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BOARD OF COMMISSIONERS

COOS COUNTY

STATE OF OREGON

**IN THE MATTER OF AMENDING THE
COOS COUNTY CODE TO REVISE
THE NORTH BAY URBAN RENEWAL
PLAN**

ORDINANCE 17-08-006L

NOW BEFORE THE Board of Commissioners (the "Board") sitting for the transaction of County business on the 27th day of March, 2018 is the matter of amending the Coos County Code to revise the North Bay Urban Renewal Plan;

WHEREAS, the Urban Renewal Agency of Coos County (the "Agency"), as the duly authorized and acting urban renewal agency of Coos County, Oregon, is proposing to undertake certain urban renewal activities in a designated area within Coos County pursuant to ORS Chapter 457; and

WHEREAS, the Agency, pursuant to the requirements of ORS Chapter 457, has caused the preparation of the North Bay Urban Renewal Amendment attached hereto as Exhibit A (the "Amendment"). The Plan authorizes certain urban renewal activities within the North Bay Urban Renewal Area (the "Area"); and

WHEREAS, the Agency has caused the preparation of a certain Urban Renewal Report dated August 15, 2016 attached hereto as Exhibit B (the "Report") to accompany the Amendment as required under ORS 457.085(3); and

WHEREAS, the Amendment and the Report were forwarded on July 26, 2017 to the governing body of each taxing district affected by the Amendment, and the Agency has thereafter consulted and conferred with each taxing district; and

WHEREAS, the Board has not received written recommendations from the governing bodies of the affected taxing districts; and

WHEREAS, the Agency forwarded the Amendment and Report to the County's Planning Commission (the "Commission") for review and recommendation. The Commission considered the Amendment and Report on August 3, 2017 and recommended to the Board that the Amendment conforms with the Coos County Comprehensive Plan; and

WHEREAS, the City of Coos Bay approved the Amendment on August 15, 2017; and

WHEREAS, the City of North Bend approved the Amendment on August 22, 2017; and

1 **WHEREAS**, on August 10th and 11th, the County Planning Department caused notice of
2 the Board hearings, including the required ORS 457.120(3) and (4) statements, to be mailed to
3 those addresses within the Coos Bay and North Bend School Districts; and
4

5 **WHEREAS**, notice of the Board hearings was published in *The World* newspaper on
6 August 23 and September 5; and
7

8 **WHEREAS**, on August 31, 2017, September 12, 2017, October 30, 2017 the Board held
9 public hearings to review and consider the Amendment, the Report, the recommendation of the
10 Commission and the public testimony received on or before that date and to receive additional
11 public testimony; and
12

13 **WHEREAS**, on October 30, 2017 the Board continued the oral testimony portion of the
14 hearing to December 13, 2017, but closed the written record on December 1, 2017.
15

16 **WHEREAS**, the Board found that the Amendment conforms with all applicable legal
17 requirements; and
18

19 **WHEREAS**, after consideration of the record presented through time of the last hearing
20 on December 13, 2017, the Board by this Ordinance desired to approve the Amendment and
21 accept the report. The motion was tentative to allow staff to make any necessary alterations to
22 the final ordinance for adoption pending the approval of the changes by the Cities of Coos Bay
23 and North Bend;
24

25 **WHEREAS**, the City of Coos Bay approved the revised Amendments on February 6,
26 2018; and
27

28 **WHEREAS**, the City of North Bend approved the revised Amendments on February 13,
29 2018.
30

31 **NOW THEREFORE, THE COOS COUNTY BOARD OF COMMISSIONERS**
32 **HEREBY ORDAINS THAT:**
33

34 **Section 1.** The Amendment complies with all applicable requirements of ORS Chapter 457 and
35 the specific criteria of 457.095(1) through (7), in that, based on the information provided in the
36 Report, the Coos County Planning Commission Recommendation, and the public testimony
37 before the County Commission:
38

39 1. The process for the adoption of the Amendment, has been conducted in accordance
40 with the applicable provisions of Chapter 457 of the Oregon Revised Statutes, the Coos County
41 Code, and all other applicable law;
42

43 2. The area designated in the Amendment as the North Bay Urban Renewal Area
44 (“Area”) is blighted, as defined by ORS 457.010(1) and is eligible for inclusion within the
45 Amendment because of conditions described in the Report in the Section “Existing Physical,
46 Social, and Economic Conditions and Impacts on Municipal Services”, including the existence of

1 inadequate streets and other rights of way, open spaces and utilities and underdevelopment of
2 property within the Area, pursuant to ORS 457.010(1)(e), (f), and (g);

3
4 3. The rehabilitation and redevelopment described in the Amendment to be undertaken
5 by the Agency is necessary to protect the public health, safety or welfare of the County because
6 absent the completion of urban renewal projects, the Area will fail to contribute its fair share of
7 property tax revenues to support County services and will fail to develop and/or redevelop
8 according the goals of the Coos County Comprehensive Plan;

9
10 4. The Amendment conforms to the Coos County Comprehensive Plan and provides an
11 outline for accomplishing the projects described in the Amendment, as more fully described in
12 the Amendment and in the Commission Recommendation;

13
14 5. The Amendment conforms to the City of Coos Bay's Comprehensive Plan as detailed
15 in Section 6 of the Plan;

16
17 6. The Amendment conforms to the City of North Bend's Comprehensive Plan as
18 detailed in Section 6 of the Plan;

19
20 7. The Amendment conforms to the County Economic Development Plan as more fully
21 described in the Amendment;

22
23 8. No residential displacement will occur as a result of the acquisition and disposition of
24 land and redevelopment activities proposed in the Amendment and therefore the Amendment
25 does not include provisions to house displaced persons;

26
27 9. No acquisition of property is anticipated as a result of the Amendment. If property is
28 acquired for right of way improvements, it will be added to the Plan as property to be acquired;

29
30 10. Adopting and implementing the Amendment is economically sound and feasible in
31 that eligible projects and activities will be funded by urban renewal tax revenues derived from a
32 division of taxes pursuant to section 1c, Article IX of the Oregon Constitution and ORS 457.440
33 and other available funding as more fully described in the Section "Financial Analysis of the
34 Plan" of the Report;

35
36 11. The Board shall assume and complete any activities prescribed it by the Amendment;
37 and

38
39 12. The Agency consulted and conferred with affected overlapping taxing districts prior
40 to the Amendment being forwarded to the Board.

41
42 **Section 2:** The Amendment is hereby approved based upon review and consideration by the
43 Board of the Amendment and Report, the Commission's Recommendations, each of which is
44 hereby accepted, and the public testimony in the record.

45
46 **Section 3:** The County shall forward forthwith to the Agency a copy of this Ordinance.

1
2 **Section 4:** The County shall thereafter cause a copy of the Ordinance, Amendment, and Report
3 to be filed in the Records of the Coos County Clerk.
4

5 **Section 5:** The County, in accordance with ORS 457.115, shall publish notice of the adoption of
6 the Ordinance approving the Plan including the provisions of ORS 457.135, in *The World* no
7 later than four days following adoption of this Ordinance.
8

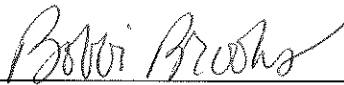
9 **Section 6:** Ordinance 91-01-002L, the ordinance which adopted the Coos County Code, and all
10 amendments thereto, are hereby repealed to the extent they conflict with this ordinance.
11

12 **Section 7:** The amendment of the Coos County Code shall have no effect on existing litigation
13 and shall have no effect on any action or proceeding pending on the date of adoption of this
14 ordinance.
15

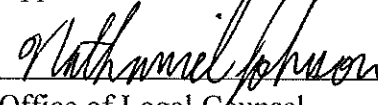
16 **Section 8:** If any section, subsection, provision, clause or paragraph of this Ordinance shall be
17 adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid,
18 such judgment shall not affect the validity of the remaining portions of this Ordinance; and it is
19 hereby expressly declared that every other section, subsection, provision, clause or paragraph of
20 this Ordinance enacted, irrespective of the enactment or validity of the portion thereof declared
21 to be unconstitutional or invalid, is valid.
22

23 Dated this 27th day of March 2018.

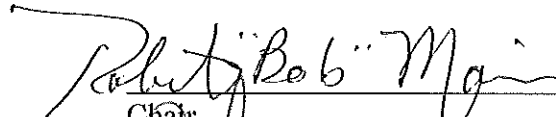
24 ATTEST

25 
26 _____
27 Recording Secretary

28
29 Approved as to form:

30 
31 _____
32 Office of Legal Counsel

BOARD OF COMMISSIONERS



Chair



Vice-Chair



Commissioner

34
35 1st Reading: August 31, 2017

36
37 2nd Reading: September 12, 2017

38
39 Effective Date of Adoption: June 25, 2018

40 Attachments: Exhibit A – North Bay Urban Renewal Plan Amendment
41 Exhibit B – Report on the North Bay Urban Renewal Plan Amendment
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43
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