

CITY OF COOS BAY PLANNING COMMISSION MINUTES

Tuesday, December 12, 2006
6:00 P.M. CITY COUNCIL CHAMBERS

ATTENDANCE

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

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

SIGNED-IN GUESTS: Walter Lawson, 765 Prefontaine Avenue, Coos Bay
Rick Tillett, 64730 Beaver Loop Road, North Bend
John Sweet, 1291 N 9th, Coos Bay
Steve Tyson, 360 Highland, Coos Bay
Johnnie Roe, 1076 Flanagan Avenue, Coos Bay
Daniel Veroujean, 2269 Broadway, North Bend
Victoria Folker, 1505 2nd #212, Coos Bay
Holly Stamper, 90692 Wilshire, Charleston
Steve D. Jones, 91516 Dolezal Lane, Coos Bay
Daniel R. Serres, P.O. Box 2478, Grants Pass, OR 97528
Camby Collier, 90768 Travis Lane, Coos Bay
Dana Goals, 1506 Monroe, North Bend
Jody McCaffree, P.O. Box 1113, North Bend

APPROVAL OF MINUTES

Approve Planning Commission minutes of Tuesday, November 14, 2006.

MOTION: Commissioner Coles - Approve Planning Commission minutes of November 14, 2006 as submitted.

SECOND: Commissioner Hood

VOTE: Unanimous

CCI/PUBLIC COMMENTS

PUBLIC HEARINGS

ITEM D: Variance (ZON2006-00109): Mr. Walter Lawson, 765 Prefontaine Drive, Coos Bay, OR 97420. The applicant is requesting approval of a 6-foot variance to the 20-foot setback requirement in order to allow the construction of a garage with direct vehicular access from Prefontaine Drive. The property is located at 765 Prefontaine Drive.

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.

Commissioner Hood asked that Mrs. Barron identify the property lines on the overhead. The applicant, Mr. Walter Lawson, outlined his project and stated that Stuntzner Engineering is completing the engineering for the project.

Commissioner Hood stated he was not aware that Stuntzner's was working on this project. He stated he has not been involved in the project and he does not feel that it will affect his ability to make an impartial decision.

Chairman Harlan closed the public hearing.

MOTION: Commissioner Coles - Accept the Statements of Fact, Findings, Conclusions and Condition of Decision Criteria 1-3 as submitted and approve the Variance application #ZON2006-00109 for a 6-foot variance to the 20-foot setback requirement for the construction of a garage with direct vehicular access from Prefontaine Drive.

SECOND: Commissioner Berg

VOTE: Unanimous

ITEM A: Variance (ZON2006-00102): Ms. Debra Scott, 12735 SE Jubilee St, Happy Valley, OR 97086, represented by Mr. Rick Tillett, 63272 Wildahl Road, Coos Bay, OR 97420. The applicant is requesting approval of variances to the maximum lot coverage and the street frontage setback for property located at 1414 Lakeshore Drive.

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' requests and staff recommendation. Mrs. Barron stated the situation arose from the structure not being built to the approved plans which resulted in the structure encroaching into the setback from street frontage and being over the allowed lot coverage.

Commissioner Berg asked what will happen if the request is denied. Mrs. Barron stated that the applicant would be required to remove the portion of the building that is in violation. She added that until it is removed a notice of non-compliance would be filed on the property.

Rick Tillett, 63272 Wildahl Road, Coos Bay, Oregon (representing the owner) stated the owner was trying to oversee the project from Portland. He said the contactor thought the owner submitted the plans for the master bedroom and the owner thought the contractor submitted the plans for approval. He stated they are requesting approval as built.

Chairman Harlan asked Mr. Tillett if they have pursued a property line adjustment. Mr. Tillett stated the property was recently reconfigured, but they have not explored a property line adjustment with an abutting property owner.

Chairman Harlan closed the public hearing.

MOTION: Commissioner Coles - Continue the hearing on Variance application #ZON2006-00102 to the January 9, 2007 meeting, to allow the property owner time to pursue a property line adjustment.

SECOND: Commissioner Marineau

VOTE: Unanimous

ITEM B: Conditional Use (ZON2006-00112): Emmanuel Episcopal Church, 400 Highland Avenue, Coos Bay, OR 97420. The applicant is requesting approval of a conditional use to allow "Religious Assembly" in a structure at 420 Highland Avenue.

Chairman Harlan stated that he has a conflict of interest and turned the hearing over to Vice-Chair Coles.

Vice-Chair Coles asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. She asked if the Planning Commission had ex parte contact or conflict of interest to report.

Commissioner Marineau and Berg declared a conflict of interest and stepped down from the public hearing. Commissioner Miller stated he is a member of the church, but does not feel it will affect his ability to make an impartial decision.

Vice-Chair Coles opened the public hearing.

Laura Barron read the disclosure statement and outlined the applicants' request. Mrs. Barron summarized written comments received before the hearing. She stated a letter was received from William McDaniel from 4th & Highland Properties, which is the property directly across the street to the east of the subject property. The letter expressed concern that their parking lot is the closest one to the subject property and as the use grows, it is inevitable that some people will park in their lot, taking room away spaces from their clients. They feel the use of the property for meetings and assemblies should be limited to weekends and hours other than 9-5, Mon-Fri.

John Sweet 1291 N 9th Street, Coos Bay stated he wanted to thank staff for working with them. He stated that they added a preschool to the church, which required meetings to be moved to the subject property. They have made meeting space available to the public for many years and they do not expect the use to increase just because the meetings are moved to the subject property. He added he is aware that there are concerns and he will work with abutting property owner regarding the times the structure would be available.

Commissioner Hood asked if the area in the church could accommodate both uses (pre-school and meetings). Mr. Sweet stated that once the rooms were converted to pre-school rooms they would not be suitable for meetings.

Commissioner Miller asked Mr. Sweet if they have considered adding retaining walls to increase the useable area of the property. Mr. Sweet stated they would have so little property to gain and the retaining wall system would be extensive.

Reverend Steve Tyson, 400 Hyland Coos Bay, stated they plan to use the structure for small groups of around fifteen people. He said the meetings that are currently held in the church would be the same meetings that would be held at the subject property. He added the impact of the use would change very little.

Vice-Chair Coles closed the public hearing.

Commissioner Miller stated he does not have a problem with the Conditional Use request.

MOTION: Commissioner Hood - Accept the Statements of Fact, Findings, Conclusions of Decision Criteria 1-4 as submitted and approve Conditional Use application #ZON2006-00112, allowing "Religious Assembly" in a structure at 420 Highland Avenue, subject to the approval of Variance application #ZON2006-00104 regarding off-street parking must be approved.

SECOND: Commissioner Miller

VOTE: Unanimous

ITEM C: Variance (ZON2006-00104): Emmanuel Episcopal Church, 400 Highland Avenue, Coos Bay, OR 97420. The applicant is requesting approval of a variance to the off-street parking requirement for the use "Religious Assembly" at 420 Highland Avenue.

Vice-Chair Coles asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. She asked if the Planning Commission had any additional exparte contact or conflict of interest to report.

Vice-Chair Coles opened the public hearing.

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

Stewart Woods of McSwain/Woods at 800 N Bayshore Drive, Coos Bay stated his firm prepared the application. He said the meetings that are currently conducted in the church are proposed to be moved to the subject property. They could limit use of the structure to after hours and on the weekend. A handicapped parking space would be provided on site.

Commissioner Hood stated there is limited on-street parking in that area. It seems logical that people would use existing parking lots. He said businesses in the area rely on on-street parking and few businesses in the area meet the current off-street parking requirements.

Stewart Woods stated the staff report refers to a variance of 20 parking spaces. He said the meetings have been held at the church for many years, they are only moving the meetings from the church to the subject property.

John Sweet stated that they are willing to go to abutting property to request use of the parking lots during non-working hours.

Commissioner Miller stated the lot can't provide adequate off-street parking. Commissioner Coles stated she does not see how the structure could accommodate 84 people. Stewart Woods stated there would never be 84 people in the structure. Meetings currently held in the church are around 15 people.

Laura Barron stated on-street parking is available 24 hours a day and off-street parking lots are private property. Commissioner Hood stated that he agrees the situation can be controlled.

Vice-Chair Coles closed the public hearing.

Vice-Chair Coles stated she is not opposed to continuing the request.

MOTION: Commissioner Hood - Continue the hearing on Variance application #ZON2006-00104 to the January 9, 2007 hearing to allow the owners time to secure off-street parking spaces for meetings held after business hours.
SECOND: Commissioner Miller
VOTE: Unanimous

ITEM E: Variance (ZON2006-00110): Mr. and Mrs. Kevin Rhodes, 1094 Flanagan Avenue, Coos Bay, OR 97420. The applicants are requesting approval of two (2) variances to property line setbacks in order to site an addition to the existing dwelling at 1094 Flanagan 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.

Chairman Harlan opened the public hearing.

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

The Planning Commission discussed the purpose of setbacks.

Steve Grove, 2156 N 14th Street, Coos Bay, representing the owners, stated the staff report was accurate and he would answer any questions.

Chairman Harlan stated the setbacks could be met for the proposed addition. He stated the off-setting of the walls would add to the design of the structure and break up the roof lines.

Commissioner Miller asked if they are going to landscape that area. Mr. Grove stated there is existing landscaping in the undeveloped right-of-way.

John Roe, 1076 Flanagan Avenue stated that Mr. Rhodes is a handicapped man in a wheelchair. He said the proposed addition would limit his view of the Woodland apartments and he is all for that. He agrees with Mr. Groves that lining up the building is the best option and he is in favor of the request.

Chairman Harlan closed the public hearing.

MOTION: Commissioner Coles - Accept the Statements of Fact, Findings, Conclusions of Decision Criteria 1-3 as submitted and approve Variance application #ZON2006-00110 allowing the requested two (2) variances to property line setbacks in order to site an addition to the existing dwelling at 1094 Flanagan Avenue.
SECOND: Commissioner Marineau
VOTE: Yea – Commissioners Berg, Coles, Hood, Marineau and Miller
No – Chairman Harlan

ITEM F: Vacation (ZON2006-00111): Mr. and Mrs. Ken Joubert, 3696 Broadway, North Bend, OR 97459. The applicants are requesting approval of the vacation of the west 100-feet of Grant Avenue located between Empire Boulevard and Marple Street.

Chairman Harlan opened the public hearing.

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

Mr. & Mrs. Joubert stated they have no additional information to add to the submitted report, but are available to answer questions. The Planning Commission discussed the request and the surrounding topography.

Chairman Harlan closed the public hearing.

MOTION: Commissioner Coles - Accept the Statements of Fact, Findings, Conclusions of Decision Criteria 1-3 as submitted and recommend City Council approve Vacation application #ZON2006-00111 allowing the vacation of the west 100 feet of Grant Avenue located between Empire Boulevard and Marple Street.

SECOND: Commissioner Marineau

VOTE: Unanimous

ITEM G: Appeal of Estuarine Use Permit ZON2006-00099 (ZON2006-00105): Mr. and Mrs. Harry Stamper, 90692 Wilshire Lane, Coos Bay, 97420; and Mr. Dan Serres, Friends of Living Oregon Waters (F.L.O.W.), PO Box 2478, Grants Pass, OR 97528. The Appellants are appealing the administrative decision to allow Williams Pacific Connector Gas Operator to allow 5-6 exploratory geotechnical borings to identify subsurface conditions of the waterway east of the deep draft channel.

Chairman Harlan opened the public hearing.

Laura Barron read the disclosure statement and summarized the administrative decision for Estuarine Use Permit #ZON2006-00099. She outlined the appeal process and added the submitted appeal did not address how the proposed use would effect their property or indicate any errors made by staff. Mrs. Barron read into the record the memo dated December 12, 2006 from City attorney Nathan McClintock regarding standing to appeal (*Exhibit 1*).

Chairman Harlan stated the issue before the Planning Commission is only regarding the borings. We are not here to discuss the placement of a LNG facility or pipeline. He advised the audience to keep their comments on the issue under review.

Mrs. Stamper, 90692 Wilshire Lane, Coos Bay, began speaking about the LNG pipeline and how it would effect the community and the water. Chairman Harlan advised Mrs. Stamper that the Commission will not hear testimony regarding the pipeline. Mrs. Stamper again read from a prepared statement regarding issues unrelated to the application. Chairman Harlan again asked Mrs. Stamper to keep her comments to the issue under review.

Harry Stamper, 90692 Wilshire Lane, Coos Bay, stated his intention was not to duplicate his wife's testimony, but to point out that this is the first public hearing held regarding the pipeline. He stated there are safety issues.

Dan Serres, 874 NE Killingworth Street, Portland and Friends of Living Oregon Waters, P.O. Box 2478, Grants Pass, stated he has attended meetings all over the state regarding the LNG pipeline. The drilling is a small part of the overall process, but this is the first public meeting held to discuss the issue. He said the public did not have an opportunity to discuss the issue before it was approved. He stated they are aggrieved by the decision because the people live in the area of the drilling. He was glad to hear that cement and not bentonite will be used to fill the holes. He added that if the drilling moves forward it would be less emotional if the public is given an opportunity to comment before a decision is made.

Commissioner Hood asked Mr. Serres to explain what part of the borings would be detrimental to the bay or marine life. Mr. Serres stated drilling could create problems while the Salmon are moving through the Bay. He wants to see that best management practices are being followed. Commissioner Hood stated that if you're going to appeal a decision it is your responsibility to provide written proof to your claims. Mr. Serres stated that if they were given an opportunity to comment before the decision was made there may not have been an appeal. He said that the public feels this is being pushed through.

Toby Schwalbe, Pacific Connector, stated the purpose of the boring is to identify the soil. This information would be used to identify proper material and possible location of a pipeline. They intend to conduct four borings in the City of Coos Bay and an additional nine in the County that have already been approved. He stated they have received general authorization from the Army Corp of Engineers, which is the authority regarding water issues. The Port of Coos Bay has given there approval. They are trying to conduct the borings during the approved time frame to minimize impact to marine life. This time frame is outline in Fish and Wildlife's approval. If the project is delayed further the borings would be conducted outside the identified time frame.

Laura Barron stated Fish and Wildlife has a window of time identified specifically for this type of work. She stated that they, if anyone, would know what the best time is to conduct borings to have the least impact on the Salmon. She stated dredging is conducted in the bay and has been for many years.

Commissioner Hood asked what other agencies have been notified of this review. Mrs. Barron read the list of other agencies that were sent a copy of the application.

The Planning Commission asked Trevor Hoyles (GeoEngineers, Inc) to explain the drilling process. Mr. Hoyles, Portland, Oregon explained the process with the aide of a drawing (*Exhibit B*). He stated they take a sample every five-foot with a 6-inch diameter pipe for about 15-feet and stated the loss of drilling oil is rare.

Commissioner Marineau asked about the difference between bentonite and concrete. Mr. Hoyles stated that bentonite chips (clay like material) are pored into a hole and when exposed to water it expands to fill the hole. The cement grout is used which is mixed with more water. In this case, and because of the concerns over the bentonite, they are going with the concrete which is just as effective.

Dan Varoujean, North Bend read a written statement (*Exhibit C*) that outlined his support of the project and his disgust over the unsubstantiated claims of environmental destruction to obstruct the project.

Steven Shimotakahara, Coos Bay stated one of the proposed routes for the pipeline comes within 100-feet of his home. He stated the appeal has no merit and asked that the Planning Commission affirm staff's decision. He added that most of the people that live along the bay have dug deeper holes digging for clams.

Steve Jones, resident and business owner, stated the public comment process was not afforded in this process. The applicant has talked to the agencies but not the public. The Planning Commission is well informed. He stated he learned a lot from the hearing. He asked who will monitor the boring process and determine the work is done in accordance with the permitted use. He hopes the City of Coos Bay does not get left out of the inspection process.

Camby Collier, 90768 Travis Lane, Coos Bay, stated she is opposed to the drilling and any route of the pipe line. She has been trying to follow the process and she would like to have been notified. She hopes the public will be involved in future decisions. She is uncertain if the testing is to help determine if the bay is suitable for the pipe line or if the drilling is being done to determine how the lines will be placed. She would like to have a contact person to answer questions as they arise.

Jody McCaffree of North Bend thanked staff for sending her a copy of the notice. She stated that if the Pacific Connector Company would hold informational meetings it would help people understand the process and effects on the community. She stated that she did have questions that were answered by Toby. She had additional questions and talked to people from different agencies. The more information she received the more questions she had. She added she does not want to risk our bay. She is concerned about who will oversee the project and monitor where the work is conducted. She is also frustrated that the maps are not adequate or available to the public.

Ruby Starr, 270 S. Morrison, Coos Bay stated she walks on the bay and this is her community and she pays property taxes. She is concerned about the cost and who will pay for all the work.

Phil Keizer, 2300 N. 14th Street, Coos Bay stated he is in favor of the borings and if the pipeline is going to be installed, the bay route is the safest.

Dave Goft, 1506 Monroe, North Bend, stated he believes he is a stake holder in this issue. He read an article about social responsibility and that no major decisions should be made that preclude future decisions. Those four little holes are the beginnings of a process that will result in the pipeline and may limit future activity.

Ann Keizer, 2300 N, 14th Street, Coos Bay stated she is a life time resident of Coos Bay and she is in favor of the drilling and she does not feel it will negatively effect the environment.

Lisa LaGesse, 66838 Rodman Road, North Bend stated she is in favor of drilling holes. She added the pipeline belongs in the bay. The safety of our children and families is more important than the safety of the marine life in the bay.

Toby Schwalbe stated a web site has been set up ([ww.pacificconnectorgp.com](http://www.pacificconnectorgp.com)) which follows the process. The web site has all information regarding the project and links to other agencies involved in the process. There are thousands of pages on file and they are working under local, state and federal agencies. There is also a hot line number listed on the site to answer any questions. They have been working with land owners and have rerouted the proposed pipeline when needed. They provided maps to land owners and agencies, but there are homeland security issues.

Dan Serres stated they have no intention of appealing the Planning Commissions decision. This was the first opportunity for public input on the pipeline and they just want to be informed and kept in the process.

Chairman Harlan closed the public hearing.

The Planning Commission discussed the issue of standing.

Commissioner Hood stated he would not like to address the issue of standing. LUBA is very liberal about standing. He added that he was surprised that notice was not given to the public.

Commissioner Coles stated administrative issues are not required to be published. Commissioner Hood stated because of the issue he thinks that public notice should have been given.

- MOTION:** Commissioner Coles - Add the additional Findings in Attachment D; Remove Findings 1 and 2 from the original Staff Report regarding "Standing". Accept the Statements of Fact, Findings, and Conclusions of Decision Criteria 1-3 as revised and affirm staff's decision to approve Estuarine Use Permit application #ZON2006-00099 (Appeal #ZON2006-00105) to allow Williams Pacific Connector Gas Operator to conduct 4 exploratory geotechnical borings to identify subsurface conditions of the waterway east of the deep draft channel.
- SECOND:** Commissioner Marineau
- VOTE:** Unanimous

ADMINISTRATIVE

Appoint a representative to the Parks Commission.

- MOTION:** Commissioner Marineau – Re-appoint Chris Coles to Parks Commission.
- SECOND:** Commissioner Hood
- VOTE:** Unanimous

COMMISSION COMMENTS

Commissioner Hood stated we have these little setback and lot coverage issues that keep cropping up. The Commission discussed the variance process. Commissioner Berg stated the community has a mix of old and new housing. You have people trying to fix-up older structures that may not meet the current setback or lot coverage standards.

Commissioner Hood stated that when issues arise that affect the public, like the pipeline, we should post or publish notice even if it is not required. We do not want to give the appearance of hiding something or letting something slide. The Commission discussed the public review process.

ADJOURNMENT: 10:00 p.m.

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

ATTEST: _____
Debbie Erler, Codes/Planning Tech
City of Coos Bay

APPROVED AS SUBMITTED 01/09/07

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