

**CITY OF COOS BAY  
PLANNING COMMISSION MINUTES**

Tuesday, March 14, 2006  
6:00 P.M. CITY COUNCIL CHAMBERS

**ATTENDANCE**

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

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

**SIGNED-IN GUESTS:** Herbert Kinney, 1580 Myrtle Avenue, Coos Bay  
Darlene Thauland, 895 Oakway, Coos Bay  
Craig Beyer, 2187 16<sup>th</sup> Street, North Bend  
Steve Auer, 1200 Ingersoll, Coos Bay  
Earl Croucher, 1587 Johnson, North Bend

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**APPROVAL OF MINUTES**

Approve Planning Commission minutes for February 14, 2006.

**MOTION:** Commissioner Coles - Approve Planning Commission minutes of February 14, 2006 as submitted.  
**SECOND:** Commissioner Hood  
**VOTE:** Unanimous                      **ABSTAIN:** Commissioner Miller

**CCI/PUBLIC COMMENTS**

**PUBLIC HEARINGS**

**ITEM E: Partition II (ZON2006-00010):** Richard Ward Associates, 1312, Foster Way, Grants Pass, OR 97526. The applicant, representing landowner Chun-Mei Hong, et al, is requesting approval to subdivide approximately 17 acres of a 28 acre parcel into 49 residential lots (Bay Ridge Phase I). The property is located west of the western terminus of Johnson Avenue. The applicant has requested a continuance to the Planning Commission hearing of April 11, 2006.

**ITEM F: Variance (ZON2006-00012):** Richard Ward Associates, 1312 Foster Way, Grants Pass, OR 97526. The applicant, representing landowner Chun-Mei Hong, et al, is requesting approval to allow 28-foot-wide paved streets for proposed subdivision, Bay Ridge Phase I, except for the extension of Johnson Avenue which will be paved to 36 feet in width. The subject property is located west of the western terminus of Johnson Avenue. The applicant has requested a continuance to the April 11, 2006 Planning Commission hearing.

**ITEM G: Conditional Use (ZON2006-00011):** Richard Ward Associates, 1312, Foster Way, Grants Pass, OR 97526. The applicant, representing landowner Chun-Mei Hong, et al, is requesting approval to site 49 single-family dwellings in the Bay Ridge Phase I proposed subdivision. The property is zoned "Multiple Residential (R-3)" and is located at the western terminus of Johnson Avenue. The applicant has requested a continuance to the April 11, 2006 Planning Commission 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 stated staff encouraged the applicant to request a continuance to their request for the subdivision, Conditional Use and Variance, due to multiple mapping problems and additional information needed before the Planning Commission hears the requests. The applicant has requested a continuance to the April 11, 2006 Planning Commission hearing.

Commissioner Hood asked if the hearing should be opened to allow anyone in the audience to speak. Mrs. Barron stated she will send notice of the new hearing date.

Chairman Harlan closed the public hearing.

**MOTION:** Commissioner Coles – Continue the hearing on Partition II application #ZON2006-00010; Variance application #ZON2006-00012; and Conditional Use application #ZON2006-00011 to the April 11, 2006 Planning Commissioner hearing  
**SECOND:** Commissioner Daily  
**VOTE:** Unanimous

**ITEM A: Continuation of Conditional Use (ZON2006-00006):** Christ Lutheran Church and School, 1835 N. 15<sup>th</sup> Street, Coos Bay. The applicant is proposing to site a modular structure to be used for two classrooms in conjunction with the existing school (Continuation from February 14, 2006.)

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 updated the applicant's request, including letters from the church to parents and church members regarding the use of the parking lot and safe driving. She stated staff is suggesting conditions that a parking lot permit be required and notice be sent to the parents and church members as necessary about the use of the parking lot. Mrs. Barron stated she received a letter signed by nine neighbors which she read into the record (*Exhibit 1*). The letter expressed concern about the loss of the playground; the unacceptable parking lot plan and the hazardous left hand turn from Myrtle Avenue on to North 14<sup>th</sup> Street

Darlene Thauland, 895 Oakway, Coos Bay, Principal of Christ Lutheran School, asked if the Planning Commission had any questions. She stated they submitted a parking lot plan and have visited with the neighbors regarding their plan.

Commissioner Berg asked how many people parked at the school. Mrs. Thauland stated there is 12 full-time staff.

Commissioner Harlan asked what the plans to provide a designated playground area are. Mrs. Thauland stated there is an area on the east side of the building that is flat; it could be further developed into a playground for the pre-school and kindergarten children. All other students use the parking lot area. She stated they place a barricade across the driveway during recess. Chairman Harlan stated if the children are using the parking lot as a playground then vehicles will not park in the parking lot.

Commissioner Hood asked where employees park. Mrs. Thauland stated most of the staff park on 15<sup>th</sup> Street, one person parks on Myrtle Avenue. She stated that now that they know it poses a problem they will designate a portion of the north end of the parking lot for employee parking.

Commissioner Daily asked if the playground will be for staff parking. Mrs. Thauland stated they will be encouraged to use that area. Commissioner Hood asked if it could be required to help relieve on street parking congestion. Mrs. Thauland stated they could require employees to use that area. Mrs. Thauland stated they would notify parents and staff to use the parking lot. She added they could have a "Stop" sign placed at Nutwood and North 15<sup>th</sup> Street. The area is posted as a school zone but some people do not obey the speed limit.

Commissioner Hood stated as a private school you have some say about requiring parents to comply with a parking plan. We all know people are going to take the easiest way. He said the school needs to require a certain circulation pattern. Parents can be required to drop-off within the parking lot and not on the street. He stated the streets in the area are not overloaded. He added he would recommend a one-way entry with the exit off Nutwood. He would like to see a stop sign at the top of the Nutwood. He asked Mrs. Thauland to verify that the children are not dropped off on the street. Mrs. Thauland stated the children are not dropped off on the street.

Chairman Harlan stated he is concerned about the four proposed parking spaces as you enter off Myrtle Avenue. His concern is that people will be crossing traffic entering the site. He suggested the spaces be moved to along the building.

Commissioner Berg stated if you put the staff parking on the north end of the north end of the development and you have 16 spaces at south end of the development there are still 13 spaces available and no one should have to park on the street.

Herbert Kinney, 1580 Myrtle Avenue, Coos Bay stated the neighborhood does not have a problem with the church or the school, they just think it should not expand further. He said the neighborhood is fine with the current size.

Commissioner Hood asked what the facilities maximum capacity is. Mrs. Thauland stated the maximum capacity is 175 and they are currently at 163.

Archie Spurgeon, 1850 N 15<sup>th</sup>, Coos Bay stated they have had no real problems with the school, but there are times when the cars back up and driveways are blocked. He said sometimes the children run around the block for exercise. He said there were 20 cars on 15<sup>th</sup> Street today. He added they come in droves and they line up on Myrtle and 15<sup>th</sup> during drop-off and pick-up.

Commissioner Hood asked if the classes are staggered. Mrs. Thauland stated preschool and kindergarten are from 9:00 a.m. to 3:00 p.m. (a.m. and p.m.) Kids start arriving at 6:50 a.m. The first to seventh grades are from 9:00 a.m. to 3:30 p.m. and they have after-care to 6:00 p.m. Mrs. Thauland stated there are four staff member that help get the children to the vehicles and by 3:40 p.m. almost all the children have left the property.

Commissioner Hood asked if the school would be willing to limit the number of students to 175. Mrs. Thauland stated they would be willing to limit the number of students to 175.

Laura Barron stated that at the February meeting it was stated that the maximum number of students would be 196. Mr. Thauland stated they would never get to that number. Laura Barron confirmed that the maximum number of students would be 175. Mr. Thauland agreed.

Sara Kinney, Myrtle Avenue stated that this is a rapidly growing school. It is already an unsatisfactory situation. If it is already overburdening the area, why allow them to increase?

Commissioner Marineau asked Commissioner Hood if it was his intent was to limit the number of children and require on-site parking. Commissioner Hood stated that was is intent.

Chairman Harlan stated the property is long and narrow and he is concerned that the combined use of the parking lot as a playground discourages parking in the parking lot. He said the amount of traffic on the street is probably expectable if staff would use the parking lot.

Commissioner Coles stated she would like to see a "Stop" sign at the top of Nutwood.

Commissioner Miller stated he has a problem with the parking lot. He said some of the spaces (space 23 & 15) limit access and could create a hazard.

Commissioner Berg stated the only time the parking lot is a problem is during church. The school only has 12 staff and the south lot can accommodate over that amount.

Commissioner Daily stated staff is not using the parking lot because it is a playground. He said if staff would use the south end parking lot it would solve that problem. He said the big issue is time during drop-off and pick-up.

Commissioner Hood stated his mother lives in the area; he travels that area a lot and has never seen a real problem.

Chairman Harlan closed the public hearing.

**MOTION:** Commissioner Coles - Edit the Conclusion to Decision Criteria 2 to include item 2f "A stop sign at the exit on N. 15<sup>th</sup> Street is required."  
Add the following Conditions:

5. *Staff is required to park on-site, that is, off of the public street, preferably in the south parking area.*

6. *Total enrollment of the school is limited to 175 students.*

**SECOND:** Commissioner Berg  
**VOTE:** Unanimous

**MOTION:** Commissioner Coles - Accept the Statements of Fact, Findings, Conclusions and Conditions of Decision Criteria 1-4 as revised and approve Conditional Use application #ZON2006-00006 allowing the Christ Lutheran Church and School at 1835 N. 15<sup>th</sup> Street, Coos Bay to site a modular structure to be used for two classrooms in conjunction with the existing school.

**DISCUSSION:** Chairman Harlan stated he believes that the use has expanded beyond the size of the site. He is concerned about the traffic and the inadequacy of the site.

Commission Daily stated the biggest problem is deciding when to move to another location because you've overgrown the existing location. He added he does not think the site could accommodate a high school.

**SECOND:** Commissioner Berg  
**VOTE:** Yea - Commissioner Berg, Coles, Hood, Marineau and Miller  
Nay - Chairman Harlan; Commissioner Daily

The Planning Commission determined that because the issues, testimony and evidence relating to the Conditional Use, Variance and SPAR are comparable the hearing on all three applications will be opened in order to avoid repetition.

**ITEM B: Conditional Use (ZON2006-00016):** Verizon Wireless, 12815 133<sup>rd</sup> Place NE, Kirkland, WA 98034, is requesting approval to site a monopole cell tower and related radio equipment shelter at 1875 Seagate Avenue.

**ITEM C: Variance (ZON2006-00019):** Verizon Wireless, 12815 133<sup>rd</sup> Place NE, Kirkland, WA 98034, is requesting approval of a Variance to the 35-foot or three (3) stories height limitation requirement in order to site an 80-foot high monopole at 1875 Seagate Avenue.

**ITEM D: Site Plan and Architectural Review (ZON2006-00018):** Verizon Wireless, 12815 133<sup>rd</sup> Place NE, Kirkland, WA 98034, is requesting approval of an 80-foot-high monopole cell tower and shelter for related radio equipment at 1875 Seagate Avenue in the "Restricted Waterfront Residential (R-W)" zoning district.

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

Chairman Harlan opened the public hearings.

Laura Barron read the disclosure statement and outlined the applicant's request. Mrs. Barron stated we received a letter from the North Bend Municipal Airport which indicated a maximum allowed height of 70-feet. She stated the report has been revised to reduce the maximum height of the pole to 70-feet and include the FAA conditions. Debbie Erler added that she spoke with Gene Cossey of the North Bend Municipal Airport just before the hearing. He indicated he spoke with flight protocol personnel and that while they are withdrawing their objection to the placement of the tower, they will be watching to verify that the tower is placed exactly as approved; no deviation in any direction will be allowed as it could create a safety hazard if not placed as approved. He stated they will submit written verification. Laura Barron outlined the information provided to the Planning Commission Exhibit 1- Revised Staff Report; Exhibit 2 - Revised ERK engineered drawing from Verizon; Exhibit 3 - Letter of March 9, 2006 from Joe Stonecypher. Mrs. Barron outlined Mr. Stonecypher's concerns.

Commissioner Miller asked if Seagate was vacated. Laura Barron stated it appears that the Seagate right-of-way ends at the south end of the property.

Mr. Ted McLean, representing Verizon of Kirkland Washington, stated that this site is one of twelve sites being developed by Verizon. He said this entire area will be receiving attention to help improve service. The monopole would be placed as far north as possible to make it as discreet as possible. He said they have spent months reviewing different sites. He added that they pursued three or four sites, but they could not be secured. He concluded that the limitation of 70-feet is adequate to provide service. Mr. McLean stated this site will tie into one across the bay. He stated he checked with the airport industrial area and they turned them down flat. They said they were not interested.

Chairman Harlan stated that Mr. McLean answered the question he had regarding checking out other sites.

The Commissioners discussed that the best place for the tower would be in the industrial area of the airport.

Commissioner Hood asked if Verizon has reception in the area. Mr. McLean stated the reception is not consistent. Mr. McLean stated the first choice is always to co-locate on existing towers. He said they tried to co-locate on the SWOYA tower. He said that in this area there is not very much time left for Verizon to get coverage. This tower would only be for two users, but as new technology comes up you need to increase the strength of the site. The proposed site will allow for upgrades. Mr. McLean stated his responsibility is to comply with the City ordinances.

The Commission discussed other towers in the area with Mr. McLean.

Earl Croucher, 1587 Johnson North Bend stated he owns the property abutting the proposed tower site. He said they were planning to build a retirement home on the property. He said that is why they bought the property, but he would have a direct view of the 70-foot tower. He said property owners to the east will also have a direct view of the tower.

Commissioner Daily asked if it is the unsightliness of the tower that he objects to. Mr. Croucher stated yes and he has a drastic objection to the tower.

Chairman Harlan closed the public hearings.

Commissioner Marineau stated the criteria addresses physical effects. The placement of the tower will not preclude the abutting owner from developing his property.

Commissioner Hood stated "physical effect" is intended to include slides and related effects. He said he does not know what to do about cell phone towers.

Laura Barron read the legal option from City Attorney Nate McClintock (copy attached) defining "Adverse Physical Effect" dated June 27, 2005. He indicates that the adjoining property must suffer or incur some type of physical ramification as a result of the proposed use, which in turn adversely affects the ability to develop or use the adjoining property. An example may be the blocking of the sun, pollution, altered drainage of surface water on the adjoining property. It is not sufficient that the adjoining property suffer some type decrease in value as a result of the proposed use; or that the adjoining owner does not like the appearance of the structure that is to be built on the subject property.

The Commissioner further discussed possible physical effects.

Commissioner Daily stated we could create an ordinance that would prohibit cell phone towers in residential zones.

Commissioner Berg stated that there are 100 home sites in North Bend that will be looking at the tower.

Commissioner Daily asked staff on what basis did the City Council overturn the Planning Commission's approval of the cell phone tower off Fulton Avenue. Mrs. Barron stated the tribe was well represented and they discussed their cultural and spiritual values that would be impacted by the facility and their future elder housing that could be affected.

Commissioner Hood stated that making the decision on the "spiritual value" basis seems pretty broad based and sets a precedence for future applications.

Chairman Harlan stated it sounds like the City Council does not agree with the City Attorney's interpretation of "Adverse Physical Effect".

- MOTION:** Commissioner Marineau - Accept the Statements of Fact, Findings, Conclusions and noted FAA Conditions of Decision Criteria 1 through 3 including reducing the tower height to 70-feet and approve **Conditional Use application #ZON2006-00016**, allowing Verizon, to site a monopole cell tower and related radio equipment shelter at 1875 Seagate Avenue as proposed.
- SECOND:** Commissioner Coles
- DISCUSSION:** Commissioner Hood stated our job is to look at the ordinance and he does not see anything in the Decision Criteria that would restrict the use.
- VOTE:** Yea - Commissioner Marineau, Miller and Hood  
Nay - Chairman Harlan, Commissioner Daily and Berg

Laura Barron again outlined the applicant's request, including the FAA findings and Mr. Stonecypher's letter.

Commissioner Marineau stated Decision Criteria 1A needs to be amended.

Commissioner Daily stated that he does not agree with Commissioner Hood that we must strictly adhere to the Decision Criteria. We may regret the impact these towers have on our community.

The Commission discussed the Decision Criteria for the Variance. Commissioner Marineau stated the airport property is only 200 to 300 feet from the subject property and it is property zoned for the proposed use. The Commission wonders why the airport would not allow the tower on airport property.

**MOTION:** Commissioner Marineau - Remove the last sentence in Finding 1a for Variance application #ZON2006-00019; Add Finding 1b *"There is public property nearby (airport industrial park), suitably zoned, that would be more appropriate for this particular use."*; and change the Conclusion to read *"The decision criterion has not been adequately addressed and approval of the proposal cannot be supported."*

**SECOND:** Commissioner Berg

**VOTE:** Unanimous

Mr. McLean asked what happens if we go back to the airport and they say no again.

Commissioner Hood stated the applicant has the opportunity to appeal the decision.

**MOTION:** Commissioner Marineau - Accept the Statements of Facts, Findings and Conclusions of Decision Criteria 2 for Variance application #ZON2006-00019 as submitted.

**SECOND:** Commissioner Coles

**VOTE:** Yea - Chairman Harlan, Commissioner Coles, Hood, Marineau and Miller  
Nay - Commissioner Berg and Daily

**MOTION:** Commissioner Marineau - Accept the Statements of Facts, Findings and Conclusions of Decision Criteria 3, with the addition of Finding 3g *"At the Planning Commission hearing on March 14, 2006, Mr. Earl Croucher testified that the tower would detract from the use and value of his property which lies immediately south of the project site (Tax Lot 200)."*

**SECOND:** Commissioner Coles

**VOTE:** Yea - Chairman Harlan, Commissioner Berg, Coles, Daily, Hood and Marineau  
Nay - Commissioner Miller

**MOTION:** Commissioner Coles - Deny **Variance application #ZON2006-00019** based on the revised Statements of Facts, Findings and Conclusions of Decision Criteria 1 and 3.

**SECOND:** Commissioner Marineau

**VOTE:** Unanimous

Laura Barron read intent of R-W zone.

- MOTION:** Commissioner Coles – Amend the Conclusion of Decision Criteria 1 for Site Plan and Architectural Review #ZON2006-00018 to read *“The height and visual impacts are not compatible with the site and surroundings. The decision criterion has not been adequately addressed and approval of the proposal cannot be supported.”*
- SECOND:** Commissioner Berg
- VOTE:** Yea - Chairman Harlan, Commissioner Berg, Daily, Coles, Hood and Marineau  
Nay - Commissioner Miller
- MOTION:** Commissioner Marineau - Accept the Statements of Facts, Findings and Conclusions of Decision Criteria 2 through 6 as submitted.
- SECOND:** Commissioner Hood
- VOTE:** Yea - Chairman Harlan, Commissioner Berg, Coles, Hood, Marineau and Miller  
Nay - Commissioner Daily
- MOTION:** Commissioner Coles - Accept the Statements of Facts, Findings and Conclusions of Decision Criteria 7 as submitted.
- SECOND:** Commissioner Berg
- VOTE:** Yea - Chairman Harlan, Commissioner Berg, Coles, Hood, Marineau and Miller  
Nay - Commissioner Daily
- MOTION:** Commissioner Marineau - Add Finding 8b to Decision Criteria 8 *“The Variance to the height limitation of 35 feet in the “Restricted Waterfront Residential (R-W)” has been denied by the Planning Commission.”* Change the Conclusion to read *“The decision criterion has not been Adequately addressed and approval of the proposal cannot be supported.”*
- SECOND:** Commissioner Coles
- VOTE:** Unanimous
- MOTION:** Commissioner Coles - Deny Site Plan and Architectural Review Application #ZON2006-00018 based on the revised Statements of Facts, Findings and Conclusions of Decision Criteria 1 and 8.
- SECOND:** Commissioner Hood
- VOTE:** Unanimous

**ITEM H: Variance (ZON2006-00020):** Jeff Marineau, PO Box 1017, Coos Bay, OR. The applicant is requesting approval for a Variance to the 500-foot separation requirement between access points on an arterial street. The property and proposed access point is located on Ocean Boulevard about 360-feet south of Cedar Avenue.

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 declared a conflict of interest.

Chairman Harlan opened the public hearing.

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

Jeff Marineau, P.O. Box 1017, Coos Bay, explained the layout of the property. He stated there is a draw that is very steep and makes access limited from other right-of- ways. He said the sight distance in both directions on Ocean Blvd is good.

Chairman Harlan and the applicant discussed access on to Ocean Blvd. and the need for a level area at Ocean Blvd.

Commissioner Miller asked if there would be any change to the creek. Mr. Marineau stated no changes would be made to the creek area and he does not intend to fill or alter the property any more than what is needed to develop the single family dwelling.

Chairman Harlan closed the public hearing.

- MOTION:** Commissioner Coles - Accept the Statements of Facts, Findings and Conclusions of Decision Criteria 1-3 and approve Variance application #ZON2006-00020 allowing a variance to the 500-foot separation requirement between access points on an arterial street, subject to the following Conditions: *The access off of Ocean Boulevard will serve one residential home site. The driveway must be a maximum of grade of 5% for a distance of 20-feet measured from the curb line of Ocean Boulevard*
- SECOND:** Commissioner Daily
- VOTE:** Unanimous

**ADMINISTRATIVE**

Laura Barron stated Marshfield High School is proposing to place a 12' X 30' pole building "Snack Shack" that will be open on three sides and will be placed by the track ticket booth. Due to the size of the proposed structure and the fact that it will be open on three sides, she questions where or not a SPAR should be required.

The Planning Commission determined that due to the limited size and use a SPAR application would not be required for the proposed building.

**STAFF COMMENT**

Laura Barron updated Commission on the Confederated Tribes' appeal of the Edge Wireless Conditional Use application for a cell tower on Water Board property.

**COMMISSION COMMENTS**

Commissioner Daily stated he would like to see an ordinance to prohibit cell towers in residential zones.

**ADJOURNMENT** 8:30 P.M

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

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

**APPROVED AS SUBMITTED 4/11/06**