

**CITY OF COOS BAY  
PLANNING COMMISSION MINUTES**

Tuesday, August 12, 2003  
7:00 P.M. CITY COUNCIL CHAMBERS

**ATTENDANCE**

**COMMISSIONERS:** Chairman Bruce Harlan, Commissioners, Chris Coles, Mark Daily, Chris Hood, Jeff Marineau, Rex Miller and Susan Spargo

**STAFF:** Laura Barron, Planning Administrator  
Debbie Erler, Planning/Code Spec.

**SIGNED-IN GUESTS:** Andy Nasburg, 1560 N 14<sup>th</sup> St., Coos Bay, OR 97420  
Randall J Rands, 229 W Main St., Medford, OR 97501

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**APPROVAL OF MINUTES**

Approval of Planning Commission minutes of July 8, 2003.

Commissioner Hood stated he was not at the July 8, 2003 meeting as indicated on the minutes.

**MOTION:** Commissioner Coles - Accept the Planning Commission minutes of July 8, 2003 as revised.

**SECOND:** Commissioner Miller

**VOTE:** Unanimous                      **ABSTAIN:** Commissioners Daily, Hood and Spargo

**CCI/PUBLIC COMMENTS**    None

**PUBLIC HEARINGS**

**ITEM A:        Variance (ZON2003-00055):** Mr. and Mrs. John Buchanan, 190 S. Mill Street, Coos Bay. The applicants are requesting variances to site a building within the street frontage setback and the side yard setback.

Chairman Harlan asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if the Planning Commission had exparte contact or conflict of interest to report.

Commissioner Marineau stated he had a brief conversation with Mr. Buchanan where he advised him to talk to Laura Barron.

Chairman Harlan opened the public hearing.

Laura Barron read the disclosure statement and outlined the applicants' request

Mr. Buchanan outlined his interpretation of the permit history of the property. Mr. Buchanan entered into the record a photograph of the site (*Exhibit 1*). He added that during a previous application he was under the impression staff was directed to review the possibility of amending the ordinance to clarify that no setbacks are required in this zone. Chairman Harlan stated while the issue was discussed, staff was not directed to pursue any changes.

Chairman Harlan closed the public hearing

- MOTION:** Commission Coles – Accept the Findings and Conclusions for Decision Criteria 1-4, and approve Variance request #ZON2003-00055 allowing the proposed structure to be constructed within the street frontage setback and the side yard setback as proposed at 190 S. Mill Street, Coos Bay.
- SECOND:** Commissioner Daily
- VOTE:** Unanimous

**ITEM B: Vacation (ZON2003-00058):** Bay Area Hospital District, 1775 Thompson Road, Coos Bay. The applicant is requesting to vacate the portion of Pine Avenue approximately 298 feet west of the 16<sup>th</sup> Street right of way.

Chairman Harlan asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if the Planning Commission had ex parte contact or conflict of interest to report.

Chairman Harlan stated he has a conflict of interest, due to his affiliation with HGE. He stepped down from review of this application.

Vice-Chairman Coles opened the public hearing.

Laura Barron read the disclosure statement and outlined the applicant's request.

Joe Slack of HGE, representing the applicant, outlined Bay Area Hospital's property ownership and the future uses for the property. He stated he would be returning with an application to rezone the property south of Pine Street, which is owned by Bay Area Hospital.

Vice-Chairman Coles closed the public hearing.

- MOTION:** Commissioner Spargo - Accept the Findings and Conclusions for Decision Criteria 1-3, and recommend the City Council approved vacation request ZON2003-00058, allowing the vacation of Pine Avenue, west of 16<sup>th</sup> Street.
- SECOND:** Commissioner Hood
- VOTE:** Unanimous

**ITEM C: Variance (ZON2003-00061):** Mr. and Mrs. Brian Stark, 1421 W. Anderson Avenue, Coos Bay. The applicants are requesting a variance to the side yard setback in order to site a garage.

Chairman Harlan asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if the Planning Commission had ex parte contact or conflict of interest to report.

Commissioner Spargo stated she represents an abutting property owner in a property listing and will step down from review on this application.

Chairman Harlan opened the public hearing.

Laura Barron read the disclosure statement and outlined the applicants' request.

Cory Stark stated there is a drainage ditch that runs north to south on the property and drains water from Anderson Avenue to Blossom Creek.

Chairman Harlan asked if they could meet the required setback. Mrs. Stark stated that if they placed the garage five feet from the property line, the wall of the garage would block stairs to the basement.

Susan Spargo stated the client she represents is not opposed to the request and that there is a 10-foot easement along the property line for drainage.

Commissioner Daily asked how would they be able construct a structure so close to the property line. Laura Barron stated the construction method is determined by State Building Codes

Chairman Harlan closed the hearing.

**MOTION:** Commissioner Coles – Accept Findings and Conclusions to Decision Criteria 1-3 and approve Variance application #ZON2003-00061 allowing a four-foot variance to the side yard setback in order to site a garage at 1421 W. Anderson Avenue, Coos Bay.

**SECOND:** Commissioner Hood

**VOTE:** Unanimous

**ITEM D: Conditional Use (ZON 2003-00062):** Colby Stemmerman, 93456 Thompson Lane, Coos Bay. The applicant is requesting approval to site a duplex in the Multiple Residential (R-3) zoning district.

Chairman Harlan asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if the Planning Commission had ex parte contact or conflict of interest to report.

Laura Barron read the disclosure statement and outlined the applicant's request and noted that a written comment from Barney White was provided to the Planning Commission this evening.

Chairman Harlan opened the public hearing.

Colby Stemmerman stated the rental market in this area is good and development of a duplex on this property would be compatible with surrounding uses

Commissioner Daily asked the applicant if he thinks the gravel road negatively affects abutting property owners.

Mr. Stemmerman stated the property is a corner lot and the main access for the duplex will be from Merchant Street. He stated there are gravel roads throughout Coos Bay and he does not feel they negatively affect property. The applicant asked for a two-year approval time, due to a recent increase in his work-load.

Chairman Harlan closed the hearing.

**MOTION:** Commissioner Coles - Accept Findings and Conclusions to Decision Criteria 1-4 and approve Conditional Use application #ZON 2003-00062 allowing a duplex to be sited on the subject property, located in the Multiple Residential (R-3) zoning district, with a two-year approval time.  
**SECOND:** Commissioner Marineau  
**VOTE:** Unanimous

**ITEM E: Site Plan and Architectural Review (ZON2003-00060):** Alder Acres RV & Mobile Home Park, 1800 N. 28<sup>th</sup> Court, Coos Bay. The applicant is requesting the addition of 18 RV sites and a restroom building.

Chairman Harlan asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if the Planning Commission had exparte contact or conflict of interest to report.

Chairman Harlan opened the public hearing.

Laura Barron read the disclosure statement and outlined the applicant's request.

Mrs. Street stated the restroom building would be the same as what was built a few years ago. She stated they would provide whatever is required by State Building Codes in regards to the number of showers and stalls. She added the designated recreation area would be developed with picnic tables and each site will accommodate three vehicles allowing for a recreational vehicle, boat and an automobile.

Commissioner Marineau asked about the spaces being at a right angle instead of diagonal. Mrs. Street stated the road system fronting the units is very wide to allow backing in of large recreational vehicles.

Commissioner Marineau asked when the restroom would be constructed. Mrs. Street stated the restrooms and road system would be constructed prior to the RV sites.

Commissioner Hood asked if they have been through the SPAR process in the past. Mrs. Street stated the past and current owners have been through the SPAR process for expansions.

Chairman Harlan closed the hearing.

Commissioner Hood stated he has concerns about the lack of detail with the submittal. The Commission discussed the application and lack of detail regarding the recreation area and restroom building design.

- MOTION:** Commissioner Coles - Accept Findings, Conclusions and Conditions of Decision Criteria 1-8 and approve Site Plan and Architectural Review #ZON2003-00060, allowing the addition of 18 RV spaces and a restroom building, at Alder Acres RV & Mobile Home Park, 1800 N. 28<sup>th</sup> Court, Coos Bay, with a three-year approval.
- SECOND:** Commissioner Marineau
- VOTE:** Unanimous

**ITEM G: Site Plan and Architectural Review (ZON2003-00032):** (Continued from July 8, 2003) PacWest Group, 1159 Mira Mar Avenue, Medford, OR 97504. The applicant is requesting approval of a site plan and architectural review to site a retail structure on the southeast corner of Newmark Avenue and LaClair Street.

Chairman Harlan asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if the Planning Commission had exparte contact or conflict of interest to report.

Chairman Harlan opened the public hearing.

Laura Barron read the disclosure statement and outlined the applicant's request, including a summary of the past hearings and items of concerns. Mrs. Barron asked that the Commission reconsider a tentative decision made earlier by the Commission to allow a left-in from Newmark. She discussed conflicts with the full-access college entrance across from the proposed driveway, and drew attention to the fact that a full-access driveway is proposed off of LaClair for the development. Mrs. Barron discussed concerns regarding the left-out onto Newmark Avenue shown on the applicant's submitted site plan. Mrs. Barron discussed staff concerns and suggested the Newmark access be right-in/right-out and limited to two (2) 12-14 foot travel lanes to minimize pedestrian and bicycle conflicts.

Randal Rands referenced the Newmark Avenue Improvement Plan, page 26, "C," that supports their request for left-in/left-out (*Item G - Exhibit 1*). Mrs. Barron stated that the reference to the Plan has been taken out of context and does not support the request for left-in/left-out.

Commissioner Daily stated a business owner expects an entrance on the main street. He said a left-in would be important to any development and thinks it would be unfair to limit access to the proposed development. He added that if an access or parking area is inconvenient people would find another place to shop.

The Commission discussed possible access restrictions or limitations. They discussed the SWOCC full access and traffic issues resulting from future commercial development. They discussed allowing left-in at this time with the condition that upon development of property to the east the access would be moved further to the east.

Andy Nasburg stated that with only one access point (like Fred Meyer), once you pass the entrance you are not going back. He requested a left-in be allowed for this property.

John Buchanan, 190 S Mill Street, stated he thinks this intersection is like Wal-Mart's and needs a traffic light.

Laura Barron stated the property to the east would have the same requirements for a SPAR review when it is developed and access can be readdressed at that time.

Commissioner Spargo suggested waiting until the Newmark project is finished to make a decision.

Randal Rands stated the access issues need to be decided so the curb and gutter can be placed (*Item G - Exhibit 2*). The applicant is concerned since the contractor for the Newmark widening project will be working in the area shortly.

The Commission discussed the issue of reviewing the access in a designated number of years.

Chairman Harlan closed the hearing.

**MOTION:** Commissioner Marineau - Accept the Statements, Findings of Fact and Conclusions for Decision Criteria 4 A through F(1-4) and add Finding 4h *"The two traffic studies from two engineering firms present conflicting information and disagree about the proper access off of Newmark Avenue."* And revise the Conclusion to *"Due to conflicting statements from traffic engineers, a compromise is to allow a left-in off of Newmark Avenue is considered appropriate in addition to the right-in and right-out as addressed. The decision criteria has been adequately addressed and approval of the proposal can be supported with the following conditions:*

1. *A traffic signal must be installed at the intersection of Newmark Avenue and LaClair Street;*
2. *The landowner must record an agreement to grant reciprocal access easements, for free, to adjacent parcels prior to the issuance of building permits;*
3. *Sidewalk, curb and gutter, extending the entire length of the subject property, must be constructed along Newmark Avenue and LaClair Street. The improvements must be the same width, depth and quality as those being installed in the area;*
4. *The Newmark Avenue driveway must be 2 lanes only, 1 ingress and 1 egress; the 42-foot access width must include an*

*engineered structure to prevent left-out turns;*

5. *New commercial development shall provide cross access driveways and pedestrian pathways to allow circulation between sites without having to access the adjacent public street. Cross-driveways shall be provided and stubbed to adjacent development parcels to create the opportunity for future extension. Stub areas must be defined along the eastern property line south of the driveway throat and along the southern property line.*
6. *In the future, when full access becomes available on an adjacent parcel, the city has the right to require the proposed Newmark Avenue access be converted to right-in and right-out only, provided appropriate internal access driveways are provided. Any/all modifications are at the property owner's expense.*

**SECOND:** Commissioner Daily  
**VOTE:** Yea – Commissioner's Daily, Hood, Miller, Marineau and Spargo  
Nay – Chairman Harlan and Commissioner Coles

Randal Rands agreed to remove four spaces on the west side of the entrance off Newmark Avenue and reduce the landscape island to a minimum of 10-feet. Two spaces will be added to the west end of the northern-most group of parking spaces.

**MOTION:** Commissioner Marineau – Accept Findings of Fact and Conclusions for Decision Criteria 1(A-C) with the following Conditions: The location, size, shape, height, spatial and visual impacts and arrangements of the uses and structures are compatible with the site and surroundings. The decision criteria has been adequately addressed and approval of the proposal can be supported with the following conditions:

1. Landscaping must be maintained in good condition.
2. Revisions to submitted landscaping plan, as listed below:
  - A. The irrigation plan must include details on the size of the back flow prevention device, number of stations and the station valve location, gallons per minutes, and lawn and shrub irrigation pattern. The following are required:
    1. Back flow devices in the landscaping irrigation plan must be freeze and vandal proof and covered with a "rock" which is secured to a concrete slab; and
    2. Irrigation sleeves for pipes at Newmark Avenue & LaClair Street must be minimum of 3-inches in diameter.

- B. All trees must be staked with treated wooden stakes.
- C. Trees along the Newmark Avenue and LaClair Street right of ways must be Armstrong Maple; trees located in the interior of the site must be Red Sunset Maple. All trees must have a minimum diameter of 2-inches.
- D. Evergreen plants are highly recommended.
- E. The Photinia or Nandina Domestica must be removed from the approved plant list.
- F. The tree proposed on the north side of the LaClair Street entrance must be removed.
- G. Landscape areas along the building on the north elevation must be added. At a minimum, arborvitaes or similar evergreens must be planted.

**SECOND:** Commissioner Coles  
**VOTE:** Unanimous

The applicant entered a revised parking plan for the Planning Commissions review (*Item G-Exhibit 3*).

**MOTION:** Commissioner Coles - Accept Findings of Fact and Conclusions for Decision Criteria 2 through 3 as submitted.

**SECOND:** Commissioner Daily  
**VOTE:** Unanimous

**MOTION:** Revise Finding of Fact 5a to read *"The applicant's site plan indicates 74 parking spaces. According to the Land Development Ordinance 1 parking space per 250 square feet of retail space is required, or 55 spaces.*

*There are 4 spaces proposed near the northerly entrance. It appears that patrons using these spaces will experience conflicts getting into the space, crossing out-going traffic while holding up in-coming traffic. Likewise, a patron using these spaces will need to back out into the out-going lane of traffic."*

**SECOND:** Daily  
**VOTE:** Unanimous

**MOTION:** Commissioner - Accept Findings of Fact and Conclusion of Decision Criteria 6 through as submitted.



**SECOND:** Commissioner Marineau  
**VOTE:** Unanimous

**MOTION:** Commissioner Marineau – Final approval Conditions: Approve SPAR with following The Planning Commission conditionally approved Site Plan & Architectural Review #ZON2003-00032 to allow the placement of a building, approximately 13,650 square feet in size with the following conditions:

1. Landscaping must be maintained in good condition;
2. Revisions to submitted landscaping plan, as listed below:
  - A. The irrigation plan must include details on the size of the back flow prevention device, number of stations and the station valve locations, gallons per minutes, and lawn and shrub irrigation pattern. The following are required:
    1. Back flow devices in the landscaping irrigation plan must be freeze and vandal proof and covered with a “rock” which is secured to a concrete slab.
    2. Irrigation sleeves for pipes at Newmark Avenue & LaClair Street must be minimum of 3-inches in diameter.
  - B. All trees must be staked with treated wooden stakes.
  - C. Trees along the Newmark and LaClair right of ways must be “Armstrong Maple;” trees located in the interior of the site must be “Red Sunset Maple.” All trees must have a minimum diameter of 2-inches.
  - D. Evergreen plants are highly recommended.
  - E. The Photinia or Nandina Domestica must be removed from the approved plant list.
  - F. The tree proposed on the north side of the LaClair Street entrance must be removed.
  - G. Landscape areas along the building on the north elevation must be added; at a minimum, arborvitaes or similar evergreen plants must be planted.
3. All utility facilities must meet city standards and be designed to coordinate with adjacent property owners;

4. The need for additional fire hydrants is to be determined by State Building Codes and the Coos Bay Fire Department and must be installed at the applicant's expense;
5. Sanitary sewer lines must be tied into the connection at Newmark Avenue where stub-outs are provided rather than LaClair Street;
6. Additional information (elevations) is necessary in order to determine surface drainage. Complete information on surface drainage must be provided prior to issuance of building permits;
7. Site surface drainage and/or on-site surface water storage facilities must be constructed to insure that there is no adverse effect on neighboring properties, public right of way, or the public storm drainage system; site development work must take place in accordance with City policies and practices;
8. The existing storm line on the property must be relocated, according to city standards, at landowner's expense in order to avoid a structure from being built over it;
9. **The Newmark Avenue access shall be limited to right-in/ right out and left-in only.**
10. Remove the 4 spaces proposed by the northerly property line to the agreed upon location, and reduce the island on the west side of the Newmark Avenue entrance to a minimum width of 10 feet. (See Exhibit 1, 8/12/03)
11. A traffic signal must be installed at the intersection of Newmark Avenue and LaClair Street;
12. The landowner must record an agreement to grant reciprocal access easements, for free, to adjacent parcels prior to the issuance of building permits;
13. New commercial development shall provide cross access driveways and pedestrian pathways to allow circulation between sites without having to access the adjacent public street. Cross-driveways shall be provided and stubbed to adjacent development parcels to create the opportunity for future extension. *Stub areas* must be defined along the eastern property line south of the driveway throat and along the southern property line;
14. Sidewalk, curb and gutter, extending the entire length of the subject property, must be constructed along Newmark Avenue and LaClair Street. The improvements must be the same width, depth and quality as those being installed in the area;

15. The Newmark Avenue driveway must be 2 lanes only, 1 ingress and 1 egress; the 42-foot access width must include an engineered structure to prevent left-out turns;
16. In the future, when full access becomes available on an adjacent parcel, the city has the right to require the proposed Newmark Avenue access be converted to right-in and right-out only, provided appropriate internal access driveways are provided. Any/all modifications are at the property owner's expense;
17. A 15-foot easement for the purposes of replacement and maintenance of public utilities must be granted to the city prior to the issuance of building permits;
18. Information on signage, other than wall signage, must be submitted and approved prior to the issuance of building permits. Signage not pertinent to this proposal must be removed from the plans;
19. The fence must be maintained in good condition. The fence may be removed when commercial development to the south occurs;
20. The area noted as "Site of future new building" must be seeded and maintained with a ground cover; a Site Plan and Architectural Review is required when this area is to be developed;
21. An accurate set of plans, reflecting the changes required by the Planning Commission, must be submitted and approved by Staff prior to the issuance of building permits; and
22. The development must be consistent with the approved site plan.

**SECOND:** Commissioner Daily  
**VOTE:** Unanimous

**ADMINISTRATIVE**

**ITEM F: Request for Extension of Variance (ZON2002-00063):** Howard Willett, PO Box 1817, Coos Bay. Mr. Willett is requesting an extension to an approval of a variance to the off-street parking requirement.

Laura Barron stated the applicant submitted a written request for a nine-month extension. Staff recommends a one-year extension.

**MOTION:** Commissioner Spargo – Approve a one-year extension to Variance #ZON2002-00063 to begin November 12, 2003 and end November 12,

**SECOND:** 2004  
**VOTE:** Commissioner Daily  
Unanimous      **ABSTAIN:** Commissioner Coles

Laura Barron stated updated the Commission on TSP progress. She added the draft proposal may be before the Commission in September.

**ADJOURNMENT**      12:00 a.m.

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Bruce Harlan, Chairman  
Planning Commission  
City of Coos Bay  
Coos County, Oregon

ATTEST:      \_\_\_\_\_  
Debbie Erler, Planning/Code Specialist  
City of Coos Bay

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