



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

09/17/2012

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Coos Bay Plan Amendment
DLCD File Number 002-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, September 28, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Laura Barron, City of Coos Bay
Gordon Howard, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative

<paa> N



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE STAMP

DEPT OF

SEP 10 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Coos Bay**

Local file number: **ZON2012-00035**

Date of Adoption: **9/4/2012**

Date Mailed: **9/8/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 7/2/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Adopted an expansion to the downtown parking district to encourage tenant occupancy. Two of the originally proposed properties for inclusion requested to be excluded. The only change is to the map for exempt parking in the downtown, Figure 17.200.040(1). Tax Lots 2100, 2200, 2400, 2500, 2600, 4800, 7200, 7300 and 7401. Tax Lots 2300 and 2700 were excluded as requested.

Does the Adoption differ from proposal? Yes, Please explain below:

Two of the properties proposed to be included requested to be excluded, as discussed above.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 002-12 (19401) [17160]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Laura Barron**

Phone: **(541) 269-8929** Extension:

Address: **500 Central Avenue**

Fax Number: **541-269-8916**

City: **Coos Bay**

Zip: **97420-**

E-mail Address: **lbarron@coosbay.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.



City of Coos Bay

Public Works & Development Dept.

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

FINAL ORDER AMENDMENT TO THE COOS BAY MUNICIPAL CODE

APPLICATION: ZON2012-00035

APPLICANT: Gary Rifkin, 580 N. Third St, Coos Bay, OR 97420

LOCATION: 446/454 Commercial Avenue; the area has been expanded and is described as follows: In the Plat of Marshfield, the south half of Block 6, the west 12 feet of Block 7; Block 14, Lots 1 and 4; Block 15, Lots 1, 2, 3, 4, 6 and 7; and Block 16, Lots 2 and 3.

ORDER: Tuesday, September 4, 2012, City Council approved the code amendment and enacted Ordinance Nos. 448
City Council final vote:
Yea: *Mayor Chrystal Shoji, Councilors, Jennifer Groth, Gene Melton, Stephanie Kramer and John Hanson.*
Nay: *Mike Vaughan* **Abstain:** None

APPEAL PROVISIONS: See page 2.
DECISION CRITERIA AND THE ADOPTED FINDINGS OF FACT AND CONCLUSIONS: See pages 3-5.

FINAL ACTION

Based on the findings and conclusions as set forth at Exhibit A, and the applicant's submitted evidence at Attachment A, the City Council enacted Ordinance No. 448, approving the amendment to the parking lot assessment district by adding the following property:

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

The decision to approve will become final at **5:00 P.M. on September 28, 2012** unless an appeal is filed.


APPEAL PROVISION

Any person with standing to appeal has the right to request review of this land use decision by filing a Notice of Intent to Appeal with:

Oregon Land Use Board of Appeals
Public Utility Commission Bldg.
550 Capitol St.
Salem, OR 97310

Notice of Intent to Appeal must be filed no later than 21 days from the date of mailing of this decision. Therefore, appeals must be filed no later than **September 28, 2012**. Notice of Intent to Appeal must be filed and served in accordance with the Oregon Land Use Board of Appeals Rules of Procedure.

Sincerely,
CITY OF COOS BAY


Laura Barron
Planning Administrator

Date: September 7, 2012

Attachments: Ordinance No. 448 with map

c: Gary Rifkin
Richard Nored
Clark Walworth, South Coast Publishing Company
Lyle Guenther, etal
Blanco Lodge #48 A.F. & A.M.
First American title Ins. Co.
Coos Co Pregnancy Resource Center
Coos Educators Federal Credit Union
Rajesh Comstock
US Nat'l Bank of OR
495 Central Ave, LLC
Dave Perry, OR Dept. of Land Conservation & Development

EXHIBIT A

DECISION CRITERIA

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

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

FINDINGS AND CONCLUSIONS

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

STATEMENT OF FACT AND FINDINGS:

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

1a. The applicant states in his submitted information that the building at 446/454 Commercial Avenue was built in 1960 which was prior to the requirement of off-street parking. The property, which is zoned "Central Commercial (C-1)", has three (3) off-street parking spaces plus one (1) disabled parking space.

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

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

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

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

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

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

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

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

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

CONCLUSION: Inclusion into the parking district will allow greater flexibility for a business to occupy a building. The requirement to provide off-street parking is eliminated. The decision criterion has been addressed and approval of the proposal can be supported.

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

STATEMENT OF FACT AND FINDINGS:

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

Goal #1: Encourage and support economic growth;

Goal #2: Maintain and expand a diversified economy;

Goal #3: Recruit businesses; and,

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

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

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

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

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

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

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

DCS\PLANNING\Land Use\Final Order\2012\Sr12-035expandparkingdist

ORDINANCE NO. 448

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

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

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

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

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

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

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

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

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

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

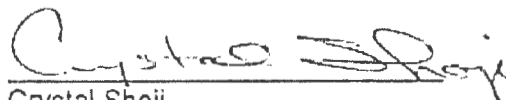
Section 4. The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay the 4th day of September 2012.

Yes: Mayor Crystal Shoji and Councilors Jennifer Groth, Jon Hanson, Stephanie Kramer, and Gene Melton.

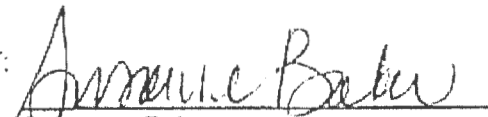
No: Councilor Mike Vaughan

Absent. Councilor John Muenchrath



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

ATTEST:



Susanne Baker

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

EXHIBIT A

DECISION CRITERIA

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

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

FINDINGS AND CONCLUSIONS

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

STATEMENT OF FACT AND FINDINGS:

- 1a. The City purchased land for the purpose of public parking lots in the downtown area in 1959, 1963 and 1965. Reference to the establishment of a parking district first appeared in the Land Development Ordinance sometime between 1961 and 1974. In 1974, "Existing Parking Assessment District" is mentioned. In 1996 the City Council initiated the proposal to add land to the exempt area by including the area between Central and Commercial; 3rd and 5th and Baysmore and Broadway; and, Anderson and Commercial.
- 1b. The applicant states in his submitted information that the building at 446/454 Commercial Avenue was built in 1950 which was prior to the requirement of off-street parking. The property, which is zoned "Central Commercial (C-1), has three (3) off-street parking spaces plus one (1) disabled parking space. Attachment G is additional information submitted by the applicant at the public hearing.
- 1c. The amount of off-street parking required is computed according to the standards set forth in the CBMC. The amount is based on the type of use and the size of the area the use will occupy, unless the use is located in a designated parking district.

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

- 1d. The applicant states that he has been unable to secure off-street parking within the 300 feet as required by the Code. Therefore, the applicant is unable to guarantee a tenant that the parking requirements will be met. With three (3) spaces plus one disabled parking space, a tenant willing and/or able to occupy the space is limited.
- 1e. The area that is proposed to be included in the parking district by the City is meant to alleviate the same problem from occurring even though some of the properties have small parking lots at this time. The area was also proposed to be included to make the district

boundaries easier to interpret. All of the area proposed to be included in the parking district is zoned C-1.

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

- 1f. On-street parking is available in this area on N. 4th and N. 5th Streets along with Market, Central and Anderson Avenues. The closest public parking lot is on the east side of N. 4th Street between Commercial and Central Avenues. This lot has 40 parking spaces plus two (2) disabled parking spaces. The 2007 report, "Assessment and Recommended Actions for Downtown Coos Bay," by the Oregon Downtown Development Association, stated the City does offer ample off-street parking in lots.
- 1g. A letter of objection (Attachment D) to the proposed expansion was received on August 1, 2012 from Mr. Richard Nored, The Peregrine Group Inc., located at 375 Park Avenue. Mr. Nored states there is no rational reason not to adhere to the existing parking requirements which were specifically adopted to control growth and development in the Central Commercial District:

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

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

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

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

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

STATEMENT OF FACT AND FINDINGS:

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

Goal #1: Encourage and support economic growth;

Goal #2: Maintain and expand a diversified economy;

Goal #3: Recruit businesses; and,

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

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

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

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

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

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

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

///



Legend

 DOWNTOWN PARKING DISTRICT

Figure 17.200.040(1)

Exhibit B



1 inch = 300 feet



City of Coos Bay

Public Works & Development Dept.

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

Fax (541) 269-8916

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

APPLICATION: Code Text Amendment #ZON2012-00035

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

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

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

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

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

APPEAL PROVISIONS: See page 2

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

CONCLUSIONS: See pages 3-6

FINAL RECOMMENDATION

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

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

APPEAL PROVISION

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

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

DECISION PROCESS - EFFECTIVE DATE

The Planning Commission makes a recommendation to the City Council after hearing public testimony and addressing the applicable decision criteria from Coos Bay Municipal Code Chapter 17.375.050. Based on their conclusions, the Commission will make a recommendation to approve, approve with conditions, or deny the application. Conditions may be used by the Commission in order to address concerns about the proposed request.

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

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

EXHIBIT A

DECISION CRITERIA

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

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

FINDINGS AND CONCLUSIONS

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

STATEMENT OF FACT AND FINDINGS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATEMENT OF FACT AND FINDINGS:

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

- Goal #1: Encourage and support economic growth;
- Goal #2: Maintain and expand a diversified economy;
- Goal #3: Recruit businesses; and,
- Goal #4: Work to retain, expand and strengthen existing local businesses.

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

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

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

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

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

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



Laura Barron
Planning Administrator

Date: August 16, 2012

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

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

G:\DCS\PLANNING\FinalRecomm\Ordinance Amendment\2012\FO12-035expandparkingdist



City of Coos Bay

Public Works and Development

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

TITLE 17 CODE AMENDMENT

In accordance with Coos Bay Municipal Code, Chapter 17.380 amendments may be made in order to ensure conformance with the Coos Bay Comprehensive Plan and/or other city policies, and whenever public necessity, convenience, and welfare require them. Title 17 Code amendments are subject to public hearing before the Planning Commission or Council and are solely within the authority of the Council to enact.

Name of Applicant: Gary Rifkin

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

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

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

A-1

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

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

3. List Comprehensive Plan policies and/or other City policies which you have found to support the ordinance amendment you propose or which you have found to be in conflict with the ordinance as it stands.

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

The above and attached statements are true to the best of my belief and knowledge. As applicant, I understand that the City Council requests the attendance of myself or my representative at the meeting(s) where this request is scheduled for consideration.

Signature of Applicant or Authorized Agent

_____6/19/2012_____

Date

Filing Fee: \$825.00, Plus publishing cost *

Date paid:

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

Planning Commission Hearing:

Referred to City Council:

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



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



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

A-4

Ritkin Property
446 and 454 Commercial Ave.

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

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1" = 100'

SEE MAP 25 13 26CB

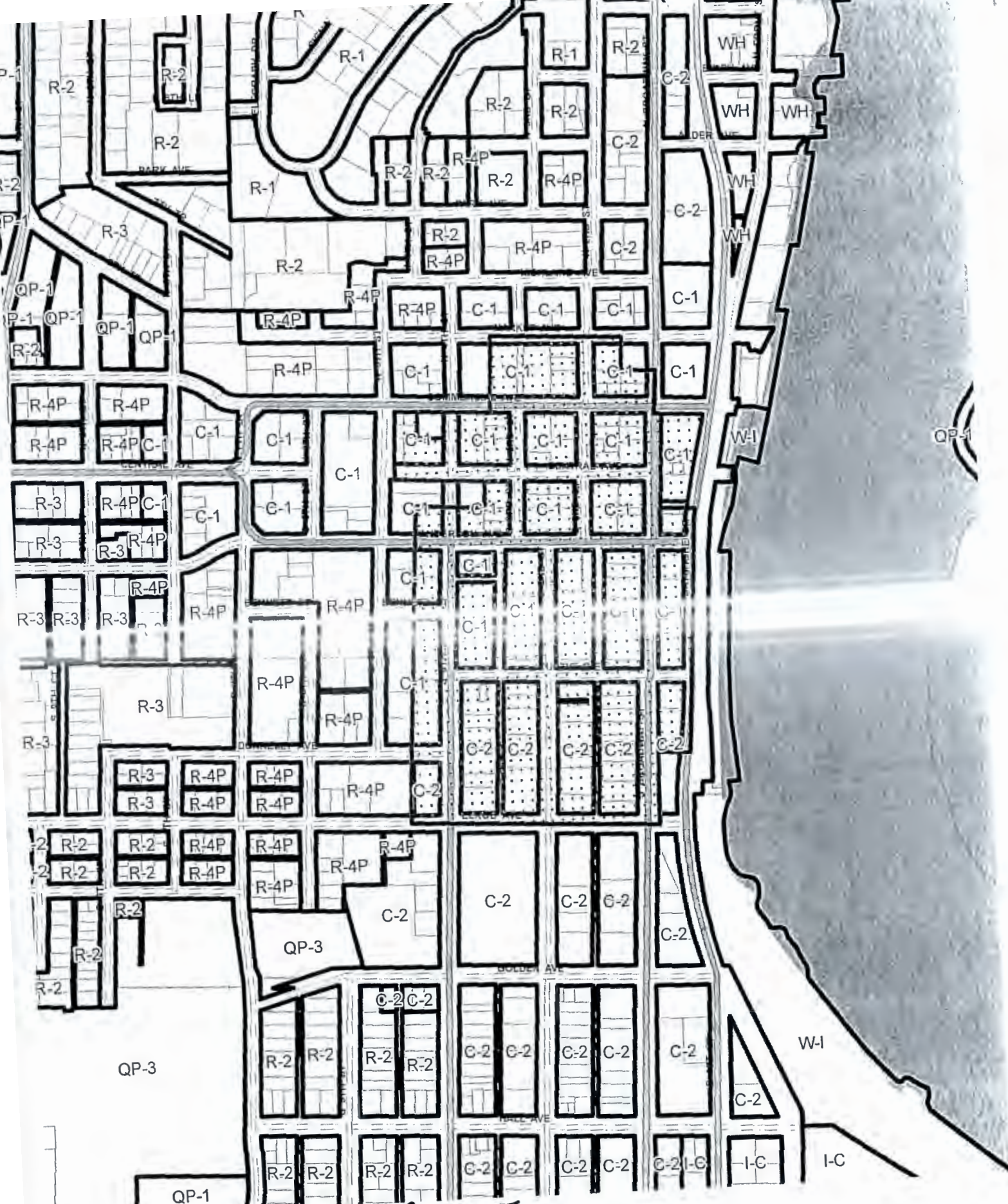


SEE MAP 25 13 26CB

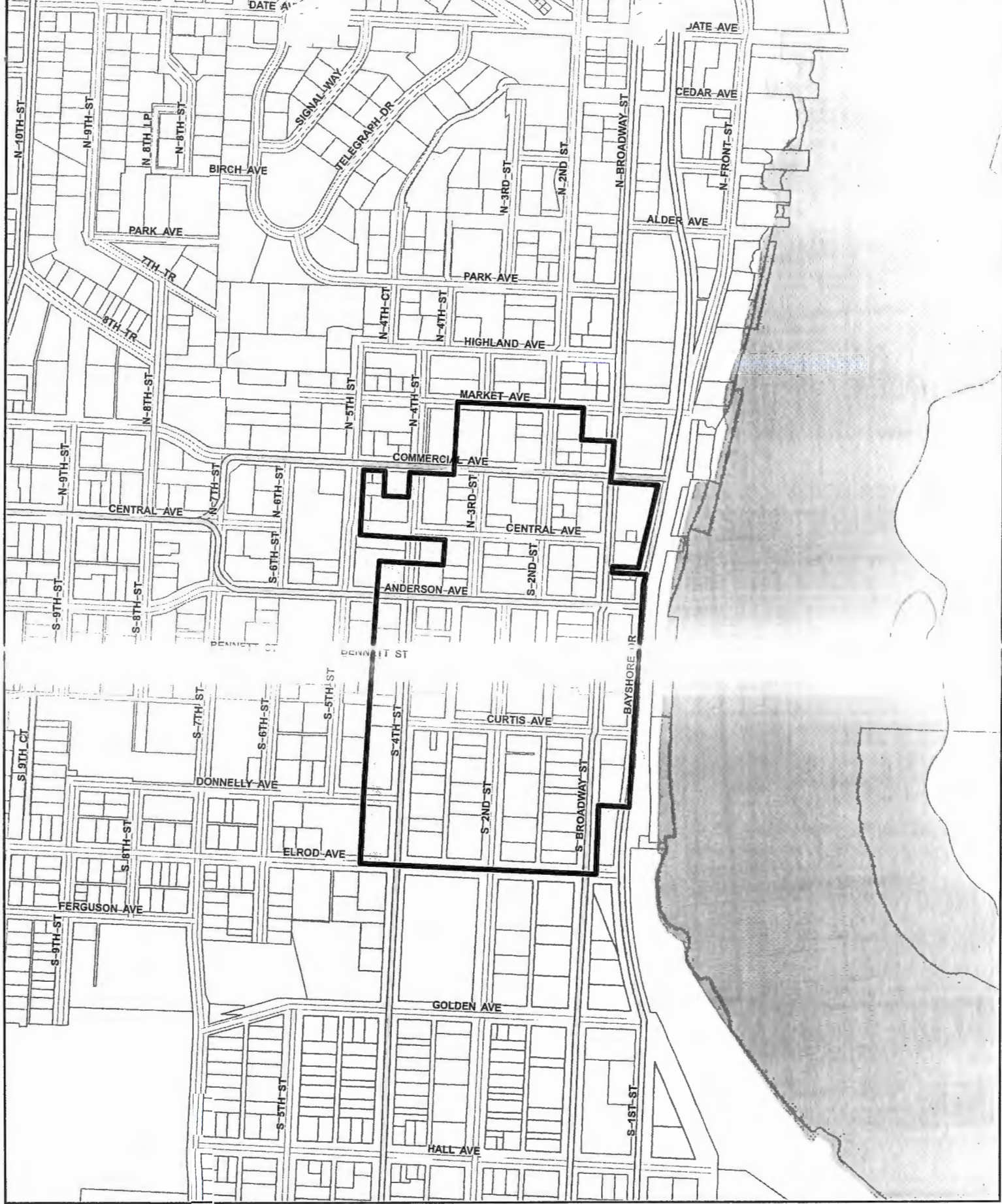
WALNUT AVE.
34 35

SEE MAP 25 13 35BB

APPROX
1/16 C



B - ZONING



**EXISTING DOWNTOWN
PARKING DISTRICT**





Legend

 PROPOSED ADDITION

**PROPOSED ADDITION
TO DOWNTOWN PARKING DISTRICT**

C-2



1 inch = 300 feet

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

July 31, 2012

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

Attn: Laura Barron
Planning Administrator

Dear Laura:

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

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

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

Your consideration of these facts is appreciated.

Very truly yours,

THE PEREGRINE GROUP, INC.



Richard Nored
President



Figure 17.200.040(1)

Legend

 DOWNTOWN PARKING DISTRICT

E



1 inch = 300 feet

Laura Barron

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

Aug. 13, 2012

Ms. Barron,

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

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

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

I would welcome your reply by phone or email.

Sincerely,

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

F.1
1

Exhibit 1
PC 8-14-12

Laura Barron

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

Aug. 14, 2012

RE: Expansion of Parking District

Ms. Barron,

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

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

Sincerely,

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

F-2
1

Exhibit 2

Rifkin Building at 446/454 Commercial - Built 1950

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

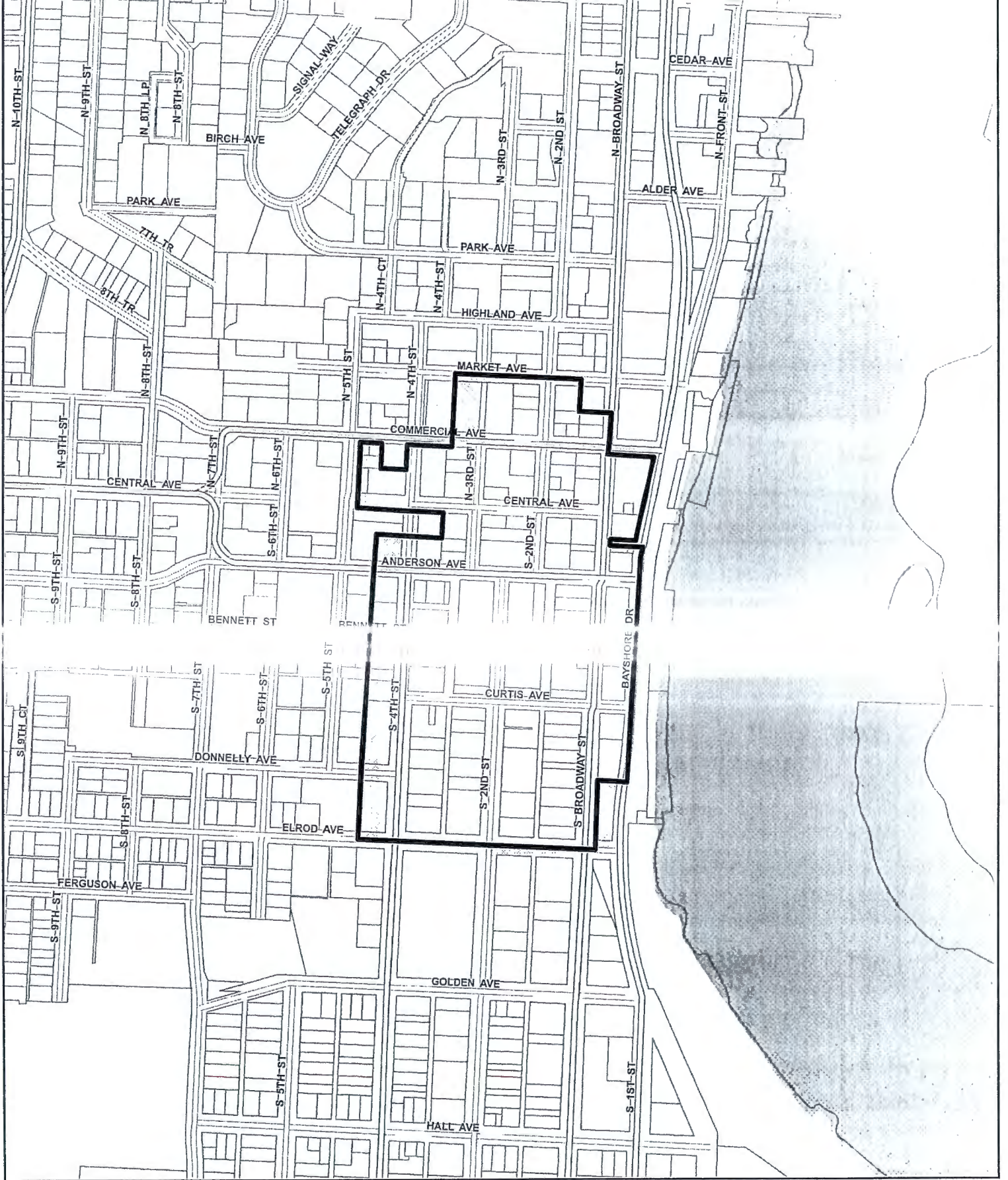
Information from the Polk Directories, Johnson Directories and Info - USA

Neighboring Properties

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

G

*from applicant, G. Rifkin
PC B-14-12
Exhibit 3*



**EXISTING DOWNTOWN
PARKING DISTRICT**

c-1

ATTACHMENT A



1 inch = 500 feet



Legend

 DOWNTOWN PARKING DISTRICT

Figure 17.200.040(1)

ATTACHMENT B



neopost[®]

FIRST-CLASS MAIL

09/07/2012

US POSTAGE

\$01.50⁰



ZIP 97420
041L11221936

DEPT OF

SEP 10 2012

LAND CONSERVATION
AND DEVELOPMENT

CITY OF COOS BAY
Dept. of Community Services
500 Central Avenue
Coos Bay, OR 97420

TO

ATTN: PLAN AMENDMENT SPECIALIST
DEPT OF LAND CONS & DEVELOPMENT
635 CAPITOL ST NE, STE 150
SALEM, OR 97301-2540

