

**CITY OF COOS BAY**  
**PLANNING COMMISSION MINUTES**

Tuesday, November 9, 2004  
7:00 P.M. CITY COUNCIL CHAMBERS

**ATTENDANCE**

**COMMISSIONERS:** Chairman Bruce Harlan, Commissioners Chris Hood and Jeff Marineau and Rex Miller

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

**SIGNED-IN GUESTS:** Carl and May Jenson, 680 Market Avenue, Coos Bay  
Joseph Slack, HGE Inc., 375 Park Avenue, Coos Bay  
Paul Jackson, 29 W 1<sup>st</sup> Street, Coquille

---

**APPROVAL OF MINUTES**

Approval of Planning Commission minutes of October 12, 2004.

Commissioner Miller noted a correction on Page 2, "*Commercial Daily*" should be "*Commissioner Daily*".

**MOTION:** Commissioner Miller - Approve Planning Commission minutes of October 12, 2004 as revised.

**SECOND:** Commissioner Hood

**VOTE:** Unanimous

**ABSTAIN:** Commissioner Marineau

**CCI/PUBLIC COMMENTS** None

**PUBLIC HEARINGS**

**ITEM A: Architectural Design Review (ZON2004-00078):** Joe Slack, HGE, Inc., 375 Park Avenue, Coos Bay, 97420. The applicant is proposing an extension to the car wash bay at the Chevron Gas Station located on the east side of North Bayshore Drive between Alder and Birch Avenues.

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 declared a conflict of interest and turned the hearing over to Commissioner Marineau.

Acting Chairman Marineau opened the public hearing.

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

Joseph Slack of HGE, outlined the project. He stated the existing car wash equipment needs to be updated and the new equipment requires more building coverage.

Owner Carl Jensen stated the new conveyer would allow multiple vehicles at a time through the car wash to help eliminate the long lines.

Acting Chairman Marineau closed the public hearing.

Commissioner Miller suggested a flowering cherry tree to be added back to the landscape.

**MOTION:** Commissioner Hood - Accept the Findings of Fact and Conclusion as submitted and approve Architectural Design Review application #ZON2004-00078, allowing an extension to the car wash bay at the Chevron Gas Station located on the east side of North Bayshore Drive between Alder and Birch Avenues, subject to the Condition that a 1 ½" diameter "Prunus Serralata - Mount Fuji" Flowering Cherry Tree be planted to replace the tree previously removed.

**SECOND:** Commissioner Miller

**VOTE:** Unanimous

**ITEM B: Conditional Use (ZON2004-00081):** Don and Renee Blom, PO Box 265, Allegany, OR 97420. The applicants are requesting approval to develop a community garden on the northwest corner of Anderson Avenue and 8<sup>th</sup> 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 applicants' request.

Mike Vaughan, project manager, clarified that the 5-feet noted on the plans indicates the width not the height of the landscape area. He added nothing would exceed 36-inches in height along the right of way in vision clearance areas.

Chairman Harlan asked how the site would be maintained. Mr. Vaughan stated the lot would have a cover crop (lawn) over the plots during the winter months that would be worked into the soil in the spring. Chairman Harlan asked what would stop anyone off the street from entering the site. Mr. Vaughan stated there would be a 5-foot landscape area around the site with an internal fence and three entries along the street frontage that will have a 36-inch high gate.

Dr. Paul Jackson (owner of Figaro's) stated he is in favor of the project. He wanted to know if a non-profit group would have ownership; who would use the property; would his property be infringed upon; is there clearance along the right of way; would traffic cause a bottle neck at the north end of the lot; and how is the site accessed.

Mike Vaughan stated it is their intention to create a non-profit organization to purchase and manage the site; the existing paved parking lot has concrete bumpers that would prevent access to or from the alley; the 5-foot landscape area would provide clearance along the right

of way; and the intention of the community garden is that residents in the area (most without yards) would utilize the site and would walk to the property.

Don Blom stated a non-profit organization would be developing to run the operation and that it would be strictly controlled. The local Master Gardeners hope to have a model garden. They plan to have a part-time staff member that would be responsible for the behavior of participants and the condition of the site.

Commissioner Marineau asked what would be the hours of operation. Mr. Vaughan stated he expects that participants would use the site after work and on weekends.

Dr. Jackson suggested the approval be subject to the purchase and usage by the proposed group.

Chairman Harlan closed the public hearing.

Commissioner Miller stated there is a lot of concrete and rock on the site. He noted there needs to be water RP back flow device. He said the site drains to SW corner and that elevation changes are needed. He asked what would they do if they need to get larger equipment on to the site and suggested they consider a larger entry at the parking lot entrance. He added that a loaded wheelbarrow on grass could be messy and suggested a mulch path.

**MOTION:** Commissioner Miller - Change the Conclusion in Decision Criteria 4 to read *"The proposed use will not have an adverse physical effect on the development or use of abutting property. The decision criteria has been adequately addressed and approval of the proposal can be supported with the following condition: Approval of the conditional use is limited to the applicant, Don and Renee Blom, as long-term owners or lessees of the subject property."*

Accept the Statements of Facts, Findings, and conclusions as submitted for Conditional Use #ZON2004-00081 allowing the establishment of a community garden in the "Residential Professional (R-4P)" zoning district with the following conditions:

1. Approval of the conditional use is limited to the applicant, Don and Renee Blom, as long-term owners or lessees of the subject property; and
2. Approval of a Right of Way Use Permit Application is required for any work, including landscaping, in the right of way.

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

**ITEM C: Plan Map Amendment and Rezone (Geographic Expansion) #ZON2004-00067:** Elton Thompson, PO Box 565, Coos Bay, OR 97420. The applicant is requesting to re-designate Block 8, Lots 1 and 2 of Bay City Subdivision, from "Buffer" and "Quasi Public" to "Single-family and Duplex Residential" and "Residential Low-density." As allowed by Ordinance, the area is proposed to be geographically expanded to include the Anthony Addition; Blocks 27 and 28 of East Marshfield; Block 29 and 30 of East Marshfield; and Blocks 1, 2 and 7 of Bay City Subdivision. The expanded area is proposed to be re-designated from "Multiple Residential" and "Residential High-density" to "Single-family and Duplex Residential" and "Residential Low-density."

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 opened the public hearing.

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

Commissioner Marineau asked how Ballet Measure 37 would affect the proposed project.

Laura Barron stated it is not in effect at this time and the implications are unknown.

Chairman Harlan stated that in the past years we have heard many Condition Use applications to allow a single family dwelling in an R-3 zone. He added the change would eliminate the need for the Conditional Use applications. He added that most lots in the area could not accommodate multiple family units due to the size of the lots.

Elton Thompson stated his request is the lot he owns and he just wants to place a single family dwelling on the lot.

Chairman Harlan closed the public hearing.

**MOTION:** Commissioner Hood - Accept the Statements of Facts, Findings, and Conclusions as submitted for Plan Map Amendment and Rezone (Geographic Expansion) #ZON2004-00067 to rezone Block 8, Lots 1 and 2 of Bay City Subdivision, from "Buffer" and "Quasi Public" to "Single-Family and Duplex Residential" and "Residential Low-Density." and rezone the geographically expanded area of the Anthony Addition; Blocks 27 and 28 of East Marshfield; Block 29 and 30 of East Marshfield; and Blocks 1, 2 and 7 of Bay City Subdivision from "Multiple Residential" and "Residential High-density" to "Single-family and Duplex Residential" and "Residential Low-density."

**SECOND:** Commissioner Marineau

**VOTE:** Unanimous

### **ADMINISTRATIVE**

#### **ITEM D: Extension request -Women's Safety and Resource Center #ZON2003-00089**

Laura Barron outlined the applicant's original approval and the proposed extension request.

**MOTION:**  
November 12, 2005.

**SECOND:**

**VOTE:** Unanimous

#### **ITEM E: PLUMMER one year extension.**

**MOTION:**  
November 30, 2005.

**SECOND:**

**VOTE:** Unanimous

## **ITEM F: Discussion of the Waterfront Heritage Architectural Design Review Standards**

Laura Barron summarized the process for Earlene Brown's Architectural Design Review application.

She stated we need to look at where we're going, what we're going to do and how we're going to handle the outcome. She stated she is at a loss and would imagine anyone who had anything to do with the decision making is a little puzzled as to what we're to do with the standards.

Laura Barron (continued) stated she hopes to get some direction. She added that she is not concerned about the roles of the HDRC and the Planning Commission at this time, but how to interpret the goals and standards and how far do we go with enforcing the standards. She would like to discuss to what extent the applicant is required to comply with the goals and standards and what is the City trying to accomplish with the design review goals and standards for the district.

Chairman Harlan stated he does not think there is anything wrong with the ordinance that was developed. City Council asked the Planning Commission to develop the ordinance to help develop the Front Street area into a historical district, to try to key off the success of other communities on the coast. He stated that the current relationship between the HDRC and the Planning Commission City Council is workable. He said we can not force someone to have good taste and if they are determined to be non-cooperative and push bad design there is not much that can be done. He said there needs to be a commitment from City Council to develop Front Street and that they are not going to turn around every time someone does not want to comply with the ordinance. He added right now there is not a commitment from City Council.

Commissioner Marineau stated a number of council members stepped down from the hearing, which turned out to be detrimental to what we are trying to do in the district and some of them were upset about the outcome. He said he had conversations with members of the City Council about what happened and they said they want to fix it. He stated they discussed the HDRC's role and he urged the them not to put the Planning Commission in the position of making architectural design decisions. He added the HDRC members are professionals and he suggested City Council give the HDRC more power to make the decisions.

Laura Barron stated a new ordinance would need to be initiated to redesign the HDRC and make it a decision-making body.

Bob Sassonoff stated the City Council allowed the requirements to be ignored. We need to set down with the Council to clarify what they want from the HDRC and the Planning Commission. The applicant and her group made it appear that they thought the HDRC was the decision makers. He said they stated outright lies at the City Council hearing.

Commissioner Hood stated the problem is not in the process. He said he is not sure the Planning Commission should give up the job of making land use decisions. He added that a recommendation from the HDRC, with concurrence from the Planning Commission, shows more support in the cases that go to City Council. He concluded that there needs to be direction from the City Council.

Commissioner Marineau stated there needs to be a joint meeting between the HDRC, Planning Commission and the City Council.

Chairman Harlan stated it would be easy to overreact to this situation, because it is an extreme example of an uncooperative person determined by force of might to accomplish what she set out to accomplish. He stated it would be easier for the HDRC to work with the applicant as an advisory committee.

Commissioner Miller stated he has lost faith in the system.

Laura Barron stated she will work on putting together a work session for around the first of the year.

Kathy Netter stated she thinks the HDRC and the Planning Commission work well together. She said she was very surprised by the City Council throwing all that work out the window. She was also surprised that the City Council did not take the City Attorney's advice.

The Commission and the HDRC discussed the process Ms. Brown went through. They discussed the fact that significant exterior work was completed before they applied for a building permit and was completed without the permit being issued. They discussed the fact that testimony was given at the City Council meeting that pertained to a previous application that was not pertinent the applicant under review.

### **COMMISSION COMMENTS**

Commissioner Miller stated that he thought Chairman Harlan did a stellar job testifying before the City Council.

**ADJOURNMENT** 9:30 p.m.

---

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

ATTEST:

\_\_\_\_\_  
Debbie Eler, Planning/Code Specialist  
City of Coos Bay

APPROVED AS SUBMITTED 12-14-04

GG:\DCS\PLANNING\MINUTES\2004\M11-09-04a.doc