.com

City State Zip: COOS BAY, OR 97420

Applicant/Owner Name: BENJAMIN A. NOTHIGER

Phone: (541)297-1383

Address: 1196 MONTANA AVE

Email:

City State Zip: COOS BAY, OR 97420

1. Provide evidence that you are the owner or purchaser of the property or have the written permission of owner(s) to make an application for architectural design review. In either case, include a copy of the deed for the subject property.
2. Attach (a) a certified list of names and addresses of all owners of property within 250 feet of the exterior boundaries of the subject property according to the latest adopted County tax role and (b) an assessor's map showing all lots and parcels of land within that area.
3. Address the Decision Criteria or Goals/Standards outlined in the Coos Bay Municipal Code chapter(s) related to your request.
4. Additional information: Date construction is expected to begin; estimated completion date of the total project and of individual segments; and anticipated future development.
5. Ten (10) complete hard-copy sets (single sided) of application materials must be submitted with this application. One (1) complete set of digital application materials must also be submitted electronically or on CD in Word format. Additional copies may be required as directed by the Coos Bay Director of Community Development.

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

Margaret A Mitchell
Applicant/Owner's signature

8.11.14
Date

Benjamin A Notziger
Applicant/Owner's Signature

8/11/14
Date

August 5, 2014

Dear City of Coos Bay,

We, the undersigned, are submitting our application and the accompanying documents with the hope that the eastern portion of south 13th street adjacent to our homes will be vacated. The road is actually two driveways at this point serving 4 families, two of whom have no other options due to the grade of their property. This 60' wide portion also runs very close to all four of these homes.

Since this portion of road, if developed, would involve a very steep decline from Idaho Ave. to Montana Ave., and at that point would only create a shortcut to the very rough and narrow, gravel street below, it seems an unlikely scenario. To develop it further from Montana to Southwest Blvd. seems even less logical as it would then only run between another neighbor's two lots, cross a creek which sometimes floods dramatically, and probably only create access for very few people anyway considering the location of our neighborhood.

The four of us abutting this road are already maintaining it regularly by mowing, graveling and cutting back brush/hauling it to the dump as needed. While only two of us are applying for the vacation of just half of this road so that we may own it, pay taxes on it and make decisions about how to use it in the future, all of us are in agreement that the vacation would benefit each of the four of us sharing this space. Our accompanying petitions verify this as well as the strong support of our less immediate neighbors.

Thank you for your consideration. We have worked hard in hopefully providing all of the documentation necessary so that you may make your decision. If anything further is needed, please feel free to contact us any time.

Sincerely,



Margaret A. Mitchell

1195 Idaho Ave., Coos Bay, OR 97420

(541)297-2969



Benjamin A. Nothiger

1196 Montana Ave., Coos Bay, OR 97420

(541)297-1383



Beginning of 13th St. South of Idaho Ave.
encompassing driveways/parking
used by 1195 Idaho (left) and all 3
abutting residences



North side of Montana Ave. (left)
between tax lots 12200 & 12300



Per Oregon Utility Notification Center
on 6/30/2014 @ 1195 Idaho Ave.,
Coos Bay, OR



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

600

TL 1100

TL 1000



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: 11/4/2014

AREA PROPOSED FOR VACAITON
 ATTACHMENT "B"



Agenda Item #10
 1 inch = 42 feet



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



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Date: 10/31/2014

Aerial/Topo/Utility Map
 ATTACHMENT "C"



Agenda Item #10
 1 inch = 47 feet



Coos Bay Planning Dept.

July 22, 2014

I wish to go on record as "not" being in favor of vacating this piece of land.

Someday, if the city decides to develop it to have better access to this AREA, it will be gone and too late if its given away.

Sincerely,

Howard Willett

541 297-4834

Po Box 505
North Bend, Oreg
97459

ATTACHMENT "D"

Reginald: East 30ft of South 13th St;
Between Idaho & Main

From: [Jennifer Wirsing](#)
To: [Debbie Erler](#); [Mike Smith](#)
Subject: RE: new app - 1195 Idaho, vacation
Date: Friday, October 31, 2014 10:05:21 AM

I responded in permitting. Engineering has no objections/converts with this proposed vacation.
Jennifer

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

From: Debbie Erler
Sent: Friday, October 31, 2014 9:04 AM
To: Jennifer Wirsing; Mike Smith
Subject: FW: new app - 1195 Idaho, vacation
Importance: High

I don't see any "Internal Comments" for this proposed vacation (187-ZON14-054). Do you have any comments/objections/etc. I attached the mailed notice that was sent to area residents, so you don't have to open each of the document submitted with the application. My report needs to be mailed on Tuesday. Any input would be appreciated.

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

From: Nik Rapelje
Sent: Tuesday, August 12, 2014 1:15 PM
To: Debbie Erler; Eric Day
Cc: Nik Rapelje; Sheri Corgill
Subject: new app - 1195 Idaho, vacation

187-ZON14-054
1195 Idaho

Description of Work: Vacation of the east 30 feet of South 13th Street between Idaho Ave and Montana Ave in block 18 of the first addition to Marshfield in the city of Coos Bay, Coos County, Oregon

Documents in ePermitting. Hard copies, including address list, routed to Eric

ATTACHMENT "E"

From: ron_hoffine
To: [Debbie Erler](mailto:Debbie.Erler)
Subject: RE: Proposed Vacation
Date: Friday, October 31, 2014 11:51:14 AM

Debbie:

I took a look. We don't have any water facilities in that portion of 13th St and don't foresee needing any. We don't have any issues or concerns. Thanks for the opportunity for review.

*Ron A. Hoffine, P.E., Operations Director
Coos Bay - North Bend Water Board
P.O. Box 539
Coos Bay, Oregon 97420
541-267-3128
541-269-5370 fax
ron_hoffine@cbnbh2o.com*

From: Debbie Erler [<mailto:deberler@coosbay.org>]
Sent: Friday, October 31, 2014 9:06 AM
To: ron_hoffine@cbnbh2o.com
Subject: Proposed Vacation
Importance: High

Ron, If you have time today or Monday, could you review the attached proposed vacation and let me know if you would have any issues or concerns.

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

ATTACHMENT "F"

From: [Smith, Michael \(Coos Bay\)](#)
To: [Debbie Erler](#)
Subject: Vacation #187-ZON14-054
Date: Friday, October 31, 2014 1:07:11 PM

Debbie,

This site has been reviewed by Pacific Power. The partial vacation of this portion of S. 13th St., between Idaho Ave & Montana Ave doesn't appear to have any adverse effects on our current or future operations. We do not have any objections at this time.

Best Regards,

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

ATTACHMENT "G"

From: [Mark Anderson](#)
To: [Debbie Erler](#)
Subject: RE: Proposed Street vacation
Date: Tuesday, November 04, 2014 9:58:20 AM

Debbie,

As a general rule, the fire department is opposed to street vacations as it eliminates the ability to develop access routes to properties. In this situation, it appears that the topography is severe enough that the future development of this street is impractical and improbable. Therefore, the fire department does not oppose this proposed street vacation.

Respectfully,

Mark Anderson, Fire Chief
Coos Bay Fire Department

From: Debbie Erler
Sent: Friday, October 31, 2014 10:37 AM
To: Mark Anderson
Subject: Proposed Street vacation

Please review and comment.

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

ATTACHMENT "H"

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE VACATION OF THE EAST 30-FEET OF SOUTH 13TH STREET, BETWEEN IDAHO AND MONTANA AVENUES, FOUND IN SECTION 03AB, TOWNSHIP 26, RANGE 13 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON

The City of Coos Bay ordains as follows:

Section 1. Margaret Mitchell and Benjamin Nothiger filed a petition for the vacation of a portion of South 13th Street, between Idaho and Montana Avenues, within the City of Coos Bay, more particularly described as follows:

Beginning at the Southwest corner of Lot 13, Block 18, in the First Addition to Marshfield; thence, North along the easterly line of South 13th Street right of way a distance of 240 feet to Northwest corner of Lot 12; thence, West a distance of 30.00 feet; thence, South distance of 240.00 feet; thence, east a distance of 30.00 feet to the TRUE POINT OF BEGINNING.

Section 2. The City Council of the City of Coos Bay set the hour of 6:00 p.m. November 12, 2014 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.

Section 3. The City of Coos Bay Community Services Department provided notice of the hearing as prescribed in ORS Sections 271.080 - 271.120, which notice declared the Council's intention consider, upon recommendation by the Planning Commission, to vacate the above-described street within the City of Coos Bay, Coos County, Oregon, as follows:

(1) The City of Coos Bay Community Services Department gave notice of time and place of the hearing before the Planning Commission by posting notice on October 27, 2014 labeled "Notice of Street Vacation" at the intersection of South 13th Street at Idaho and Montana Avenues, and posting on the bulletin board in the City Hall for the City of Coos Bay. The notices were posted in a conspicuous place where they could be easily read.

(2) Notice of time and place of the hearing before the Planning Commission was mailed to all the affected property owners, as defined by Oregon law, on October 22, 2014 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 in the October 23, 2014 and October 30, 2014 issue, as shown on the affidavit of publication which is attached hereto as "Exhibit A" and incorporated herein by reference.

Section 4. Public hearing was held before the Coos Bay Planning Commission on November 12, 2014, 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.

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

ATTACHMENT "C"

Agenda Item #10

Section 5. 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.

Section 6. Having reviewed the Planning Commission's findings of fact, conclusions and final recommendation and the record of the public hearing held on November 12, 2014, the City Council hereby adopts the following findings of fact and conclusions of the Commission:

(1) Margaret Mitchell and Benjamin Nothiger has submitted the notarized signatures of the abutting property owners and of two-thirds in area of the property embraced within the plat proposed to be vacated.

(2) Notice procedures under ORS 271.110 have been complied with.

(3) The proposal does not conflict with the comprehensive plan, including the adopted Coos Bay transportation system plan, or other ordinances.

(4) Granting the requested street vacation will not prejudice the public interest.

Section 7. The Port Commission of the Port of Coos Bay has consented to the vacation of the above-described portion of street as stated in Resolution 90/91 -14 adopted March 20, 1991.

Section 8. 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.

Section 9. It is hereby declared that public interest will not be prejudiced by the vacation of the above-described portion of street, 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 in Section 1 of this ordinance.

Section 11. 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 2nd day of December 2014 by the following vote:

Yes:

No:

Absent:

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

ATTEST:

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

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

On this ____ day of _____ before me personally appeared the within named Crystal Shoji, Mayor of the City of Coos Bay, and Susanne Baker, 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
Attn: Debbie Eler
500 Central Ave
Coos Bay, OR 97420**

REFERENCE: 60005035/ 20262043

I, **Kirk A. Morris**, 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 **Public Notice**, was published in the entire issue of said newspaper **Two** time(s) in the following issue(s):

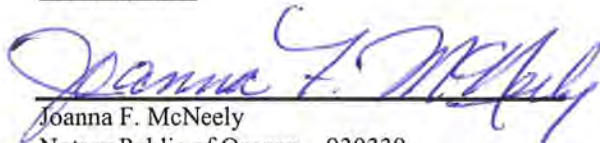
PUBLISHED: October 23 & 30, 2014

TOTAL COST: \$255.38

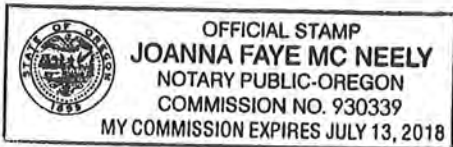


Legal Clerk, Kirk A Morris

Subscribed and sworn to before this 30th day of October, 2014



Joanna F. McNeely
Notary Public of Oregon - 930339
My Commission expires: 13th day of July 2018



**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 the east 30-feet of South 13th Street, located between Idaho and Montana Avenues, found in Section 03AB, Township 26, Range 13 West of the Willamette Meridian, Coos County, OR.

Land Use #187-ZON14-054 was filed by applicants Margaret Mitchell and Benjamin Nothiger on August 29, 2014. The Planning Commission will make a recommendation to the City Council following a public hearing on the matter. The hearing will take place on **November 12, 2014** at 6:00 p.m. in the City Council Chambers at 500 Central Avenue, Coos Bay. The City Council will consider the matter and the Planning Commission's recommendation at a public hearing which will occur on **December 2, 2014** 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 Community 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 Debbie Eler, Planner at (541) 269-1181 extension 2259.

PUBLISHED: The World - October 23 and 30, 2014 (ID-20262043)

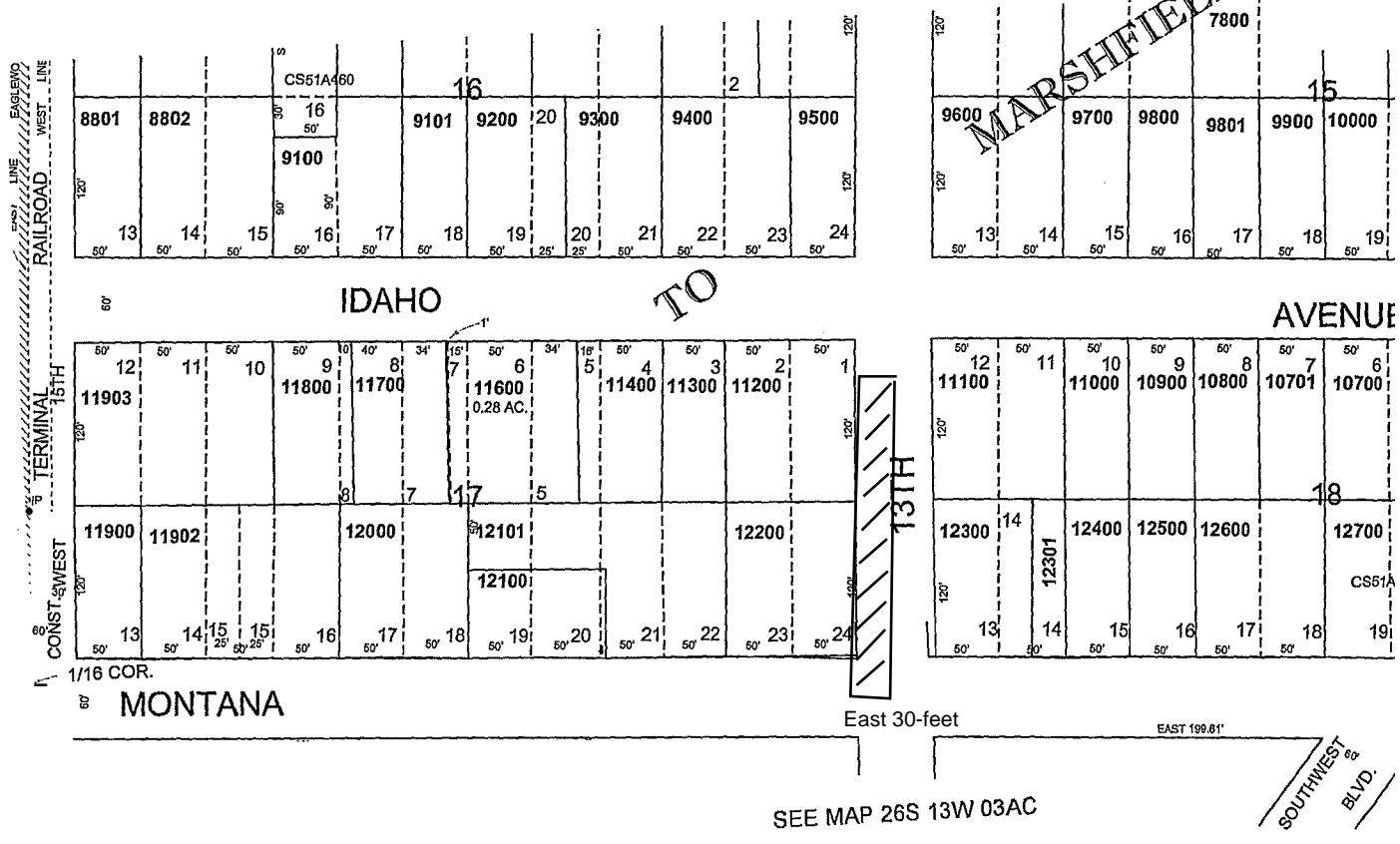
EXHIBIT "A"

FILED ON: 10/30/14

EXHIBIT "B"

VACATION OF THE EAST 30-FEET OF SOUTH 13TH STREET, BETWEEN IDAHO AND MONTANA AVENUES, FOUND IN SECTION 03AB, TOWNSHIP 26, RANGE 13 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

Beginning at the Southwest corner of Lot 13, Block 18, in the First Addition to Marshfield; thence, North along the easterly line of South 13th Street right of way a distance of 240 feet to Northwest corner of Lot 12; thence, West a distance of 30.00 feet; thence, South distance of 240.00 feet; thence, east a distance of 30.00 feet to the TRUE POINT OF BEGINNING.



CITY OF COOS BAY
PLANNING COMMISSION MINUTES
Wednesday, November 12, 2014 at 6:00 P.M.
Coos Bay City Hall, 500 Central Avenue, Coos Bay

DRAFT

ATTENDANCE

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

ABSENT: Commissioner Jim Berg

STAFF: Debbie Erler, Planner
Kim Trimpert, Planner

SIGNED-IN GUESTS:

CCI/PUBLIC COMMENTS None

APPROVAL OF MINUTES

Approval of the Planning Commission minutes of October 14, 2014.

MOTION: Commissioner Coles - Approve the Planning Commission minutes of October 14, 2014 as submitted.

SECOND: Commissioner Marler

VOTE: Unanimous

PUBLIC HEARING

ITEM A: Vacation #187-ZON14-054 South 13th Street (Between Idaho Avenue and Montana Avenue) Applicants Margaret Mitchell of 1195 Idaho Avenue and Benjamin Nothiger of 1196 Montana Avenue are requesting to Vacate the east 30-feet of South 13th Street, located between Idaho and Montana Avenues.

Vice-Chairman Marineau asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if any Planning Commissioner had ex parte contact or conflict of interest to report.

Vice-Chairman Marineau opened the public hearing.

Debbie Erler read the disclosure statement and outlined the applicant's request. The applicants are requesting approval to vacate a portion of South 13th Street located between Idaho and Montana Avenues.

Margaret Mitchell, 1195 Idaho Avenue, Coos Bay stated she and Mr. Nothiger would like to vacate the 30-feet of South 13th Street abutting their property. She said she would eventually like to build a carport or garage in the vacated area.

ATTACHMENT "D"

Commissioner Miller asked why the proposal is not for the entire right of way. Ms. Erler stated the applicant only requested the east 30-feet and the west side of the right of way is used to access property on the west side of South 13th Street.

Commissioner Miller expressed concern about the letter of objection in the Staff Report. Ms. Erler stated that with the drop in elevation of about 30-feet at the south end of South 13th Street at Montana Avenue, the street would not likely be improved to provide through access and according to submitted documentation from utility companies the right of way is not needed for future utilities.

Vice-Chairman Marineau closed the public hearing.

- MOTION:** Commissioner Coles - Based on the adopted Findings and conclusions, as supported by the applicant's submittal, attached hereto and incorporated herein by reference as Attachment "A" recommend the City Council approval Vacation #187-ZON14-054 to vacated the east 30-feet of South 13th Street, located between Idaho and Montana Avenues.
- SECOND:** Commissioner Miller
- VOTE:** Unanimous