

CITY OF COOS BAY CITY COUNCIL
Agenda Staff Report

MEETING DATE March 1, 2016	AGENDA ITEM NUMBER
--------------------------------------	---------------------------

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 PENNSYLVANIA AVENUE BETWEEN SOUTHWEST BLVD AND SOUTH 13TH STREET**

BACKGROUND

After reviewing the Planning Commission’s recommendation on February 16, 2016 the City Council continued the public hearing and requested additional information be provided regarding the adjacent lots of record, Coos County zoning designations, Estuary Management designations.

Summary from previous hearing: The proposed vacation was sent to the Planning Commission to review by Council motion on December, 1 2015. The Planning Commission held a public hearing on January 12, 2016, and voted unanimously to recommend approval of the proposed vacation which extends along Pennsylvania Ave between Southwest Blvd. and 13th St.

The Planning Commission’s recommendation addresses the decision criteria, and establishes the findings and conclusion for the proposed vacation. There are no underground utilities located within the proposed vacation area. The Coos Bay/North Bend Water Board, Pacific Power and the City’s Fire Department and Engineering Departments have no objections to the proposed vacation.

Pennsylvania Avenue is platted to be 60feet in width. Currently the right-of-way is undeveloped except for a small area near Southwest Blvd that is used as part of a turnaround driveway. Access to affected properties in the area inside the City limits is from South 13th Street. Access to affected properties outside the City limits south of Pennsylvania Avenue would be from Iowa Avenue.

The additional requested information for the abutting property outside the city limits (County) is as follows:

1. According to an email from the Coos County Planning Department dated February 19, 2016, the property (Tax Lots 3900, 4000, 4400, and 4500) has been consolidated into a single tax lot as required by a conditional use permit approved (to site a single-family dwelling) last year, and, with Tax Lot 400 are a single lawfully created parcel (*Attachment F*).

2. The County zone designation of property outside the city limits is “Exclusive Farm Use (EFU)”. The primary uses in this zone include:

Non-residential Uses

- Agriculture/farm uses such as farm stand and other buildings in conjunction with farm use,
- Churches,
- Dams, diking, drainage, tide-gating, fill mitigation, non-structural shoreland stabilization, dredging material disposal restoration,
- Fire service facilities including fire tower, fire station; irrigation reservoir, canal and associated operational facilities,
- On-site filming, outdoor mass gatherings; parking of up to seven log trucks and finally
- Propagation and harvesting of forest products.

Residential Uses

- Alteration, restoration, or replacement of lawfully established dwellings; additional farm dwelling.

3. The two County Estuary Management Designations for the property outside the city limits are part of the Coos Bay Estuary Management Plan & Coquille River Estuary Management Plan (*Attachment G*), which are regulated by the County.

General Location: Isthmus Slough - Coalbank Slough
Zoning Designation: 40-RS
Zoning District: 40-Rrural Shorelands

Specific Boundaries: Northern Boundary - The north edge of the agricultural land where intensive use begins. Southern Boundary - The southwestern edge of the major saltmarsh defined in District #39.

Section 3.2.715. Management Objective: This district which is a mix of agricultural and residential uses and which is subject to periodic flooding shall be maintained for agricultural uses. The district also contains designated mitigation sites, U-60(a) and (b), both "low" priority sites. These sites need not be protected for mitigation (see Policy #22).

Uses include: Agriculture, Aquaculture, land transportation facilities, recreation facilities, residential, timber farming/harvesting and Utilities.

Activities include: Stream alteration, dikes, dredged material disposal, shoreline stabilization, navigation aids, mitigation, restoration, land division.

General Location: Isthmus Slough - Coalbank Slough
Zoning Designation: 38-Ca
Zoning District: 38-Conservation Aquatic

Specific Boundaries: This district consists of the aquatic area of Coalbank Slough from the railroad bridge to the extent of hydraulic influence (tide gates on Shinglehouse/Libby Road), excluding the two saltmarshes on the southeastern shore.

Section 3.2.700. Management Objective: The Management Objective of this district is two-fold:

- (1) The portion of the district between Seventh Street in Coos Bay and the mouth of the slough shall be managed to facilitate development of a small-scale, shallow-draft marina. Continuation of historic log storage shall be appropriate between the highway and railroad bridges only.
- (2) The portion of the district upstream from Seventh Street in Coos Bay shall be managed to restrict intensive uses and thereby protect the area's resource productivity.

Uses include: Aquaculture, commercial, docks, industrial & port facilities, log dump/storage, Marinas, mining, utilities, bridge crossing support structures and bridge crossings.

Activities include: Dike maintenance/repair, dredging, fill, navigational, piling/dolphin installation, shoreline stabilization, mitigation, restoration, protection of habitat, research/education observation, and waste water/storm water discharge.

ADVANTAGE

Vacating the right-of-way as proposed would slightly increase property taxes.

DISADVANTAGE

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

BUDGET IMPLICATIONS

The application fee (\$795) and publishing fee (\$265) was paid by the applicants at the time the applications were submitted. The recording fee, if approved, of approximately \$66 will be paid by the City.

ACTION REQUESTED

Staff is neither recommending approval nor denial for this proposal. Should the Council wish to approve the application, it can enact the attached Ordinance approving the proposed vacation of Pennsylvania Avenue, located between Southwest Blvd and South 13th Street, found in Section 3AC, Township 26, Range 13 West of the Willamette Meridian, Coos County, Oregon.

ATTACHMENT – from public hearing of February 16, 2016

- A - Final Recommendation by the Planning Commission
- B - Staff Report with attachments
- C - Draft Ordinance with exhibits
- D - Draft Planning Commission Minutes

ATTACHMENT – Additional Information Requested

- E - Aerial map
- F - Email dated February 19, 2016 from Coos County Planning
- G - Coos County Estuary Management Designations 40-RS & 38-CA (7 pages)



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-ZON15-045
- APPLICANT:** Georgeann Hoeger, 270 N. Malena Drive, Orange, CA 92869
William J. Bouska, 270 N. Malena Drive, Orange, CA 92869
- PROPOSAL:** **Filed on November 3, 2015**
Vacate the portion of Pennsylvania Avenue, located between Southwest Blvd and South13th Street, found in Section 3AC, Township 26, Range 13 West of the Willamette Meridian, Coos County, Oregon.
- RECOMMENDATION:** January 12, 2016 the Planning commission recommended approval for the proposed vacation as described above
- Final Vote:
Yea: *Chairman Phil Marler, Commissioners Christina Coles, Katherine Flores, Jeff Marineau, Rex Miller and John Peery.*
Nay: None **Abstain:** None
- APPEAL PROVISIONS:** Page 2.
- DECISION CRITERIA AND THE COMMISSION'S ADOPTED FINDINGS OF FACT, CONCLUSIONS:** See pages 3-4

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 Pennsylvania Avenue, located between Southwest Blvd and South13th Street, found in Section 3AC, Township 26, Range 13 West of the Willamette Meridian, Coos County, Oregon.

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 street vacation.

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 vacation, 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 1

Date January 15, 2016

EXHIBIT "A"

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

STATEMENTS OF FACT AND FINDINGS:

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

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

DECISION CRITERION #2: Notice has been duly given.

STATEMENTS OF FACT AND FINDINGS:

- 2a. On December 1, 2015 the Coos Bay City Council initiated the vacation process at the applicant's request.
- 2b. The Community Development Department has given notice of the hearings in accordance with Coos Bay Municipal Code (CBMC) Chapter 17.300 and state statute. Notice of the time and place of the hearings were:
- Mailed to all property owners within 250 feet of the area to be vacated on December 21, 2015 for the Planning Commission hearing and will mail notice on February 5, 2016 for the City Council hearing.
 - Published in "The World" newspaper on December 29, 2015 and January 5, 2016
 - Posted in the area of the vacation on December 31, 2015 (Pennsylvania Avenue at Southwest Blvd and South 13th Street), and posted on the bulletin board at Coos Bay City Hall and Coos Bay Library.

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

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

STATEMENTS OF FACT AND FINDINGS:

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

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

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

STATEMENTS OF FACT AND FINDINGS:

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

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



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

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

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

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

REQUEST:

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

DECISION PROCESS:

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

DECISION CRITERIA:

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

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

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

STATEMENTS OF FACT AND FINDINGS:

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

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

DECISION CRITERION #2: Notice has been duly given.

STATEMENTS OF FACT AND FINDINGS:

- 2a. On December 1, 2015 the Coos Bay City Council initiated the vacation process at the applicant's request.
- 2b. The Community Development Department has given notice of the hearings in accordance with Coos Bay Municipal Code (CBMC) Chapter 17.300 and state statute. Notice of the time and place of the hearings were:
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CONCLUSION: All notice required by the Coos Bay Municipal Code and state statute has been given or will be given when due. The decision criterion has been adequately addressed and approval of the proposal can be supported.

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

STATEMENTS OF FACT AND FINDINGS:

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

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

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

STATEMENTS OF FACT AND FINDINGS:

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

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

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

STAFF RECOMMENDATION

Based on the Findings and Conclusions set forth above, the Planning Commission recommends the City Council approve Vacation application #187-ZON15-045, for the vacation of the portion of Pennsylvania Avenue, located between Southwest Blvd. and South 13th Street, found in Section 3AC, Township 26, Range 13 West of the Willamette Meridian, Coos County, Oregon.



Debbie Erler, Planner
Community Development Department

Date: January 5, 2016

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

c: Applicants, Dave Perry, DLCD



City of Coos Bay

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

LAND USE DEVELOPMENT REVIEW APPLICATION

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

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation 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.

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

Detailed Description of Proposal:

VACATE PENNSYLVANIA ST. EAST OF SW BLVD AND WEST OF 13TH ST.
SEE 265 13W 3AC
COOS BAY

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

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

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

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

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



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



Disclaimer:
 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: 12/28/2015

Image Date: 7/6/2010

**ATTACHMENT B
 AREA MAP WITH FEATURES**



1 inch = 130 feet

Agenda Item #5

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

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

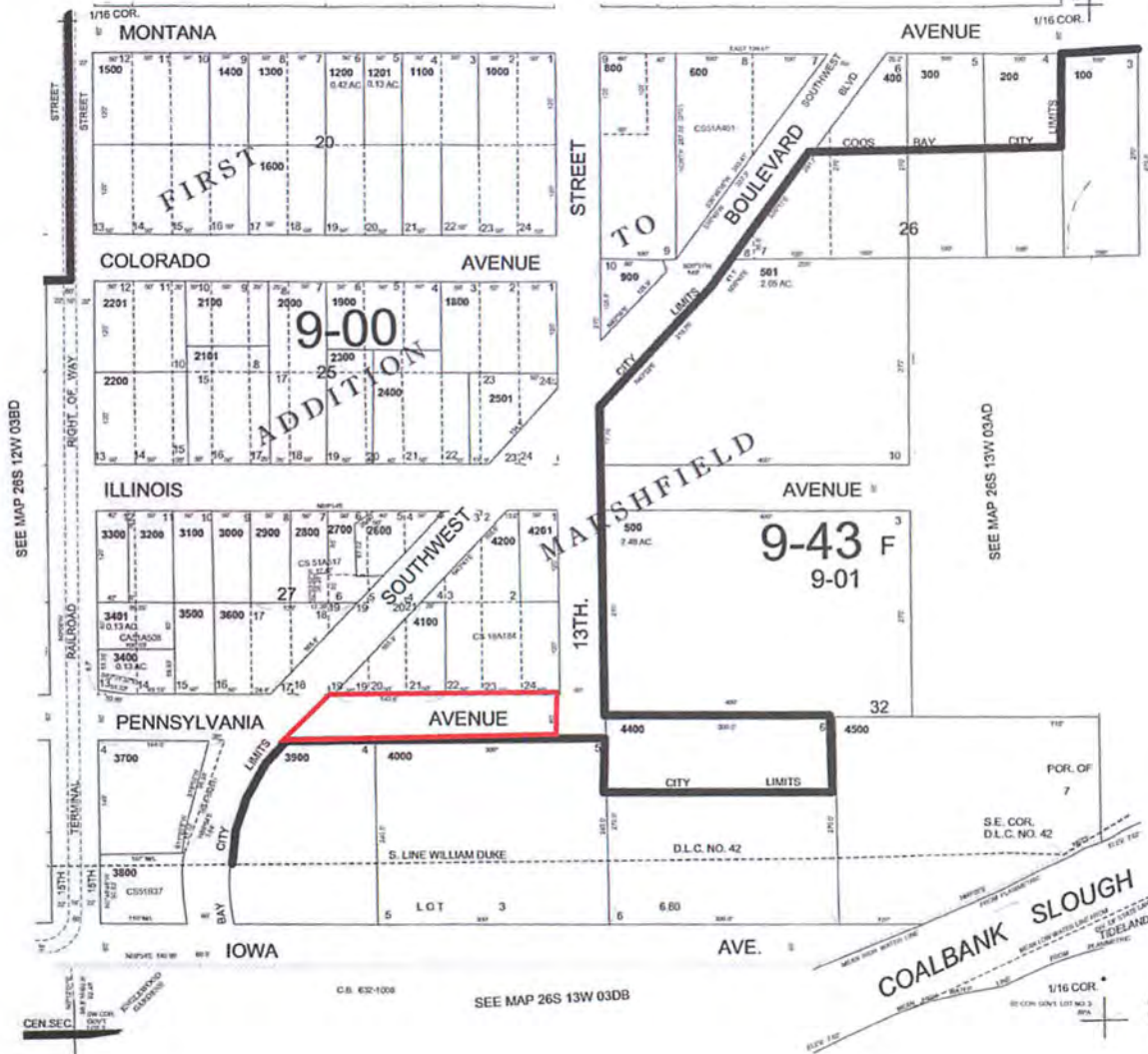
1" = 100'

SEE MAP 26S 13W 03AB

26S 13W 3AC
COOS BAY

CANCELLED NO.

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



SEE MAP 26S 12W 03BD

SEE MAP 26S 13W 03AD

SEE MAP 26S 13W 03DB

04-15-2014
26S13W 3AC
COOS BAY

ATTACHMENT C

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

Debbie,

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

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

Thanks,

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

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

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

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

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

ATTACHMENT D

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

Debbie:

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

And Merry Christmas backatcha!

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

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

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

ATTACHMENT E

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

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

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

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

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

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

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

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

ATTACHMENT F

Agenda Item #5

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

Debbie,

Operation has no issue with vacation request. Thanks.

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



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

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

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

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

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

ATTACHMENT G

Agenda Item #5

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

Debbie,

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

Thank you,

Teresa

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

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

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

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

ATTACHMENT H

ORDINANCE NO. ____

AN ORDINANCE PROVIDING FOR THE VACATION OF THE PENNSYLVANIA AVENUE BETWEEN SOUTHWEST BLVD AND SOUTH 13TH STREET IN THE FIRST ADDITION TO MARSHFIELD, FOUND IN SECTION 3AC, TOWNSHIP 26, RANGE 13 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

The City of Coos Bay ordains as follows:

Section 1. Georgeann Hoeger filed a petition for the vacation of the portion of Pennsylvania Avenue, between Southwest Blvd and South 13th Street, within the City of Coos Bay, more particularly described as follows:

Beginning at the southeast corner of Lot 24, Block 27, in the plat of First Addition to Marshfield, Coos County, Oregon; thence Southerly 60 feet along the west right of way line of 13th Street extended to the south right of way line of Pennsylvania Avenue; thence Westerly along the south right of way line of Pennsylvania Avenue to the east right of way of Southwest Boulevard; thence Northeasterly along the east right of way line of Southwest Boulevard to the north right of way of Pennsylvania Avenue; thence Easterly 292 feet, more or less, along the north right of way line of Pennsylvania Avenue to the point of beginning.

Section 2. The City Council of the City of Coos Bay set the hour of 6:00 p.m. on January 12, 2016 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 Development Department provided notice of the hearing as prescribed in ORS 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 right of way within the City of Coos Bay, Coos County, Oregon, as follows:

(1) The City of Coos Bay Community Development Department gave notice of time and place of the hearings before the Planning Commission on December 18, 2015 and the City Council on February 5, 2016 by posting notice on December 29, 2016 labeled "Notice of Street Vacation" at the intersection of Pennsylvania Avenue at Southwest Blvd and South 13th Street, and posting on the bulletin board in the City Hall for the City of Coos Bay and the Coos Bay Library. The notices were posted in a conspicuous place where they could be easily read.

(2) Notice was 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 December 29, 2015 and January 5, 2016 issue, as shown on the affidavit of publication which is attached hereto as "Exhibit A" and incorporated herein by reference.

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

(3) 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 December 18, 2015.

(4) Notice of time and place of the hearing before the City Council was mailed to all the affected property owners, as defined by Oregon law, on February 5, 2016.

Section 4. The public hearing was held before the Coos Bay Planning Commission on January 16, 2016, 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.

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. Per Resolution 90/91-14 adopted March 20, 1991 the International Port of Coos Bay approves all proposed vacation of streets, alleys, public places, and parts thereof within the cities of Coos Bay and North Bend which are in excess of 1,000 feet from the harbor and pier head line of the Port.

Section 7. The public hearing was held before the City Council on February 16, 2016 and after having reviewed the Planning Commission's findings of fact, conclusions and final recommendation and the record of the public hearing held on January 12, 2016, the City Council hereby adopts the following findings of fact, conclusions and Condition of the Commission:

(1) Georgeann Hoeger submitted the required 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 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 as "Exhibit "B".

Section 9. It is hereby declared that public interest will not be prejudiced by the vacation of the above-described portion of Pennsylvania Avenue, 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 10. 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 February 2016 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: _____

EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

The World

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

JAN 11 2016

STATE OF OREGON - COUNTY OF COOS

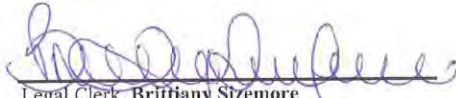
City of Coos Bay
Attn: Debbie Erler
500 Central Ave
Coos Bay, OR 97420

REFERENCE: 60005035/ 20285053

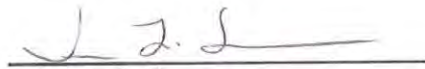
I, Brittiany Sizemore, first duly sworn, deposed and say that I am the Legal Advertising Clerk for THE WORLD, a newspaper of general circulation published at Coos Bay, Oregon, in the aforesaid county and state; that I know from my personal knowledge that the Notice is Hereby Given, was published in the entire issue of said newspaper Two time(s) in the following issue(s):

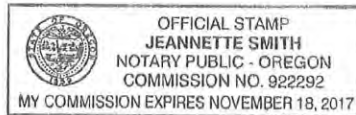
PUBLISHED: December 29, 2015 & January 05, 2016

TOTAL COST: \$234.53


Legal Clerk, Brittiany Sizemore

Subscribed and sworn to before this 05th day of January, 2016


Jeannette L. Smith
Notary Public of Oregon - 922292
My Commission expires: 18th day of November, 2017



FILED ON: 01/05/16

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 Pennsylvania Avenue, located between Southwest Blvd. and South 13th Street, found in Section 3AC, Township 26, Range 13 West of the Williamette Meridian, Coos County, OR.

Land Use #187-ZON15-045 was filed by applicant Georgeann Hoeger on November 3, 2015. The Planning Commission will make a recommendation to the City Council following a public hearing on the matter. The hearing will take place on January 12, 2016 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 February 16, 2016 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 Erler, Planner at 541.269.1181 extension 2259.

PUBLISHED: The World - December 29, 2015 & January 05, 2016 ONPA website (ID-20285053)

EXHIBIT "B"

AREA OF VACATION

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



CITY OF COOS BAY
PLANNING COMMISSION MINUTES
Tuesday, January 12, 2016 at 6:00 P.M.
Coos Bay City Hall, 500 Central Avenue, Coos Bay

ATTENDANCE

COMMISSIONERS: Chairman Christine Coles, Commissioners, Katherine Flores, Phil Marler, Jeff Marineau, Rex Miller and John Peery.

ABSENT: Commissioner Jim Berg

STAFF: Tom Dixon, Planning Administer
Debbie Erler, Planner

ITEM B: Vacation #187-ZON15-045 – The applicant, Georgeann Hoeger, is requesting approval to vacate a portion of Pennsylvania Avenue located between Southwest Blvd and South13th Street.

Chairman Marler 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.

Chairman Marler opened the public hearing.

Debbie Erler read the disclosure statement and outlined the applicant's request. The applicant is requesting approval to vacate a portion of Pennsylvania Avenue located between Southwest Blvd and South13th Street.

James Edwards, lakeside, Oregon, stated his brother is an abutting property owner (Tax Lot #4100). He said the property has no real value to the City, but it would help his brother because that area is used as his back yard and it would help control access. He said someone just took a \$1,200 bike that was chained in the back yard.

Chairman Marler closed the public hearing.

MOTION: Commissioner Coles - Based on the adopted Findings, Conclusions and Conditions, as supported by the Staff Report and the applicant's submittal, attached hereto and incorporated herein by reference as Attachment "A", recommend the City Council approve the proposed Vacation Pennsylvania Avenue located between Southwest Blvd and South13th Street as submitted.

SECOND: Commissioner Miller

VOTE: Unanimous



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



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

Date: 12/28/2015

Attachment F

Image Date: 7/6/2010

AREA MAP WITH IDENTIFIED FEATURES



1 inch = 130 feet
 Agenda Item #5

From: [Alexander Murphy](#)
To: [Debbie Erler](#)
Cc: [Jill Rolfe](#)
Subject: RE: Zone and Estuary Designations
Date: Friday, February 19, 2016 7:51:41 AM
Attachments: [26-13-03AC - Zones.JPG](#)

Hi Debbie,

Tax lots 3900, 4000, 4400, and 4500 have been consolidated into a single tax lot, as required by a conditional use permit approved last year, and, with 26-13-03AD-400, are a single lawfully created parcel.

Tax lots 26-13-03AC-500 and 26-13-03AD-201 are also a single lawfully created parcel.

All of the parcels you list are zoned either Exclusive Farm Use (EFU) or CBEMP Rural Shorelands, Segment 40 (40-RS). I've attached a screenshot of the zone layer to give you an idea.

Let me know if you need anything else!

Alex Murphy

Alex Murphy, GIS Planner I
Coos County Planning Department
Physical: 225 N. Adams St.
Mailing: 250 N. Baxter
Coquille, OR 97423
Phone: 541-396-7770
Fax: 541-396-1022
planning@co.coos.or.us

From: Jill Rolfe
Sent: Thursday, February 18, 2016 4:35 PM
To: Alexander Murphy
Subject: FW: Zone and Estuary Designations

Can you do this Debbie? Thank you,

Jill Rolfe

Jill Rolfe, Planning Director
Coos County Planning Department
225 N. Adams St.
Coquille OR 97423
250 N. Baxter (Mailing)

541-396-7770

planning@co.coos.or.us

From: Debbie Erler [<mailto:deberler@coosbay.org>]

Sent: Wednesday, February 17, 2016 12:13 PM

To: Jill Rolfe

Subject: Zone and Estuary Designations

Hi Jill, The City is considering a request to vacate a portion of Pennsylvania Avenue between Southwest Blvd and South 13th Street (see attached aerial and tax lot map). The City Council would like to know the zone designation and the Estuary Management designation of the following County property. They would also like to know if the property is legal lots of records, and I'm not sure where to direct that question.

26-13-3AC	Tax Lot 500
26-13-3AC	Tax Lot 3900
26-13-3AC	Tax Lot 4000
26-13-3AC	Tax Lot 4400 (the portion of the property that is in the county)
26-13-3AC	Tax Lot 4500

Any information you can provide would be appreciated. Thank you.

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

GENERAL LOCATION: ISTHMUS SLOUGH - COALBANK SLOUGH

ZONING DESIGNATION: 40-RS

ZONING DISTRICT: 40-RURAL SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - The north edge of the agricultural land where intensive use begins.
Southern Boundary - The southwestern edge of the major saltmarsh defined in District #39.

SECTION 3.2.715. MANAGEMENT OBJECTIVE:

This district which is a mix of agricultural and residential uses and which is subject to periodic flooding, shall be maintained for agricultural uses. The district also contains designated mitigation sites, U-60(a) and (b), both "low" priority sites. These sites need not be protected for mitigation (see Policy #22).

SECTION 3.2.716. USES, ACTIVITIES AND SPECIAL CONDITIONS.

Table 40-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 40-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|---------------------------------|----------|
| 1. | Agriculture | P-G |
| 2. | Airports | N |
| 3. | Aquaculture | ACU-S, G |
| 4. | Commercial | N |
| 5. | Dryland moorage | N |
| 6. | Industrial & port facilities | N |
| 7. | Land transportation facilities | P-G |
| 8. | Log storage/sorting yard (land) | N |
| 9. | Marinas | N |
| 10. | Mining/mineral extraction | N |
| 11. | Recreation facilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 12. | Residential | P-G |
| 13. | Solid waste disposal | N |
| 14. | Timber farming/harvesting | P-G |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | N |

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	ACU-S, G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	ACU-S, G
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	N/A
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (The following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

The following condition applies to all permitted uses:

3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. In rural areas (outside of UGBs) utilities, public facilities, and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

3. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required for harvest of benthic species or removable in-water structures such as stakes or racks (commercial, not archaeological stakes and racks.) is subject to Policy #4a.

Activities:

- 2a.,4.,5. Construction of new dikes, creating new water surfaces and fill shall be allowed only in conjunction with an approved mitigation project.
3. This activity shall not be allowed in areas of "wet meadow" wetland, as identified on the "Special Considerations Map", except as otherwise allowed in Policy #19. Also, following completion of dredged material disposal, the areas shall be returned to agricultural use, where agricultural soils are present.
- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.717. LAND DEVELOPMENT STANDARDS.

The requirements set forth in Table 3.2 shall govern development in the 40-RS district.

GENERAL LOCATION: ISTMUS SLOUGH - COALBANK SLOUGH

ZONING DESIGNATION: 38-CA

ZONING DISTRICT: 38-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This district consists of the aquatic area of Coalbank Slough from the railroad bridge to the extent of hydraulic influence (tidegates on Shinglehouse/Libby Road), excluding the two saltmarshes on the southeastern shore.

SECTION 3.2.700. MANAGEMENT OBJECTIVE:

The Management Objective of this district is two-fold:

- (1) The portion of the district between Seventh Street in Coos Bay and the mouth of the slough shall be managed to facilitate development of a small-scale, shallow-draft marina. Continuation of historic log storage shall be appropriate between the highway and railroad bridges only.
- (2) The portion of the district upstream from Seventh Street in Coos Bay shall be managed to restrict intensive uses and thereby protect the area's resource productivity.

SECTION 3.2.701. USES, ACTIVITIES AND SPECIAL CONDITIONS.

Table 38-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 38-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|--|----------|
| 1. | Aquaculture | ACU-S, G |
| 2. | Commercial | ACU-S, G |
| 3. | Docks | ACU-S, G |
| 4. | Industrial & port facilities | ACU-S, G |
| 5. | Log dump/sort/storage (in-water) | ACU-S, G |
| 6. | Marinas | ACU-S, G |
| 7. | Mining/mineral extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | ACU-S, G |
| | b. High-intensity | ACU-S, G |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 10. | Bridge crossing support structures and dredging necessary for installation | ACU-S, G |
| 11. | Bridge crossings | ACU-S, G |

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	ACU-S, G
	c. Installation of tidegates in existing functional dikes	ACU-S, G
2.	Dredging	
	a. New	ACU-S, G
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	ACU-S, G
3.	Dredged material disposal	N
4.	Fill	ACU-S, G
5.	Navigational	
	a. Aides	P-G
	b. Structures	N/A
	c. Minor navigational improvements	P-G
	d. Water-dependent commercial enterprises and activities	N/A
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Temporary alterations	ACU-S, G
12.	Research and educational observations	P
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	N

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

1. Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks (commercial, not archaeological stakes or racks) is allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.

8a.,8b. These uses are only allowed subject to the making of resource capability findings and

subject to the assessment of impacts (see Policy #4a). In addition, recreational facilities must be water-dependent. Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").

2.,3.,4. These uses are only permitted if they are water-dependent and need to occupy the water surface by means other than fill (e.g. piling). Industrial uses shall not be allowed upstream of Seventh Street.

5. Log storage shall be allowed between the highway and railroad bridges only; log dump/sort shall not be allowed.

New or expanded log storage shall only be permitted after review and approval by the DEQ (see Policy #5c).

6. A marina shall only be allowed east of Seventh Street in Coos Bay, and shall not involve new dredging of a channel for access purposes.

10.,11. This use is only permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units".

Activities:

1b.,1c. This activity is permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units", and subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.

2a. New dredging shall be allowed only for the purpose of establishing a marina for shallow-draft vessels as described in the management objective, but shall not involve new dredging of an access channel. This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.

2b. These activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.

Further, where dredging for log storage is involved, this activity shall only be allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).

2c. Dredging for routine repair/maintenance of dikes shall only be permitted if no alternative upland source of suitable fill material is reasonably available and/or land access is possible (see Policy #5b). This activity is also subject to Policy #8 requiring mitigation, as applicable. Dredging shall be permitted to maintain/repair tidegates and for emergency dike repair where breaching has occurred, or is imminent. However, all dredging shall be the minimum required for functional operation.

4. Fill shall be allowed to permit development of a small-scale marina, subject to findings that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.

III-307

[Return to Top of Document](#)

- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems", preferring non-structural to structural solutions, and to the specific findings for riprap, and subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation. Riprap may be allowed to a very limited extent where necessary for erosion control to protect: (A) uses existing as of 10-7-77; (B) unique natural resource and historical and archaeological values; or, (C) public facilities.

Further bulkheads are only permitted subject (1) to the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) to the findings required by Policy 36, "Fill in Conservation and Natural Management Units", (3) to finding that adverse impacts have been minimized (see Policy #5); and (4) to Policy #8 requiring mitigation.

- 9a. Active restoration shall be allowed when consistent with Policy #22b.
11. This activity is only permitted subject to Policy #5a.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".