

**CITY OF COOS BAY
PLANNING COMMISSION MINUTES**

Tuesday, March 8, 2005
7:00 P.M. CITY COUNCIL CHAMBERS

ATTENDANCE

COMMISSIONERS: Chairman Bruce Harlan, Commissioners Jim Berg, Chris Coles, Mark Daily, Chris Hood and Rex Miller

STAFF: Debbie Erler, Planning/Code Spec.
Julie LaPram, Planning/Code Spec.

SIGNED-IN GUESTS:

APPROVAL OF MINUTES

Approval of Planning Commission minutes of February 8, 2005.

MOTION: Commissioner Coles - Approve Planning Commission minutes of February 8, 2005 as submitted.

SECOND: Commissioner Daily

VOTE: Unanimous

ABSTAIN: Commissioner Hood

PRESENTATION ON PROPOSED MUSEUM

Ann Donnelly, Director of the Coos County Historical Society, made a presentation on the initial planning stages of the future museum to be sited near the south end of the Central Dock property in the Waterfront Heritage zoning district. She introduced Bob Sasanoff, who talked about the drawing of the proposed museum. The property is the former site of Central Dock. Bob Sasanoff showed several conceptual designs which will depend on funding rather than the feeling of what it was like 80 years ago. They own four acres, parking will be on the north side of the undeveloped Hemlock Street right of way for approximately 80 cars, and the south side would be a public plaza. Front Street will be closed off to traffic. The top floor would be a library research room for public use. The museum would be closed in the evening and rest of the building could be used after hours. They would like to have a small dock eventually. Chairman Harlan asked about the funding. Mr. Sasanoff said they have a one million dollar donation and will need a lot more. Commissioner Daily said the building looks way too modern for Front Street, and he is frankly disappointed with the design. He said it doesn't look anything like pre 1930's. Mr. Sasanoff replied the building is still open for design. Chairman Harlan thanked Mr. Sasanoff and Ms. Donnelly for their presentation.

CCI/PUBLIC COMMENTS

Richard Kuznitsky, 455 S. Marple; Said he has heard rumors about a development going in around ColeBank Slough off Highway 101. Chairman Harlan stated he was aware of the rumor, but said nothing has been brought before the Planning Commission to this date.

PUBLIC HEARINGS

ITEM A: Variance (ZON2005-00010): Mr. and Mrs. Irvin Yeager, 93593 McKenna Lane, Coos Bay. The applicants are requesting variances to the road width right of way, the paved width travel surface, on-street parking and sidewalk width for a 36-lot subdivision proposed for T. 25, R. 13, S. 27B, Tax Lots 200, 300 and 400, located south of the Westgate subdivision.

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 Berg said he has had conversations with Mr. Yeager and does not think this will affect his ability to make a decision.

Chairman Harlan opened the public hearing.

Debbie Erler read the disclosure statement and outlined applicant's request. She said the City received a letter from Mr. Joe Slack indicating he is opposed to all elements of the Variance application, except the sidewalk portion.

Applicant Irvin Yeager gave the Planning Commission a little history on Westgate which was tentatively approved in 1979, and extended several times. The new plan has 36 lots, with very little excavation work to be done. There will not be a lot of cuts and fills. Plans for homes to be placed in this subdivision will have to be approved by an elected board who will oversee all the plans and developments before approval. They will maintain as many of the trees and vegetation as possible. The streets will be narrow because there is not a lot of depth to work with. Not all sewer lines are designed yet. They would like to do a monolithic pour for a combination sidewalk and curb (poured curb and sidewalk together). Mr. Yeager said he has spoken with staff and he talked about increasing sidewalk to 4-feet. He met with Stan Gibson, Fire Chief who had no problem with the development. Mr. Yeager stated there would be five parking spaces provided per home.

Commissioner Jim Berg asked if Simpson Heights located in North Bend has monolithic sidewalks and curbs. Mr. Yeager replied, no they have a rolled curb. Commissioner Hood asked Mr. Yeager, the reason for monolithic sidewalk and curbs. Mr. Yeager replied to eliminate weeds, while looking more finished, he said they do this in other cities and they are not anything new. Chairman Harlan said the proposed driveway to lots 12 & 13 will be steep. Mr. Yeager replied home buyers will have to contact the water board at the time of development and the Fire Department said those homes would have to be sprinkled. Commissioner Hood said he has conflicts with driveway easements, and proposing a very steep roadway for access for Lot 14, he wondered if you can even develop 20% grade. Mr. Yeager said "F" Street in eastside has a 20 percent grade. Debbie Erler said there would be a private access easement between owners. The easement still has to meet Fire Department standards, she said the Staff Report contained Fire Chief Stan Gibson, comments under Decision Criteria #3, Statements of Fact and Findings, Item 3H. Commissioner Hood said the city needs to do something in the City Ordinance instead of having people apply for a variance.

Chairman Harlan asked if anyone had any comments against this Variance to please come forward and state their concerns.

Mr. Bream, 1420 Evergreen, Coos Bay, asked if any other entrance other than 19th Street would be used, as 19th Street is too narrow and a traffic and safety hazard. We need another entrance and exit.

Jennifer Allen, 1925 Timberline, Coos Bay, said traffic is a problem. She wanted to know if duplexes would be built. Chairman Harlan replied no, only single family dwellings, and this would be added as a condition.

Clark Anderson, 2070 Timberline, Coos Bay, said a traffic signal is needed at the 19th Street intersection.

James Secor, 1930 Timberline, asked if there would be sidewalks. Chairman Harlan replied the ordinance now requires sidewalks. Mr. Secor also said 19th Street is a traffic issue.

Chairman Harlan closed the public hearing.

Commissioner Daily said narrow roads do make sense. Commissioner Hood said there is plenty of off street parking and doesn't have problem, but does have a problem with the variance. He said the city should amend the ordinance so applicants do not have to go through the variance procedure. Commissioner Berg thought the narrow streets are ok. Commissioner Hood said he didn't realize the driveway easement would be a private easement between property owners. Commissioner Miller said he has no problem with the street width, but he does have a problem with the city giving away 10-feet of city property. Commissioner Hood said this property is surrounded by water board property and most likely would not be developed further. Commissioner Miller said there's always the possibility and the city should not give it away but leave the right of way. He said make the street the width you want. Commissioner Berg said as a property owner he would want to use as much of the property as possible.

MOTION: Commissioner Coles – Accept the Findings of Fact, Conclusions and Conditions for Review Item I as recommended in the Staff Report.

SECOND: Commissioner Daily

VOTE: Yea – Chairman Harlan, Commissioners Coles, Hood, Daily and Berg
Nay – Commissioner Miller

MOTION: Commissioner Miller – Accept Findings of Fact and Conclusions of Decision Criteria 1 and 3 for Review Item II as recommended in the Staff Report and revise the Conclusion of Decision Criteria #2 to read *“Adequate information has not been submitted to demonstrate a 3-foot-wide sidewalk is sufficient to allow two people to walk side-by-side or for someone with a device for walking assistance to safely maneuver. The decision criterion has **not** been adequately addressed and approval of the proposal cannot be supported for 3-foot-wide sidewalks. However, as an alternative, a 5-foot-wide sidewalk on one side of the street satisfies the criteria based on the location of the development and the amount of use of the sidewalk that is likely to occur.”* and approved a 5-foot-wide sidewalk on one side of the street.

SECOND: Commissioner Berg

VOTE: Yea – Commissioners Coles, Hood, Daily, Miller and Berg
Nay – Chairman Harlan

MOTION: Commissioner Coles – Accept the Findings of Fact and Conclusions for Decision Criteria 1-3, as revised and approved Variance #ZON2005-00010 allowing a 40-foot-wide platted right of way with a 28-foot wide paved travel surface and parking allowed on one side; and a 5-foot-wide sidewalk on one side of the platted right-of-way of with subject to the following Conditions:

1. A minimum of five (5) off-street parking spaces are required for each residence; and
2. “No Parking” signs must be posted by the developer.

SECOND: Commissioner Miller
VOTE: Unanimous

ITEM B: Subdivision (ZON2005-00009): Mr. and Mrs. Irvin Yeager, 93593 McKenna Lane, Coos Bay. The applicants are requesting approval of a 36-lot subdivision located south of the Westgate subdivision. Access to the site, described as T. 25, R. 13, S. 27 B, Tax Lots 200, 300 and 400, is via Timberline Drive and Tehapachi.

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.

Debbie Erler read the disclosure statement and outlined applicant’s request. She said the City received one written response from Mr. Joe Slack asking the same or similar CC & R’s (Covenants, Conditions and Restrictions) be developed for this extension of the existing housing development.

Chairman Harlan asked if the Planning Commissions decision would be recommended to the City Council. Debbie Erler replied yes.

Commissioner Miller said the CC& R’s were agreeable and it seemed like a good place to live.

Debbie Erler said Article 4.1 does not allow guest quarters or mother in law rooms and these would be counted as a separate living unit if they had separate cooking and bathroom facilities. Mr. Yeager said he felt family living together should be allowed, as long as there was no other outside entrance, he went on to say there would be no rental units, period. Mr. Yeager told the Planning Commission that it is their job to do variances, and there cannot be a set of rules to fit every situation.

Chairman Harlan asked if anyone would like to speak in support of the subdivision with no one coming forward.

Chairman Harlan asked if anyone would like to speak in opposition of the subdivision.

Ray Herning, 1910 Timberline, Coos Bay, said 19th Street is still an issue, a real bottleneck and needs a traffic light.

Chairman Harlan closed the public hearing.

Commissioner Hood stated he is concerned about the easement and driveway issue affecting some of the lots. Mr. Yeager asked if he was concerned about someone else's property or a private agreement. He said he could adjust the property lines to avoid an easement and just have a driveway. Debbie Erler said any easement would be part of the plat.

Commissioner Dailey said 19th Street is a traffic issue and barely squeaked by with the new assisted living facility traffic, and this new subdivision further compounds the problem. He said a traffic light at 19th Street might be too close to the light at Woodland Drive.

Commissioner Miller asked why 19th Street is not widened. Debbie Erler said 19th Street is platted to be 60', with the previous traffic study figures and adding to that, the new subdivision, the traffic flow is still well within the standards.

Commissioner Hood said Ocean Blvd will stay 4 lanes, and we are not exceeding traffic per our own study. We can't make anybody fix 19th Street.

Mr. Yeager said he met with city staff to see what improvements could be done to 19th Street, a home is located in the bottom of the canyon on the west. He said the Planning Commission should talk with city staff regarding 19th Street. Debbie Erler said staff recommended tree removal to improve sight distance at 19th Street.

Debbie Erler stated Ron Hoffine, Coos Bay - North Bend Water Board telephoned her today and was comfortable that the developers' requirements will be worked out

MOTION: Commissioner Coles – Accept the Findings of Fact and Conclusions for Decision Criteria 1-3, and recommend the City Council approve Subdivision #ZON2005-00009 allowing the proposed 36-lot subdivision located south of the Westgate subject to the following revised Conditions:

1. *All changes/corrections/additions to the preliminary plat addressed in the County Surveyor's February 16, 2005 letter and the County Assessor's Department, dated February 23, 2005, must be reflected on the final plat prior to approval by the City Council.*
2. *Tehachapi must be improved to the standards of Forest Hills Drive.*
3. *The decision and conditions of Variance #ZON2005-00010 must be reflected on the final plat. Variance #ZON2005-00010 involves the width of the right of way, street pavement and sidewalk.*
For maintenance purposes the curb must be poured separately from the sidewalk.
4. *Sewer main lines which are located outside of the public right of way must have maintenance easements between the property owners who will be utilizing the line. The city is not responsible for maintenance of main lines on private property.*
5. *The final plat must contain a written explanation of the purpose of the area for open space (labeled as "Lot 1" on the tentative map), commonly owned or held for common use, a description of any improvements to be made and a description of the manner in which the area will be perpetuated, maintained and administered.*

The preservation and continued maintenance of property and/or structures commonly owned and/or held for common use shall be guaranteed by a restrictive covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents must be filed with the Department of Community Services before occupancy of any dwelling.

The deed reference number of the document creating the homeowner's association must be referenced on the final plat.

6. *Parking is prohibited on the hammerhead or cul de sac at the east end of Forest Hills Drive.*
7. *The final plat must contain a reference to the deed restrictions included with the application (Conditions, Covenants and Restrictions).*
8. *An emergency vehicle turnaround at the east end of Forest Hills Drive is required: a cul de sac must have a minimum radius of 45 feet, or, a hammerhead must be at least 20 feet by 30 feet in size.*

Fire hydrants must be within 400 feet of each dwelling. The distance from a hydrant is measured on the path of vehicular access. Each hydrant must have a minimum flow of 1,000 gallons/minute and be located on the side of the street where no parking is allowed.

9. *Only one single-family-dwelling is permitted on each lot of the subdivision. No duplexes or land divisions are permitted.*
10. *Clarification of legal access to Lots 12, 13 and 14 is required prior to submittal of final plat.*

SECOND: Commissioner Miller
VOTE: Unanimous

COMMISSION COMMENTS

Commissioner Coles said 10th street has a real problem with traffic.

Commissioner Berg asked about the fish tank located on the on boardwalk, he said it looks goofy. Chairman Harlan said he should bring that matter to the City Council.

Commissioner Hood said he was perplexed at the rush to judgment on this subdivision. He said the last subdivision took four months to decide. He said this seems all of a sudden and a little rushed, stating the map the Planning Commission received was not sufficient. He thought this is being shoved through the system. Commissioner Hood asked if we are going to walk away from the standards every time someone wants to change something, he said this was a second hand application from the start.

Commissioner Berg felt there were unanswered questions about the traffic study and asked if city staff is evaluating this when applications are submitted.

Commissioner Hood asked if staff is getting information correct to begin with or depending on applicant to supply all information.

Commissioner Daily said he feels the Planning Commission does not take a “negotiate” stance, when we can for the city, and force developers to do something. Expense is not supposed to be criteria of ours. We should have held this man liable to do something such as widen 19th Street. We need to take a position and let them fight back. Regarding the TSP, we listened to all information and then we ignore their advice and stick with the same thing.

Commissioner Hood asked City Manager Scott McClure about the Ocean Blvd re-striping project. Mr. McClure replied the city really got hammered on the perception of traffic and people thought Ocean Blvd. would be backed up for blocks and you would not even be able to get on to Ocean Blvd. after getting hammered enough on it, the Council just went with the current 4 lanes.

Commissioner Miller said he thinks it’s a mistake to give away the right of way; it will come back and bite later. Let people use it for landscaping or whatever, but the City should never give away the right of way.

Commissioner Hood said we don’t do planning anymore, property is being developed left and right; we just process the land use. When you allow development to occur you need to have both high and low income housing. People with lots of money are wiping out low income housing. Periodic reviews are swept under the carpet. Social issues need to be recognized.

City Manager Scott McClure suggested the Planning Commission hold a separate work session outside this format. He also stated it would have been highly reasonable to not make a decision on the subdivision tonight.

ADJOURNMENT 10:15 p.m.

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

ATTEST: _____
Julie LaPraim, Planning/Code Specialist
City of Coos Bay

APPROVED AS REVISED MAY 10, 2005

G:\DCS\PLANNING\MINUTES PC\2005\M03-08-05d.doc