

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

September 22, 2020

The minutes of the proceedings of a City Council and Urban Renewal work session of the City of Coos Bay, Coos County, Oregon, held at 5:30 pm in the City Hall Council Chambers, 500 Central Avenue, Coos Bay, Oregon.

Those Attending

Those present were Mayor Joe Benetti and Councilors Lucinda DiNovo, Drew Farmer, Stephanie Kilmer, Phil Marler, Carmen Matthews, and Rob Miles. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Finance Director Nichole Rutherford, Deputy Finance Director Melissa Olson, Public Works and Community Development Director Jim Hossley, Operations Administrator Randy Dixon, Building Codes Administrator Mike Smith, Police Chief Gary McCullough, and Deputy Police Chief Chris Chapanar. City staff attending remotely by teleconference were Library Director Sami Pierson and Community Development Administrator Carolyn Johnson.

Flag Salute

Mayor Benetti opened the meeting and led the council and assembly in the salute to the flag.

Public Comments

No public comments were made and no comments were provided online.

Review of the Following Council/URA Agenda for October 6, 2020

Acceptance of CARES Act Grant Funding for Library

Library Director Sami Pierson stated Coos Bay Public Library received a \$13,043 grant via State Library of Oregon through the Institute of Museum and Library Services. The grant would be used to make ten laptops and hot spots available for check out to patrons for home use. This would be especially helpful during these times when fewer library computers are available.

Update on Public Works Street and Park Projects

At the September 15, 2020, councilors requested staff be available to provide an update on various projects throughout the city: Safe Routes to Schools (SRTS) project in Eastside, downtown 4th Street project, and Mingus Park projects. Operations Administrator Randy Dixon, responsible for day-to-day oversight of these projects, stated SRTS was scheduled to be completed December 2020, 9th Street from F Street to E Street would be completed spring of 2021, Coos Bay North Bend Water Board had utilities in on 4th Street and city would begin on curb and gutter the week of September 28, 2020 with project completion anticipated for summer

2021, AMERESCO audit on street light project was completed and almost through data collection to be shared at a future meeting, Mingus Park pond and park rehabilitation scheduled to be completed summer 2021, and many asphalt projects completed with Transportation Utility Fee funds including 8th Street and Ferguson Avenue, Donnelly Avenue, 5th Street, and 1st Street.

Discussion of Possible Building Codes Regulation Additions

Public Works and Community Development Director stated certain items were no longer regulated by the state structural building code. In the 2019 Oregon Structural Specialty Code (OSSC), Oregon Building Code Division (BCD) articulated twenty-six specific items BCD interpreted were not included in the scope of statutory authority of the state codes. BCD identified that twenty of the twenty-six items jurisdictions may regulate through local code adoption. Since adoption of a statewide code in 1974, local jurisdictions previously relied on a much broader interpretation of ORS 455.020. Of the list of twenty-six items, the city currently had ordinances that regulated: abatement of nuisances and dangerous buildings; demolition; temporary use of streets, alleys, and public property; encroachments into the public way; and administration and implementation of a National Flood Insurance program.

Staff recommended council consider enacting city regulations for at least five of the twenty-six items previously regulated by the OSSC: retaining walls; fences; tanks; cellular phone, radio, TV and other telecom and broadcast towers; and signs. Should council desire the city regulate any of the remaining twenty-six items, staff would prepare draft standards, polices, and/or ordinances for council review and consideration at a future council meeting. Councilor Farmer asked if businesses putting plywood/chipboard in windows could be required under building codes to paint them to match the building color, for aesthetic appeal. City Manager Rodger Craddock stated city staff would follow-up and bring something back to council. Mayor Benetti asked if anything needed to be done regarding the transitional housing accommodations. Mike Smith stated transitional housing accommodations were not part of the current considerations as the state was making changes and the direction they were going was unknown, but city staff could review and bring regulations back to council for review. Council discussed and consensus for staff to move forward with suggested regulation additions.

Discussion Regarding a Proposed Solid Waste Franchise Rate Adjustment

City Manager Rodger Craddock stated most Oregon cities licensed or franchised private companies who collected garbage and other solid waste from residences and commercial buildings and transported to approved sanitary landfill or incinerator. Cities had a clear and historic role in the approval of franchises. These franchises tended to be exclusive, at least in practical effect, to avoid duplication of service and excess truck traffic; and to meet a city's typical requirement of the franchised hauler to offer service to everyone who wants it within a defined service area. City franchises typically limited the rates charged by franchised haulers to their customers in exchange for allowing the hauler both a unique service area and a certain rate of return similar to the state's role in regulating other private utility providers. Recently, staff received a formal request from Coos Bay Sanitary/Les' Sanitary Services (Waste Connections) for a

residential and commercial rate increase equal to 75% of last year's (2019) Consumer Price Index (CPI) which equated to a 1.9% rate increase. If approved, the adjustment would result in a \$0.43 per month increase for a basic thirty-five-gallon residential cart service, from \$22.86 to \$23.29. In a comparative solid waste cost analysis of fourteen Oregon cities, the average cost was \$25.23.

Bill Richardson, Waste Connections, stated over the last three years \$500,000 was spent on new equipment, upgraded carts and containers, and would be giving CPI increases to employees. The rate also included recycling, were part of electronic waste program, and took electronics for free.

The proposed rate increase, if approved by council, would take effect on or after November 1, 2020. Section 8.02.100 of the franchise agreement entitled "Rate Regulations" required the City Council to hold a public hearing before ruling upon the request.

Discussion Regarding the 2020 Coos Bay Housing Needs Analysis

Public Works and Community Development Director Jim Hossley stated the 2020 Coos Bay Housing Needs Analysis (HNA) identified current and projected future housing needs to year 2040, was recently completed and provided to council. Key HNA conclusions for Coos Bay for the next twenty years included:

Sufficient residential buildable land - There were 480 developable acres available to accommodate projected housing needs.

Needed number of new housing units - 604 new units (489 new ownership units and 115 new rental units) were needed in a variety of price ranges.

Renter demand - The greatest renter demand was for low to moderate income housing. Rental demand was greater than supply at the lowest income level (under \$15,000/year).

Homeownership demand for middle to upper end homes - The demand was high with existing lower priced units exceeding and outpacing demand for middle to upper end homes.

Homeownership demand in the lowest income range - Demand for ownership housing would be lowest in the lowest income range. Future demand for rental housing would remain more evenly spread among the lower- to middle-income income ranges; rental demand would be lowest in the highest income range.

The city had statutory authority to regulate land uses with Comprehensive Plan and CBMC Title 17 Land Development regulations. With land use regulation changes, the city must make findings that changes comply with State Planning Goals 10 and 14. Goal 10 required cities to plan for future housing needs by providing opportunities for the development of adequate numbers of needed housing units at price ranges and rent levels commensurate with the financial capabilities of Oregon households. It also required that cities allow for flexibility of housing locations, types, and densities.

Goal 14 was to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. In other words, cities were

required to ensure there was enough land within their urban growth boundary (UGB) to meet these needs for a twenty-year period.

The city's 2009 HNA had reached the end of its useful life. The 2009 HNA data was incorporated into the city's current Comprehensive Plan relative to housing and land use but is now obsolete. As the city moved forward to update the Comprehensive Plan and Development Code pursuant to the requirements of HB 2001/2003, the use of current data and accurate projections past 2019 was critical. Thus, the council determined on January 21, 2020, to proceed with necessary action to update the HNA. The 2020 HNA was completed by Lane Council of Governments, with staff oversight and engagement with the project's Housing Advisory Committee. Upon council acceptance, the 2020 HNA would be used as baseline data for city compliance with HB 2001/2003 directives to create housing strategies and amendments to the Comprehensive Plan and Development Code.

Jake Callister, LCOG, provided an overview of the 2020 HNA including the iterative and collaborative process, buildable lands inventory inputs and conclusions, housing needs analysis input and conclusions, and next steps. Mr. Callister stated there currently was sufficient buildable capacity within Coos Bay and within existing zoning categories to accommodate projected need, including consideration of affordability. Some of the capacity was in the form of parcels with the potential for infill or redevelopment for future multi-family units. The character of future supply could and should be guided by housing policy and strategy recommendations to be included in subsequent reports and ultimately integrated into updates of the City of Coos Bay's Comprehensive Plan and Development Code. Council discussion ensued.

Proposed Comprehensive Plan Map and Zone Designation Amendment for 2550 Woodland Drive

Public Works and Community Development Director Jim Hossley stated the owner of 2550 Woodland Drive, James Pittenger, requested a Comprehensive Plan amendment (R-L comprehensive plan) and rezoning of the subject property from Medical-Park (MP) to Low-Density Residential (LDR-6, zoning). Mr. Pittenger had difficulty renting the property to medical personnel or for use of the property for tourist style housing as currently authorized in the MP land use district. County assessment records indicate the property changed from residential use to medical offices in 1993 and city records confirm the change in use. Currently, the north 586 square feet is an active medical office. The remainder of the structure (approximately 1,000 square feet) had been vacant since 2018. The property received land use approval in January of 2020 to convert a 1,000 square foot portion of the structure to medically related multiple-residential housing, which would allow Locum Tenens (traveling doctors/nurses temporarily providing coverage or training) and patients to use the structure on a temporary basis. The use could not include local hospital or medical staff in need of housing, and the occupancy could not exceed three-months. According to the owner, as a result of the COVID restriction related to tourist-type housing, he was unable to continue the approved multiple-residential use and had been unable to rent the space for a medically related use since 2018. For this reason, the proposed amendments were submitted to the city.

Planning Commission had reviewed and approved the request; it would come before the City Council on October 6, 2020. If the amendments were approved by Council, housing would not be limited to medical staffing.

Discussion to Initiate Grant Avenue Right of Way Vacation and Review of Draft Ordinance

Public Works and Community Development Director Jim Hossley stated the owners of 506 N Main Street, Cindy and Hugh Gray, requested the city vacate a 60' x 110' portion of the unimproved Grant Avenue right-of-way adjacent to their current south property line. They would like the additional property, which they currently maintain, to expand their home. Due to property line setback requirements, they cannot expand their home as their lot was now configured. The likelihood of this portion of Grant Avenue being updated to a paved street was low given the terrain of the connecting streets in the neighborhood.

City staff had no objection to the proposed vacation request. The vacation application was scheduled to be brought before the council on October 6, 2020 for consideration to initiate vacation proceedings. The public hearing for this vacation was scheduled for November 3, 2020.

Discussion of Lindy Lane Right of Way Vacation

Public Works and Community Development Director Jim Hossley stated the developer of the Timber Cove housing project, Red Moon Development/Gateway Oasis II LLC, submitted an application requesting the city vacate the south 1,040 feet (more or less) of the Lindy Lane right-of-way. The right-of-way in this portion was sixty feet wide. This portion of Lindy Lane abutted the applicant's property to the East and West and terminated on the South end at the applicant's property. Lindy Lane North of the Timber Cove property would remain a public road.

City staff had no objection to the proposed vacation request. The Coos Bay North Bend Water Board (Water Board) and Ziplly Fiber would require easements over a portion of the proposed vacated right-of-way. On September 1, 2020, City Council initiated the vacation process for Lindy Lane. The ordinance enacting the vacation would be considered by council at a public hearing scheduled for October 6, 2020. City Manager Rodger Craddock stated for consideration at the next council meeting would also be extinguishing a recorded waterline easement from the 1950's on the applicant's property as there were no water utilities and the Water Board did not believe the easement would be needed.

Review of Coos Bay Municipal Code Chapter 9.35 Graffiti

Deputy Police Chief Chris Chapanar stated in light of the recent uptick in graffiti related incidences within the City of Coos Bay, the current graffiti ordinance was reviewed to ensure it met, and was consistent with, current Oregon Revised Statutes (ORS). City staff proposed language change options for Coos Bay Municipal Code 9.35 Graffiti gathered from other graffiti ordinances from several different municipalities in Oregon including added definitions, graffiti nuisance abatement, and removal of hate speech. City Attorney Nate McClintock stated it would be better to be specific

versus broad for definitions of graffiti as regulating speech would fall under First Amendment Rights. Council discussed and requested research if other municipalities had regulations for removal and how they are managed.

Adjourn

There being no further business to come before the council, Mayor Benetti adjourned the work session. The next regular council meeting was scheduled for October 6, 2020 in the council chambers at city hall. These minutes were approved as presented by City Council on October 6, 2020.



Joe Benetti, Mayor



Attest: _____
Nichole Rutherford, City Recorder