

**CITY OF COOS BAY
PLANNING COMMISSION MINUTES**

Tuesday, June 14, 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: Laura Barron, Planning Administrator
Debbie Erler, Planning/Code Spec.

SIGNED-IN GUESTS: Kevin Jones, 1210 Oak Patch Rd., Eugene
John Phimister, 12545 SE Mill Ct., PDX
Starr Sacket, 961 Salmon Ave., Coos Bay
Mike Isbell, 957 Salmon Ave., Coos Bay
Mary Goodrich, 977 Salmon Ave., Coos Bay
Nancy Warrick, 1965 28th St., Coos Bay
Ralph Mohr, 1165 Ferguson, Coos Bay
Allen Potter, 649 Oakwood Dr., Eagle Point, OR 97524
Howard Crombie, 1245 Fulton Ave., Coos Bay
Bob Towe, Eugene

APPROVAL OF MINUTES

Approval of Planning Commission minutes for May 10, 2005.

MOTION: Commissioner Daily - Approve Planning Commission minutes of May 10, 2005 as submitted.

SECOND: Commissioner Berg

VOTE: Unanimous

CCI/PUBLIC COMMENTS

PUBLIC HEARINGS

ITEM A: Architectural Design Review (ZON2005-00031): Kristen Lochen, ES&A Sign & Awning, 1010 Oak Patch Road, Eugene. The applicant, representing WSCO Petroleum, is proposing to replace the existing pole sign, canopy logos and colors at the gas station located at 997 Newmark Avenue. The site lies in the Empire Waterfront Settlement Design Review area.

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 and summarized the HDRC's recommendation.

Kevin Jones of ES&A Sign & Awning, 1010 Oak Patch Road, Eugene, representing WSCO Petroleum stated he attended the HDRC meeting of May 10, 2005 and the only items that appeared to be of concern was the illumination of the pole mounted sign. He stated that the proposed signage should be approved.

Chairman Harlan stated he believes the sign could be externally lit with mounted lighting and ground lighting. He stated the proposed sign does not contain any elements outlined in the design standards. He added that he understands the company has color and logo standards, but there should be an effort to comply with the outlined design standards.

Mr. Jones stated they are looking for lighting, but that a lot of signs in the area are internally lit. Commissioner Hood stated that signage existing prior to the adoption of the design standards are subject to the review only when they are replaced.

Mr. Jones stated that he suggested at a previous HDRC meeting that more guidance be offered to applicants. Chairman Harlan stated the design standards clearly outline what is acceptable and not acceptable.

Commissioner Hood stated that the station owners need to make an effort to comply with the design standards.

John Phimister, WSCO, 12545 SE Mill Ct., Portland, Oregon, stated they understand the design criteria. He said they find that exterior lighting tends to be vandalized. They are willing to do what they can to comply. He stated they would be willing to do something else in the line of signage that would meet the design standards or introduce the district. They are willing to do the landscaping as required.

Commissioner Berg asked what the City is doing to help the applicants comply with the ordinance.

Commissioner Daily stated the proposed sign does not contain any elements that reflect the design standards.

Chairman Harlan stated that while the Commission can not design the sign for the applicant, if they added a wood fascia encasing the pole, made changes to the face of the sign and provided exterior lighting, it would be more in compliance.

Chairman Harlan closed the public hearing.

MOTION: Commissioner Hood – Continue the hearing on Architectural Design Review #ZON2005-00031 to the July 12, 2005, allowing the applicant time to submit plans that comply with the Empire Waterfront Settlement Design Review area.
SECOND: Commissioner Coles
VOTE: Unanimous

ITEM B: Architectural Design Review (ZON2005-00038): Mark McPeek, 985 Newmark Avenue, Coos Bay. The applicant is proposing a new gymnasium to be located on the east side of the existing Bay Area Athletic Club building. The site lies in the Empire Waterfront Settlement Deign Review area. Mr. McPeek has requested a continuance to the July 12, 2005 hearing.

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 request for a continuance to the July 12, 2005 hearing.

Mike Isbell, 957 Salmon Avenue, Coos Bay stated he does not have a problem with the proposed expansion. He said the site is only cleaned up about once a year and the brush is over grown. He added that transients camp out on the property. He added that the existing pool building is in disrepair.

Chairman Harlan closed the public hearing.

MOTION: Commissioner Coles – Approve the request for a continuance for Architectural Design Review (ZON2005-00038) to the July 12, 2005 hearing, to allow the owner time to submit the required information.
SECOND: Commissioner Hood
VOTE: Unanimous

ITEM C: Plan Amendment and Rezone (ZON2005-00035): Mr. and Mrs. Wain Warrick, 1965 N. 28th Street, Coos Bay. The applicants are requesting approval to redesignate .21 acres located 200 feet north of the northwest corner of the intersection of Ocean and N. 28th Street from "General Commercial (C-2)" zoning to "Single-family, Duplex Residential and Certified Factory Built Home (R-6)" zoning. At the same time change the plan designation from "Commercial (C)" to Residential Low-density (R-L)."

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 Hood declared a conflict of interest. His company had recently worked with the applicant.

Chairman Harlan opened the public hearing.

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

Nancy Warrick stated by improving the lot they will be paying more taxes.

Commissioner Berg stated that due to the size and the location of the lot, the rezone makes sense.

Chairman Harlan closed the public hearing.

MOTION: Commissioner Coles - Accept the Findings of Fact and Conclusions for Decision Criteria 1-5 and recommend City Council approve the zone change portion of application #ZON2005-00035 allowing the subject property to be rezoned from "General Commercial (C-2)" zoning to "Single-family, Duplex Residential and Certified Factory Built Home (R-6)" zoning.

SECOND: Commissioner

VOTE: Unanimous

MOTION: Commissioner Coles – Accept the Findings of Fact and Conclusions for Decision Criteria A-D, and recommend City Council approve the Plan Amendment portion of application #ZON2005-00035 allowing the subject property to be changed from "Commercial (C)" to "Residential Low-density (R-L)."

SECOND: Commissioner Daily

VOTE: Unanimous

ITEM D: Plan Amendment and Rezone (ZON2005-00028): Scott McNutt, PO Box 1248, Coos Bay. The applicant is proposing to redesignate the property located at 1052 Southwest Boulevard from low-density residential plan and zone designation to commercial plan and zone designation.

Chairman Harlan opened the public hearing.

Laura Barron stated that the City received notice from The World that the notice was not published as requested by the City. Therefore, the required notice was not given and the request can not be heard. The request will be included in the Planning Commission packet of July 12, 2005.

ITEM E: Conditional Use (ZON2005-00045): Robert Towe, KEZI, Inc., PO Box 7009, Eugene, OR 97401. The applicant is proposing to site satellite broadcasting operations, including a microwave antenna, a utility facility and service, at 840 Central Avenue which lies in the "Residential Professional (R-4P)" 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.

Chairman Harlan opened the public hearing.

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

Bob Towe stated they are requesting to site a monopole on the subject property. He said the pole is needed to transmit over the adjacent building.

Commissioner Daily asked what would be the possibility of using "broadband" or "T1" connection. Mr. Towe stated that "T1" connection is not cost effective and broadband is not effective to cover the target areas. They plan to use a smaller dish that should be less than 6 feet in diameter on a pole less than 30 feet in height, but they want to cover all possibilities.

Commissioner Berg what is the effect on the surrounding residents. Mr. Towe stated that there should be no change. He added that it is only a 2-watt device which does not even affect a bird.

Commissioner Miller asked if trees in the area would cause problems.

Chairman Harlan closed the public hearing.

Laura Barron noted the following correction to Finding 2c and 4b: *Reference to the buildings square footage should be changed to 1500 square feet from 1440 square feet.*

Laura Barron noted that Finding 2b should be changed to read: *"The proposed satellite broadcast operation will use the existing building. A microwave antenna, a maximum of 6 feet in diameter, will be sited on the east side of the building. The antenna will be mounted on a monopole which will be a maximum of 30 feet above grade. The applicant states that the mast and dish will be located as far to the rear of the building as possible, while maintaining line-of-site to the receiving facility tower on Noah Butte outside of town."*

MOTION: Commissioner Coles – Accept the Findings of Fact and Conclusions for Decision Criteria 1-4 as revised, and approve Conditional Use application #ZON2005-00045 allowing the siting of a satellite broadcasting operations (Utility Facility and Service), including a microwave antenna on a monopole that is less than 30 feet above grade and with an antenna less than 6-feet in diameter in the "Residential Professional (R-4P)" zoning district.

SECOND: Commissioner Daily

VOTE: Unanimous

ITEM F: Variance (ZON2005-00043): Mr. and Mrs. Ralph Mohr, 1165 Ferguson, Coos Bay. The applicants are requesting approval of a variance to the lot coverage requirement in the R-2 zoning district in order to add to the existing dwelling.

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.

Commissioner Hood stated he lives in the area and received notice. He does not feel that would affect his ability to make an impartial decision..

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

Commissioner Daily asked how the garage was allowed to be built if it put the lot over the allowed lot coverage.

Ralph Mohr, 1165 Ferguson, Coos Bay, stated they had a carport that was replaced by the garage on the existing slab.

Commission Berg asked how the addition would be used. Mr. Mohr stated it would be a bathroom.

Chairman Harlan closed the public hearing.

The Planning Commission discussed current uses in the area.

MOTION: Commissioner Coles – Accept the Findings of Fact and Conclusions for Decision Criteria 1-3, and approve Variance application #ZON2005-00043 allowing a variance to the lot coverage requirement of the R-2 zoning district for the construction of a 4' X 12.5' bathroom addition.

DISCUSSION: Commissioner Daily stated they currently exceed the allowed lot coverage, and the conclusions have no rational bearing to the findings. Open space is needed for the future owners.

Commissioner Hood stated the lots in the area are smaller and 1500 square feet is not unreasonable.

SECOND: Commissioner Hood

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

ITEM G: Conditional Use (ZON2005-00036): Edge Wireless, LLC, 650 SW Columbia, Ste 7200, Bend, OR 97702. The applicant, represented by Allen Potter, Eagle Consulting Group, 649 Oakwood Drive, Eagle Point, OR 97524, is requesting approval to site a cell tower and equipment building, a utility facility and service, in the R-2 zoning district, south of the eastern terminus of Fulton Avenue in close proximity of the municipal water tank.

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 Hood stated his firm has worked with the Coos Bay/North Bend Water Board and the Confederated Tribes in pursuing the easement to the Pacific Crest development. He added that at no time did he work for Edge Wireless and he does not feel it would effect his decision.

Chairman Harlan opened the public hearing.

Laura Barron read the disclosure statement and outlined the applicants' request, including information presented to the Planning Commission just prior to the hearing.

Allan Potter, 649 Oakwood Drive, stated the "Staff Report" is accurate. The application is not just for a cell tower, but for a communication site. This tower will allow co-location, for up to three other companies. He added that FCC reported that the number of cell phone numbers issued increased and the number of issued land line numbers fell. He said everyone uses cell phones and this site would provide value to the area including police and fire locating their equipment on the tower. The site is needed to cover for gaps in coverage in the area (showed two large maps. Small versions were included with the Staff Report.)

Bruce Parrot, Eagle Consulting, 649 Oakwood, stated they looked at five other sites. He said the problem area can not be covered by other sites. They did have a North Bend site under review but there were access issues due to the surrounding sand dunes. The proposed site provides better coverage for SWOCC.

Mr. Potter addressed the Confederated Tribes compatibility issues. He stated the use is passive; it is an unmanned site; there is no noise or pollution and would not disturb or impact other properties or uses. He said the concerns regarding safety factor in the mentioned articles is regarding cell phones, the article does not discuss towers.

Mr. Potter (*Continued*) The standard of safety has been met; three sectors of the antenna are at .04 percent of the standard. They have two options for lighting the tower as outlined in the staff report regarding FAA conditions. They can light the tower and paint the tower red and white; or have a dual lighting system. He said option two is the less intrusive and provides the needed safety.

Commissioner Hood asked about night time lighting and how it will affect abutting residents. Mr. Potter stated the lights are not intended to light the surrounding area; it is to draw the attention of the pilot. He said Blossom Gulch has a lit tower and it does not light the ground it is a beacon to alert a pilot.

Commissioner Daily stated you can see a tower no matter what direction you look.

Mr. Potter again stated the need for co-location to reduce the number of towers.

Commissioner Miller stated he has done maintenance on tower sites in the area and most sites are in disrepair. He suggested strict landscape requirements and required maintenance and repair of the fences and utility boxes. He added the surrounding area is going to be developed and you need to minimize the visual impact to the surrounding residents. The site could be cleaned up and made more appealing to the neighbors.

The Commission discussed future development of surrounding properties.

Commissioner Hood asked if once a tower is located on a site, do companies that want to locate on the tower have to go through this process. Laura Barron stated that once a site is approved no additional approval is needed.

Commissioner Daily stated traffic to a site like this is minimal and he is not concerned about the site if it is not visible.

Mr. Potter stated they do not have a problem with landscaping, and only two additional companies would be located on the tower with Edge Wireless.

Mr. Potter stated the area is currently fenced and has surrounding vegetation.

Commissioner Daily asked if there were existing towers that could cover the area intended to be covered by new site. Mr. Potter stated none of the existing towers cover the area.

Howard Crombie, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, 1245 Fulton Ave., Coos Bay, stated the Confederated Tribes use Edge Wireless, but they are concerned about the emission from the site. He stated their sources indicate the statements in Finding "4d" are incorrect that there is a consensus in the scientific community that the power from these mobile phone base station antennas are too low to produce health hazards. He read from a prepared statement outlying their concerns regarding the site of the proposed use. The precautionary principles which states "*Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measure to prevent environmental degradation.*" The Confederated Tribes specifically request that the Planning Commission deny the request for a Conditional Use permit. They assure everyone that they are very open to considering proposals for sites located a greater distance from the Tribes seat of government, dental clinic, and planned site for Elders Housing have been identified and assessed. He also stated that the traffic to the site is not a concern.

Commissioner Daily asked if the problems increase the closer you are to the site. Mr. Potter stated the intensity decreased as the distance increases.

Commissioner Daily stated that if you can not tell the Commission what is a safe distance, how is the Commission to make a determination. Mr. Potter stated that none of the five sites under review by the applicant were in North Bend.

Commissioner Hood stated it is very difficult to properly review information of this complexity when it is submitted on the day of the hearing.

Commissioner Berg asked what the distance is from the tower to the building. Mr. Potter stated it is about 1,000-feet.

The applicant and the Commission discussed the axis of the rays. Mr. Potter explained the vertical and horizontal pattern and stated that their web site explained the information in detail.

Commissioner Hood asked what is done in the large cities. Mr. Potter stated they are able to direct the signal from the roof tops. Commissioner Hood asked if they have multiple sites in the cities. Mr. Potter stated that there are a large number of sites in cities, but even with multiple sites the emission levels are well below the standard.

Commissioner Miller asked about how it compares to land lines. Mr. Potter explained that a cell phone is 6/10 of a watt and that a hand set has the ability to raise the power in a low signal area and lower the power in area coverage.

Mr. Potter stated that this facility is well below the FCC limits. This facility is not a safety hazard.

Chairman Harlan suggested a continuance to allow an impartial review of the information provided.

Mr. Parrott stated Congress has ruled that local jurisdictions can not consider health hazards in siting a cell tower.

Mr. Howard requested that the record be left open for submittal of additional information. Chairman Harlan closed the public hearing.

Commissioner Daily recommended a continuance.

The Planning Commission discussed the Decision Criteria and possible health issues. They recommended staff have legal counsel interpret the meaning of Decision Criteria 4d *"The proposed use will not have an adverse physical effect on the development or use of abutting property"*; and Congress' ruling that local jurisdictions can not consider health issues when making a decision.

- MOTION:** Commissioner Daily – Continue the hearing of Conditional Use application #ZON2005-00036 to the July 12 2002 Planning Commission hearing.
- SECOND:** Chairman Harlan
- DISCUSSION:** Commissioner Hood – Suggests the City have legal counsel make an interpretation of Decision Criteria "4d".
Commissioner Daily – We may draw the conclusion that concerns are a "Not in my back yard" issue.
- VOTE:** Yes – Chairman Harlan, Commissioner Berg & Daily
Nay – Commissioner Miller and Hood.

ITEM H: Variance (ZON2005-00037): Edge Wireless, LLC, 650 SW Columbia, Ste7200, Bend, OR 97702. The applicant, represented by Allen Potter, Eagle Consulting Group, 649 Oakway Drive, Eagle Point, OR 97524, is requesting a variance to the height limitation of a structure in the R-2 zoning district in order to site a 120-foot-high cell tower.

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.

Chairman Harlan closed the public hearing

MOTION: Commissioner Daily – Continue the hearing for Variance application #ZON2005-00037 to July 12, 2005 to allow the applicants time to address issues raised during the Conditional Use hearing.
SECOND: Commissioner Miller
VOTE: Unanimous

ADMINISTRATIVE

Laura Barron reminded the Commission that starting in July 12, 2005 the Planning Commission meetings will begin at 6:00 p.m. rather than 7:00 p.m.

COMMISSION COMMENTS

ADJOURNMENT 10:10 P.M

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

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

APPROVED AS REVISED 7-12-05

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