

ARTICLE THREE -- ECONOMIC DEVELOPMENT

DIVISION ONE - ECONOMIC IMPROVEMENT BOARD

[Adopted as Division One of Article III on  
June 29, 1994]

SECTION 03.01.010

DEFINITIONS

As used in this Division, unless the context requires otherwise, terms in this Division shall have the meaning given for such terms as used in ORS 271.510 to 271.540 and 461.547. In addition, the term "facility" shall also include a facility suitable for use for retail and/or tourism purposes.

SECTION 03.01.020

DECLARATION OF COUNTY CONCERN AND  
PURPOSE

Coos County has an important and continuing role in the economic development and diversification of industry within its boundaries. There is a need to increase long-run employment opportunities and economic stability through diversification by providing the physical facilities necessary to develop responsible and compatible family wage jobs in Coos County. Continued development of industrial, commercial, retail, manufacturing and warehouse facilities is necessary to ensure the growth and prosperity of Coos County.

It is the purpose of this Division to provide Coos County with the power to acquire title or interest therein by purchase, gift, grant, donation, and/or otherwise to one or more facilities and to lease, sell and/or convey such facilities to any person, firm, partnership and/or corporation either public or private, the primary goal of such transactions being to promote employment and increase family wage job opportunities in Coos County. Notwithstanding this primary goal, the eventual goal shall be to return to private ownership all real and/or personal property acquired by the County for short-term development purposes, in order that a long-run balance may be achieved between employment, provision of services, and generation of tax revenues. It is further declared that the acquisition of title or interest therein to such facilities and the lease, sale and/or conveyance of such facilities as provided by this Division is a public purpose and shall be regarded as performing an essential governmental function of County concern.

SECTION 03.01.030

POWER OF COUNTY TO ACQUIRE AND  
DISPOSE OF INDUSTRIAL FACILITIES  
AND ENTER INTO JOINT AGREEMENTS

Coos County is hereby empowered:

- (1) To acquire title or interest by purchase, gift, grant, donation, and/or otherwise to one or more industrial, commercial, service, retail, tourist, and/or recreation facilities and lease, sell, and/or convey such facilities to any person, firm, partnership, and/or corporation either public or private.
- (2) To loan, grant, and/or otherwise fund one or more industrial, commercial, service, retail, tourist, and/or recreation businesses, funds to be used to resolve environmental issues including wetland declination and/or mitigation, mill site cleanup, environmental impact statements and/or environmental assessments.
- (3) To loan, grant, and/or otherwise fund projects for the recruitment, promotion, and/or marketing of commercial, retail, tourist, manufacturing, and/or industrial opportunities within the county.
- (4) To loan, grant, and/or otherwise fund existing businesses to modernize and/or upgrade commercial, tourist, retail, manufacturing, and/or industrial facilities in partnership with other public or private community reinvestment efforts.
- (5) To provide interim financing for projects that will provide economic stabilization, diversification, and/or employment opportunities in Coos County while permanent (take-out) financing is being arranged.

SECTION 03.01.040

CREATION OF COOS COUNTY ECONOMIC  
IMPROVEMENT BOARD

- (1) There is hereby created the Coos County Economic Improvement Board which shall consist of eleven (11) residents of Coos County who shall be appointed by the Coos County Board of Commissioners. These appointments shall reflect geographic representation.
- (2) Geographic representation shall be defined as two (2) members from Coos Bay, two (2) members from North Bend, and (1) member each from the areas of Powers, Charleston, Myrtle Point, Coquille, Bandon, Lakeside, and one at large member. Appointees need not reside within the city limits of the area from which they are chosen. Appointees will be chosen from an application process.
- (3) The Board will consist of eleven (11) members. Of the initial members, three (3) members shall be appointed for a term expiring December 31, 1994, four (4) members for a term expiring December 31, 1995, and four (4) members for a term expiring December 31, 1996. Initial terms shall be determined by lot. Thereafter, regardless of the

date of appointment or reappointment, all terms shall expire on December 31 of the third year after the expiration of the previous term.

- (4) A Board member may be removed by the Board of County Commissioners for misconduct and/or nonperformance of duties. Three (3) unexcused absences from regularly scheduled meetings are defined, in part, as nonperformance of duties and will be reason for dismissal from this Board.
- (5) Any vacancy on the Board shall be filled by the Board of Commissioners for the unexpired term.

SECTION 03.01.050

ORGANIZATION OF COOS COUNTY  
ECONOMIC IMPROVEMENT BOARD; QUORUM;  
CHAIRMAN, VICE-CHAIRMAN, AND  
ADMINISTRATIVE; EXPENSES OF MEMBERS

- (1) The members of the Economic Improvement Board shall, at the first meeting of each year, meet and organize by electing a chairman and electing a vice-chairman.
- (2) A majority of the members of the Economic Improvement Board shall constitute a quorum for the transaction of all business at meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman.
- (3) The administrative duties of the Economic Improvement Board will be performed by the Coos County Economic Development Department.
- (4) Members of the Economic Improvement Board shall be entitled to mileage and reimbursement of out-of-pocket expenses incurred in attending official meetings of the Board and otherwise performing the official business of the Board.
- (5) The Economic Improvement Board shall promulgate reasonable rules necessary for the administration of this Division, which shall at minimum prescribe standards to ensure that the impacts of any proposed developments and/or activities are adequately evaluated as to their effects upon affected local governments.
- (6) Notwithstanding any rule promulgated by the Economic Improvement Board, the Board shall consider for each proposed development and/or activity the relationship and conformance of such development and/or activity to any applicable comprehensive plan.
- (7) No rule shall be adopted, amended, or repealed by the Economic Improvement Board without at least ten (10) days public notice of the proposed action and a public hearing. Interested persons shall be given a reasonable opportunity at the hearing to submit data and/or views.

- (8) No rule adopted by the Economic Improvement Board shall be effective unless such rule is approved by the Coos County Board of Commissioners pursuant to Section 03.01.070.
- (9) The Economic Improvement Board shall review and approve any lease entered into with a qualified business for use of the Business Enterprise Center.  
[97-08-008L]

SECTION 03.01.060

MANAGEMENT OF FACILITIES

Coos County shall not operate any facility as a business enterprise or in any manner except as a Lessor, Trustee, Receiver, or Interim Manager to preserve equities.

SECTION 03.01.070

FINAL AUTHORITY OVER BOARD ACTIONS

The Economic Improvement Board shall give the Coos County Board of Commissioners written notice of all Economic Improvement Board actions within five (5) working days following any such action. Any action taken by the Economic Improvement Board shall be deemed to have been fully considered, approved and adopted by the Coos County Board of Commissioners unless the Board of Commissioners disapproves in writing such action within ten (10) working days from the date the Board of Commissioners is notified in writing by the Economic Improvement Board of the action taken by the Economic Improvement Board.

SECTION 03.01.080

COOS COUNTY ECONOMIC IMPROVEMENT ACCOUNT

To serve the purposes of this Division, there is hereby created the Coos County Economic Improvement Account. Monies shall be appropriated for this Account by the Coos County Board of Commissioners, and the Account shall be administered by them.

DIVISION TWO - BUSINESS INCENTIVES

SECTION 03.02.010                    RESERVED

SECTION 03.02.020                    RESERVED

SECTION 03.02.030                    PURPOSE

The purpose of this Division is to encourage new or expanding qualified business firms to locate within Coos County.

SECTION 03.02.040                    SCOPE

This Division shall apply only to those business firms locating within the unincorporated areas of any enterprise zone in Coos County and which qualify for tax relief as prescribed by ORS Chapter 284.

SECTION 03.02.050                    ELIGIBILITY

Whenever a qualified business firm, whether through expansion or new operation within Coos County, proposes a net payroll increase for a full calendar year of one new full-time or full-time equivalent job, it becomes eligible for job credits. The Coos County Planning Department will issue a "certificate of eligibility" to the qualified business firm based on its sworn statement of intent; the certificate will state the number of new jobs to be created. A sample of said certificate is attached hereto labeled Appendix III - One, attached hereto and incorporated herein by this reference.

SECTION 03.02.060                    JOB CREDIT

For each new job stated on the "certificate of eligibility," the business will receive a credit of Three Thousand (\$3,000.00) Dollars usable over a five (5) year period against fees otherwise due to Coos County.

SECTION 03.02.070                    FEES OFFSET

All business license and land development fees as set forth in Appendix III - Two, attached hereto and incorporated herein by this reference may be offset by accrued job credits. Credits accrued may be used only to waive fees directly related to the subject business's management or operation. Requirements for bonds, and the costs thereof, are NOT affected or waived by this Division.

SECTION 03.02.080

CESSATION OF ELIGIBILITY

If a qualified business firm fails to comply with Section 03.02.050 (above), based upon confirmation of information contained in a complaint filed with the Planning Department, then the Board of Commissioners may rescind the fee offset provided by Section 03.02.070 and demand reimbursement.

APPENDIX III - ONE

Credit Permit No. \_\_\_\_\_

JOB CREDIT PERMIT

Applicant \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Name of Business \_\_\_\_\_

Type of Business \_\_\_\_\_

Location (if different from above)

\_\_\_\_\_

\_\_\_\_\_ New Business: \_\_\_\_\_ Current number of

\_\_\_\_\_ Expanding Business: \_\_\_\_\_ employees\*  
Current number of employees\* of

\_\_\_\_\_ Number of new employees\*

\*(full-time or full-time equivalent)

CERTIFICATE OF ELIGIBILITY

I, \_\_\_\_\_, owner or agent of

\_\_\_\_\_  
(business name)

certify that the business described above meets the requirements for tax relief prescribed by ORS 284.220. I also agree to reimburse Coos County in the amount of any fees waived by this application if ordered to do so by the Board of Commissioners pursuant to Section 8 of the Ordinance.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of owner or agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires \_\_\_\_\_

\*\*\*\*\*

Qualified Business: \_\_\_\_\_ yes \_\_\_\_\_ no

Total Amount of Credit \$ \_\_\_\_\_

5 year Credit Period: \_\_\_\_\_

Date \_\_\_\_\_

Approved \_\_\_\_\_

cc:

HISTORY OF FEES COLLECTED

| Year | Fee | Date | Amount |
|------|-----|------|--------|
|      |     |      |        |
|      |     |      |        |
|      |     |      |        |
|      |     |      |        |
|      |     |      |        |
|      |     |      |        |
|      |     |      |        |
|      |     |      |        |
|      |     |      |        |



APPENDIX III - TWO

FEES ELIGIBLE TO BE WAIVED  
(Not to Include any Required Bonds)

ZONING AND LAND DEVELOPMENT PERMITS

- Appeals
- Changes in Zone Designations
- Classifications of a Use
- Comprehensive Plan Amendments (with or without an exception)
- Conditional Uses
- Land Division - Minor Partition
- Land Division - Major Partition
- Land Division - Subdivision/Planned Community Development
- Ordinance Amendment
- Site Plans
- Variances
- Zoning Clearance Letters
- Other Administrative Zoning Actions

OTHER

- Annexations
- Business Licenses
- Service Driveway Access Permits
- Vacations (Public Rights-of-Way)

DIVISION THREE - URBAN RENEWAL AGENCY

SECTION 03.03.010                      RESERVED

SECTION 03.03.020                      RESERVED

SECTION 03.03.030                      FINDINGS AND PURPOSE

The Board of Commissioners finds that:

- (1) Certain areas of Coos County such as the "North Spit" and adjacent shore land and aquatic areas are areas which, by reason of deterioration, faulty planning, inadequate or improper facilities, deleterious land use or the existence of unsafe structures, or any combination of these factors, are detrimental to the safety, health or welfare of the community.
- (2) These areas are characterized by the existence of one or more of the following:
  - (a) Existence of buildings and structures used or intended to be used for living, commercial, industrial or other purposes, which are unfit to occupy because of defective design, quality of physical construction, faulty interior arrangement, inadequate provision for lights, sanitation, obsolescence, deterioration or dilapidation;
  - (b) Economic dislocation, deterioration or disuse of property resulting from faulty planning;
  - (c) The existence of inadequate streets and other rights-of-way and utilities;
  - (d) The existence of property or lots or other areas which are subject to inundation by water; or
  - (e) A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety, and welfare.
- (3) It is in the public interest to activate the Coos County Urban Renewal Agency previously created by ORS 457.035 to exercise such powers as may be necessary to eliminate the blight on these areas.

Section 03.03.040                      DECLARATIONS AND APPOINTMENTS

- (1) Blighted areas exist in Coos County such as the "North Spit" and adjacent shore land and aquatic areas; the general location of these are shown on the attached map labeled Appendix III - Three, attached hereto and incorporated herein by this

- reference.
- (2) There is a need for an Urban Renewal Agency to function in the County.
  - (3) The Coos County Urban Renewal Agency is hereby activated.
  - (4) The powers of the Coos County Urban Renewal Agency shall be exercised by a Commission composed of ten (10) members appointed by the Coos County Board of Commissioners. The first eight (8) members of the Commission shall be two (2) officials from each of the following governing bodies:
    - (a) The City Council of the City of Coos Bay;
    - (b) The City Council of the City of North Bend;
    - (c) The Port Commission of the Oregon International Port of Coos Bay; and
    - (d) The Coos County Board of CommissionersThe remaining two members of the Commission shall be appointed by the Coos County Board of Commissioners from the public-at-large. In appointing the first eight (8) members, the Board of Commissioners shall consider recommendations made by each of the respective governing bodies.
  - (5) The Commission appointed pursuant to Subsection (4) of this Section shall exercise the powers of the Agency only at meetings of the Commission where at least a majority of the members are present and upon an affirmative vote of at least a majority of the members present.
  - (6) The members of the Commission appointed pursuant to Subsection (4) of this Section shall serve for a term of two years from the date of appointment or until a successor is appointed by the Coos County Board of Commissioners. The initial terms shall expire on December 31st and shall be staggered so that one member from each governing body shall expire each year. Notwithstanding the above, a member appointed from a governing body shall forfeit appointment to the Commission upon expiration of office or resignation from the governing body. The term of a member appointed to fill any vacancy shall be for the remainder of the term of the member replaced.

SECTION 03.03.050

THE URBAN RENEWAL PLAN

The Urban Renewal Agency, or its staff, shall prepare an Urban Renewal Plan that shall:

- (1) Describe each urban renewal project to be undertaken;
- (2) Provide an outline of the development, redevelopment, improvements, land acquisition and rehabilitation of the urban renewal areas of the plan;

- (3) Contain a map and legal description of the urban renewal areas;
- (4) Explain its relationship to definite local objectives regarding appropriate land uses and improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements;
- (5) Indicate proposed land uses, maximum densities and building requirements for the urban renewal area;
- (6) Describe the methods to be used for the temporary or permanent relocation of persons living in, and businesses situated, in the urban renewal areas, if any;
- (7) Indicate what real property may be acquired and the anticipated disposition of said real property, whether by retention, resale, lease or other legal use, together with an estimated time schedule for such acquisition and disposition; and
- (8) Describe what type of possible future amendments to the plan that may be so substantial as to require the same notice, hearing and approval procedure required of the original plan under ORS 457.095 as provided in ORS 457.220.

SECTION 03.03.060

URBAN RENEWAL REPORT

- (1) The Urban Renewal Plan shall be accompanied by a report containing:
  - (a) A description of physical, social and economic conditions in the urban renewal areas of the plan, and the expected impact, including the fiscal impact, of the plan in light of added services or increased population;
  - (b) Reasons for selection of each urban renewal area in the plan;
  - (c) The relationship between each project to be undertaken under the plan and the existing conditions in the urban renewal area;
  - (d) The estimated cost of each project and the sources of monies to pay such costs;
  - (e) The anticipated completion dates for each project;
  - (f) The estimated amount of money required in the urban renewal areas under ORS 457.420 to 457.440, and the anticipated year in which indebtedness will be retired or otherwise provided for under ORS 457.440;
  - (g) A financial analysis of the plan with sufficient information to determine feasibility;
  - (h) A fiscal impact statement that estimates the impact of the tax increment financing, both until and after the bonds are repaid, upon

- all entities levying taxes upon property in the urban renewal area; and
- (i) A relocation report, if necessary.

SECTION 03.03.070

PRESENTATION

The foregoing Urban Renewal Plan and accompanying Report shall be presented to the Coos County Planning Commission upon completion for recommendations and then to the Coos County Board of Commissioners for further action as provided by law.

SECTION 03.03.080

WHEN APPROVAL BY VOTERS REQUIRED

Any ordinance incorporating a plan amendment meeting the definition of "substantial amendments" under ORS 457.085(2)(i) must be approved by the electors of the County at the next primary or general election for which the filing deadline can be met or, at the discretion of the Board of Commissioners, at a regularly scheduled special election, before becoming effective. [12-07-001L; effective 11/19/2012]

APPENDIX III - THREE

This appendix is a map of the Blighted Area of the North Spit and is located in the records of the Coos County Clerk, Board of Commissioners Microfilm Number 89-2-0027.

DIVISION FOUR - NORTH BAY URBAN RENEWAL PLAN

SECTION 03.04.010                      RESERVED

SECTION 03.04.020                      RESERVED

SECTION 03.04.030                      PURPOSE

The purpose of this Division is to approve and incorporate by reference the North Bay Urban Renewal Plan which was forwarded by the Coos County Urban Renewal Agency to the Coos County Planning Commission for recommendations, approved as is and presented to the Board of Commissioners pursuant to ORS 457.085.

SECTION 03.04.040                      NORTH BAY URBAN RENEWAL AREA BOUNDARY

The North Bay Urban Renewal Area boundary is generally as shown on the map attached hereto labeled Appendix III - Four, attached hereto and incorporated herein by reference. The North Bay Urban Renewal Area boundary legal description is also attached hereto labeled Appendix III - Five, attached hereto and incorporated herein by this reference.

SECTION 03.04.050                      FINDINGS

In addition to the North Bay Urban Renewal Plan, an accompanying report, referred to as the North Bay Urban Renewal Report, Appendix III - Six, attached hereto and incorporated herein by this reference, was forwarded by the Coos County Urban Renewal Agency to the Coos County Planning Commission for recommendations. After considering the Plan, accompanying Report, Planning Commission recommendation and public testimony, the Board of Commissioners for Coos County hereby makes the following determinations and findings:

- (1) The North Bay Urban Renewal Area as shown and described in Appendix III - Five and Six is a blighted area because:
  - (a) The area's utilities, particularly its sanitary and industrial waste water collection and treatment systems, are inadequate and in major portions of the area are nonexistent.
  - (b) The area's present road network is deficient both internally and in linkages to Highway 101. Railroad access is also inadequate to serve the area's industrial sites.
  - (c) A combination of poor planning and lack of planning have contributed to improper

placement of existing infrastructure. Specifically, the only existing access road to some industrial parcels actually trespasses private property in some locations and in other locations effectively cuts off access from upland industrial sites to the waterfront.

- (2) The rehabilitation and redevelopment of the above mentioned Urban Renewal Area is necessary to protect the public health, safety and welfare of Coos County because:
  - (a) The Coos County property tax income from the area for fiscal 1985-86 is inadequate to pay for the public facilities the area needs and must have if high job producing and taxpaying developments are to be realized.
  - (b) It is necessary to incorporate the entire area into an urban renewal area to assure an integrated and comprehensive approach to the area's development, including assisting in the financing of the area's infrastructure.
  - (c) In improving the public infrastructure, the area will be more attractive to private sector investment, which in turn will improve the property tax base, increase the number of jobs, and significantly assist in protecting the public's investments that have been and will be made in the area.
- (3) As discussed in Section 6 of the Plan, the North Bay Urban Renewal Plan conforms to the comprehensive plan for Coos County as a whole including the Goals 9, 16 and 17 economic elements of the Coos County Comprehensive Plan. It also conforms to the following local plans acknowledged by the Oregon Land Conservation and Development Commission and sections of the Bureau of Land Management's land use plan relevant to the North Bay area:
  - (a) Coos Bay Estuary Management Plan and implementing Division measures.
  - (b) North Bend Comprehensive Plan and its implementing ordinances.
  - (c) Coos Bay Comprehensive Plan and its implementing ordinances.
  - (d) South Coast-Curry Management Framework Plan for the Coos Bay District of the Bureau of Land Management, plan amendment and preferred Bureau of Land Management land use alternative.
- (4) While the acquisition of developed and occupied property by the Urban Renewal Agency is not anticipated, should conditions arise that warrant such action, the Urban Renewal Agency would provide assistance to persons or businesses displaced in finding replacement facilities. All



displaced persons or businesses would be contacted to determine such relocation needs. They would be provided information on available space and be given assistance in moving. All relocation activities would be undertaken and payments made in accordance with the requirements of ORS 281.045 - 281.105 and, except in the relocation of elderly or handicapped individuals, without displacing on priority lists persons already waiting for existing federally subsidized housing.

- (5) At the time of Plan approval, no real property has been identified for acquisition. However, property acquisition, including limited interest acquisition, may be a useful tool for plan implementation at a later date. Acquisition of real property, if at all, shall only be done pursuant to the policies and procedures set forth in Section 7 of the Plan and then only if it is necessary for accomplishing the purposes of this Plan.
- (6) Approval and carrying out of the urban renewal plan is economically sound and feasible as is discussed in Section 6 of the North Bay Urban Renewal Report, pp. 30-40, which is adopted in support thereof.
- (7) Coos County shall assume and complete any activities prescribed it by the North Bay Urban Renewal Plan.

SECTION 03.04.060

INCORPORATION AND APPROVAL

The North Bay Urban Renewal Plan labeled Appendix III - Seven, attached hereto and incorporated herein by this reference, is hereby approved by the Coos County Board of Commissioners. A copy thereof shall be filed and available for public inspection in the Office of the Coos County Clerk. Notice of plan approval and Ordinance adoption shall be published in The World newspaper in Coos Bay, Oregon as provided by ORS 457.095 and 457.115.

APPENDIX III - FOUR

This appendix is a map of the North Bay Urban Renewal Area and is located in the records of the Coos County Clerk, Board of Commissioners Microfilm Number 87-2-592.

APPENDIX III - FIVE

This appendix is a legal description of the North Bay Urban Renewal Area and is located in the records of the Coos County Clerk, Board of Commissioners Microfilm Number 87-2-593 to 595.

APPENDIX III - SIX

This appendix is the North Bay Urban Renewal Report and is located in the records of the Coos County Clerk, Board of Commissioners Microfilm Number 86-2-646 to 693.

APPENDIX III - SEVEN

This appendix is the North Bay Urban Renewal Plan and is located in the records of the Coos County Clerk, Board of Commissioners Microfilm Number 87-2-596 to 645.

DIVISION FIVE - REGIONAL FIBER CONSORTIUM

[Adopted as Division Five of Article III on  
November 3, 1999]

SECTION 03.05.010                      RESERVED

SECTION 03.05.020                      RESERVED

SECTION 03.05.030                      FORMATION

The purpose of this Division is to participate in an intergovernmental entity, to be known as the Fiber South Consortium, by an intergovernmental agreement entered into by Coos County and other units of local government pursuant to the provisions of ORS 190.003 et seq.

SECTION 03.05.040                      PUBLIC PURPOSE

The public purposes for which the Regional Fiber Consortium shall be created shall be:

- (1) To assume ownership and control of fiber optic cable obtained by the consortium, or by any member of government, that the government in its discretion deems appropriate to contribute to the consortium.
- (2) To provide for the members a fiber optic system, or components thereof, that is consistent with available resources and best serves the public interest in an efficient manner.
- (3) To provide a forum for communication and consultation among members and to provide an opportunity for a cooperative and equitable sharing of the expenses, data, expertise, experience, and plans of each unit of local government.
- (4) It feasible for and agreeable to some or all of the members, take joint or common action to provide the appropriate level of communication services to the citizens of the various jurisdictions.
- (5) To acquire such additional tangible and intangible assets as are deemed necessary to fulfill the other purposes of the consortium.

SECTION 03.05.050                      POWERS, DUTIES, AND FUNCTIONS

The powers, duties, and functions of the Regional Fiber Consortium shall be:

- (1) Plan for fiber optic system development for the consortium.

- (2) Direct and manage the use of a fiber optic system or systems obtained by the consortium or its members.
- (3) When requested, act as the agent of the members in the preparation and negotiation of agreements concerning the acquisition, management, and use of the consortium's fiber optic system.
- (4) Carry out further responsibilities and functions as provided by the members.