

**CITY OF COOS BAY  
PLANNING COMMISSION MINUTES  
Tuesday, January 8, 2008  
6:00 P.M. CITY COUNCIL CHAMBERS**

**ATTENDANCE**

**COMMISSIONERS:** Chairman, Bruce Harlan, Vice-Chairman Chris Coles, Commissioners Jim Berg, Chris Hood, Steve Donovan, Jeff Marineau and Rex Miller

**STAFF:** Laura Barron, Planning Administrator  
Pam Patton, Code Specialist

**SIGNED-IN GUESTS:** None

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**ELECTION OF OFFICERS AND OATH OF OFFICE**

City Recorder Janell Howard administered the oath of office to re-appoint Commissioners Chris Coles, Rex Miller and Steve Donovan. After the swearing in, Janell had each Commissioner sign documents.

Chairman Bruce Harlan welcomed them and complimented their work.

Nominations for chairman and vice-chairman were taken. Commissioner Marineau recommended Bruce Harlan as Chairperson. Commissioner Berg recommended Chris Coles as Vice-Chairman. The vote was unanimous.

**APPROVAL OF MINUTES**

Approval of Planning Commission minutes of December 11, 2007.

**MOTION:** Commissioner Coles – Moved to approve the minutes with the following correction: Chris Hood was absent from the meeting.  
**SECOND:** Commissioner Miller  
**VOTE:** Unanimous  
**ABSTAIN:** Chairman Harlan, Commissioners Hood and Marineau

**PUBLIC HEARINGS**

**ITEM A: Land Development Ordinance Text Amendment (ZON2007-00099):**

The City of Coos Bay is proposing to amend language in Land Development Ordinance Chapter 3.22 regarding the siting of manufactured homes.

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

Chairman Harlan opened the hearing.

Mrs. Barron read the public hearing disclosure and explained the proposal to eliminate the requirement that a manufactured home be placed on an excavated foundation such that the bottom of the floor joist of the home is located not more than 12 inches above exterior finished grade. This requirement is not applicable to site built homes. The elimination of the requirement will allow the placement of manufactured homes on property that has topographical difficulties.

Commissioner Berg questioned the ordinance requirements for manufactured homes not stick built homes. Mrs. Barron responded that the concern of bringing in older manufactured homes with metal siding and without eaves brought about the need for the requirements years ago. Commissioner Marineau responded in support of the ordinance and to Commissioner Berg's concern with restrictions on manufactured homes verses stick-built homes and architectural elements. Commissioner Hood also spoke in support of the ordinance, stating manufactured homes must meet the universal building code standards.

Commissioner Donovan stated that the twelve inch above the exterior grade is fairly benign in terms of the things that could go wrong. He added that removal of this restriction will allow daylight basements or hillside construction. He asked if this change would cover the need to engineer certain foundations. Mrs. Barron confirmed that building codes are applicable for foundations.

**MOTION:** Commissioner Coles - Approve the proposal based on criteria presented with the statement of the fact and findings.  
**SECOND:** Commissioner Marineau  
**VOTE:** Unanimous

Mrs. Barron stated the item is scheduled before the City Council, February 5, 2008 at 7:00 p.m in this same location.

**ITEM B: Site Plan and Architectural Review (ZON2007-00103):** Jay Mills, Crow/Clay & Associates, representing Guy Hawthorne, Coos Bay Toyota, 2001 N Bayshore Drive, Coos Bay, OR 97420. . The applicant is proposing to replace and expand the existing facilities. The property is located east of 7<sup>th</sup> Street, south of Pine Avenue, west of Bayshore (Hwy 101), and north of Orchard Avenue. The proposal has been resubmitted based on changes to the site plan previously approved by the Planning Commission on November 13, 2007.

Chairman Harlan asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if any Planning Commissioner had exparte contact or conflict of interest to report. Commissioner Donovan stated he had conflict of interest and removed himself from the hearing.

Chairman Harlan opened the hearing.

Mrs. Barron read the public hearing disclosure and summarized the applicant's request. The applicant is proposing to replace and expand the existing facilities and improve a portion of an undeveloped parcel. The proposal was reviewed in November; however, geo-technological information was discovered requiring the applicant to revise the site plan. The property lies in the flood plain and the structures are proposed above the nine-foot (msl) required elevation. The proposal has been resubmitted based on changes to the site plan previously approved by the Planning Commission on November 13, 2007. Also, the applicant will be applying for a "Right-of-Way Use" permit to improve the portion of 6<sup>th</sup> Street between Pine and Orchard Avenues. Sixth Street will serve as the main entrance into the dealership. Rather than vacating 6<sup>th</sup> Street, the city advised the applicant to apply for the Right-of-Way Use Permit.

Mrs. Barron discussed the surrounding street layouts and the proposed development. She stated the applicant owns the property on both sides of vacated Orchard Avenue. The property is zoned Industrial/Commercial (I-C). She said there is residential property west of the subject property. Mrs. Barron stated no written comments were submitted. Mrs. Barron discussed the elimination of Condition 7 which would require curbs, gutters and sidewalk on vacated Orchard adjacent to the landscape areas; Condition 9 which would remain as stated; Condition 12 would be revised to state "Access on Pine Avenue, west of 6<sup>th</sup> Street is limited to two (2) 20-foot-wide driveways, a minimum of 48 feet apart"; and Condition 15 which would require approval of the Right of Way Use Permit for 6<sup>th</sup> Street between Pine and Orchard Avenues.

Chairman Harlan asked if any ordinance deals with the question of distance between access driveways. Mrs. Barron stated there is a distance requirement on collectors or arterials streets.

Commissioner Hood questioned the sidewalk on vacated Orchard Avenue.

Commissioner Berg asked why vacated Orchard Avenue is being treated as a right of way for issues of vision and sidewalks. Mrs. Barron stated we need to look at the site plan and architectural review criteria number four (4) which states that: "Based on anticipated vehicular and pedestrian traffic generation, adequate rights of way and improvements to streets, pedestrian ways, bikeways, and other ways are provided to promote safety, reduce congestion, and provide emergency equipment access". Commissioner Marineau stated there is currently an ingress/egress at that location, even though it is on private property, and it will probably be continued to be used although maybe not as intense as a city street. It is an access point that needs to be addressed.

Commissioner Marineau and Mrs. Barron discussed proposed Condition 11 which requires the applicant to provide documentation from ODOT that the vacated Orchard Avenue may be used for access as a driveway off of Hwy 101. Commissioner Berg asked why the access was not a grandfathered use. Mrs. Barron stated the area is being considered an access point for this review, but ODOT could close the access, which could affect access routes to the site. Commissioner Hood discussed the proposed development and the improvements to Orchard Avenue, west of North 6<sup>th</sup> Street and North 7<sup>th</sup> Street which is fully improved. Commissioner Hood asked if it was standard practice to require entire streets to be improved when development (residential or commercial) occurs along a street. Mrs. Barron stated it has been the policy that a sidewalk only be required on the side of the street proposed for development. She stated it is also city policy that when four lots (one landowner) are to be developed, the street must be improved.

Jay Mills, representing the applicant, stated they revised the site plan based on geologic site conditions and related foundation types for the main showroom and service facility. The geotechnical engineers suggested the site be pre-loaded to eliminate the differential settling of the buildings. He added they would bring in large amounts of rock and place it on site over a long period of time and allow the weight of that material to produce some settlement.

Mr. Mills discussed the proposed site revisions. He stated they have already discussed the access configuration with ODOT. He said ODOT will be repaving this area in 2011 and are waiting on funds to start the engineering process. He said it is his understanding that Highway 101 in the downtown area would be repaved in 2010. He added the applicant would prefer a sidewalk not be installed on vacated Orchard Avenue since Toyota owns both sides of the vacated street, which makes it one continuous piece of property. He said it is not the intent of the owner to utilize this area as a street, but only utilize this as an access to their property. The applicants consider access to be driveway, not a street.

Commissioner Hood asked what would be at the west end of that vacated portion. Mr. Mills stated that at this time it is an existing flooring store. It is his understanding that the long term intent is to remove the building and extend the new car display in that area. At that point the west end of the vacated portion of Orchard Avenue is going to be a concrete driveway with a sidewalk.

Chairman Harlan asked Mr. Mills if they could block traffic at Orchard Avenue to eliminate through traffic through the property. Mr. Mills stated they could place removable bars, but they are opposed to any idea that doesn't allow free flowing access of new cars in and out of the dealership.

Commissioner Berg stated the proposed landscape configuration gives the appearance of a street. Mr. Mills said that they thought the landscaping element enhanced the appearance on Hwy. 101 from both sides as well as a buffer to North 6<sup>th</sup> Street.

Commissioner Marineau stated vacated Orchard Avenue is real property, not a street and it could be separated and sold as an individual lot and the new owners could build right up against the abutting lot. He stated it is not right of way and he questioned the requirement of sidewalks and the imposed improvements of Orchard Avenue because it is private property. He said Condition eight (8) requires the applicant to develop Orchard Avenue between North 6<sup>th</sup> and North 7<sup>th</sup>, but there is no access to Orchard Avenue from the subject property. They are not utilizing Orchard Avenue for this development.

Mrs. Barron asked Mr. Mills about the proposed condition regarding support functions. She asked if the driveway west of the support functions is planned to for two-way traffic. She questioned if it is wide enough for two way traffic. Mr. Mills stated it is planned for 20-foot wide and two-way access.

Mr. Mills presented a letter (*Exhibit #1*) from Jeff Waddington of ODOT regarding access from Highway 101 onto vacated Orchard Avenue. In the letter Mr. Waddington indicates that since it was a city street prior to being vacated, ODOT will permit the access (vacated Orchard Avenue) as per the plans submitted.

Mr. Bill Parham, Director of South Coast Gospel Mission, PO Box 523, Coos Bay, addressed the proposal. Mr. Parham confirmed that North 7<sup>th</sup> Street is developed. He recounted items in the architectural review that were imposed on them during their review process. Mr. Parham submitted pictures of entry of the former and proposed new access on 7<sup>th</sup> Street (*Exhibit #2*).

Mr. Parham stated the original application specifically states that access to the service entrance will be off of North 7<sup>th</sup> Street. When he tried to speak to the dealership principals, they said traffic would be occasional and they were not going to use North 7<sup>th</sup> Street for public access at all. Mr. Parham explained his submitted pictures. The first picture was from taken from the front door of the mission building towards the proposed development. He explained that the proposed North 7<sup>th</sup> Street access is about 60 feet to the south of the previously proposed access, which puts it about 50 feet from their front door. The second picture further shows the proximity of the proposed driveway to the mission's front entrance. The third picture is from the north end of their building and the fourth picture is from behind the building looking at the general neighborhood. He said a playground area is on the north side of their building and a day care facility is located to the north of the mission building. Mr. Parham stated his concern for the safety of the children. Mr. Parham stated there seems to be more concern for the safety of Coos Bay Toyota customers on North 6<sup>th</sup> Street by narrowing it down to 22 feet and imposed 15 mph limit.

Mr. Parham questioned the use of North 6<sup>th</sup> Street and whether it precludes people who currently use the street from going through the site.

Commissioner Berg asked why there was a gate across North 8<sup>th</sup> Street. Mr. Parham felt the gate was to deter “their” people from walking up the hill and stealing from the yards. Commissioner Berg expressed concern that if an emergency vehicle was required, it would have to go around either direction. The gate issue needs to be revisited.

Mr. Parham stated he is not comfortable with the off-street parking on North 7<sup>th</sup> Street. If North 7<sup>th</sup> Street is full of employee cars, what will be available for the Gospel Mission? He said he felt he was the only one that was going to stand up for the Mission. He stated they are quote “Those kinds of people.” He reminded everyone of Land Development Ordinance #93, Chapter 5.1(2), where it describes the job of the Planning Commission. Mr. Parham discussed the function of the Commission whereby it must consider the public interest, health, safety, comfort, convenience and welfare of the people. Mr. Parham stated he had no problem regarding the overall development, but he does have a problem with the plans for the access on North 7<sup>th</sup> Street.

Mr. Parham directed the Commission’s attention to the last picture and explained the location of the day care across North 7<sup>th</sup> Street. He stated he is asking that they eliminate one entrance for the welfare and well being of residents on North 7<sup>th</sup> Street. Mrs. Barron brought attention to Decision Criteria number 5C and 5D regarding off-street parking for the employees. Mr. Parham thanked staff for their explanation and for allowing him to speak.

Commissioner Harlan stated that the angles of the pictures appear to change the distance.

Chairman Harlan closed the hearing.

Commissioner Harlan asked for Commission comment on proposed Condition number eight (8) regarding the development of Orchard Avenue between 6<sup>th</sup> and 7<sup>th</sup>. Commissioner Berg asked about the purpose of the development of Orchard Avenue between North 6<sup>th</sup> Street and North 7<sup>th</sup> Street (Condition number 7). Mrs. Barron responded by explaining Statement of Fact and Finding 4F.

Commissioner Marineau stated he agrees 100 percent with Commissioner Berg in regard to the gate on N. 8<sup>th</sup> Street, south of the mission. He said if the gate wasn’t there, access would open to North 8<sup>th</sup> Street. Commissioner Marineau explained the gate across North 8<sup>th</sup> Street was a City Council decision not a Planning Commission decision.

Commissioner Miller asked staff about the reimbursement agreement for landowners to recoup development costs for developing both sides of the road. Mrs. Barron stated she had forwarded the information about reimbursement to Mr. Guy Hawthorne, owner of the property. Mrs. Barron explained that the curb and gutter must be developed for both sides (drainage purposes) of Orchard Avenue, but a sidewalk would only be required on the north side. Commissioner Miller asked how the reimbursement that would be enforced. Mrs. Barron stated the landowner must apply for reimbursement and go through the process.

Commissioner Marineau agreed that a reimbursement situation may work because of the span (years of life) of the facility. The facility will bring additional traffic to the area. Commissioner Marineau felt the development of Orchard Avenue and the agreement of the other property owner for reimbursement was a reasonable request/requirement. Mrs. Barron stated it is something that must be pursued by the landowner to the city.

Commissioner Hood stated it is not unusual to require a large development, such as this, to develop a street and it needs to happen. This is a large development and every street that fronts this property should be improved. He said he is concerned about the improvements that need to take place at Orchard Avenue and HWY101. He added that if something doesn't happen, they are going to have a thoroughfare to Hwy 101. He recommended a sign indicating "Private Property Do No Enter". Commissioner Marineau suggested an additional requirement for a sign that reads "Not a thru street."

Commissioner Coles asked Mrs. Barron if the city would be looking at infrastructure (i.e., sewer lines). Mrs. Barron stated they will be looking at a detailed plan when Toyota submits their construction plans. Commissioner Hood did not see a problem with amended Condition number 12 regarding the two (2) accesses off of Pine Avenue.

Commissioner Miller asked if the access on the west side of the building could be one-way.

Commissioner Marineau recommended southbound traffic (one direction) for the driveway on the west side of the building. Commissioner Berg disagreed with the paving of Orchard Avenue. Commissioner Marineau said it wouldn't be feasible to not use Orchard Avenue. He stated he normally argues against the expense of it, but it is a good idea to allow the traffic to flow in the neighborhood. If it is not developed, it will be congested and change the environment of how the traffic moves through the area. Commissioner Coles agreed with Commissioner Marineau.

Chairman Harlan summarized the conditions discussed with the addition of a condition for a sign at the west end of vacated Orchard.

- MOTION:** Commissioner Hood – Amend Condition #12 to reflect two 20-foot-wide driveways which must be at least 48 feet apart on Pine Avenue, west of 6<sup>th</sup> Street.
- SECOND:** Commissioner Marineau
- VOTE:** Unanimous

Mrs. Barron noted Condition #11 could be eliminated because the applicant submitted information from ODOT satisfying the proposed condition.

- MOTION:** Commissioner Marineau – Add a condition that signage is to be placed at the west end of vacated Orchard Avenue, indicating "Not a Thru Street" and a condition that approval of a Right of Way Use Permit for 6<sup>th</sup> Street is required prior to the issuance of any development permits.
- SECOND:** Commissioner Coles.
- DISCUSSION:** Chairman Harlan asked about the process for the right of way use permit and what happens if upon review by staff it is denied. Mrs. Barron explained that a "Right of Way Use" application would be reviewed by the Public Works Department. She stated the applicants have discussed the possibility of a street vacation and use of the right of way with staff. Staff indicated that a street vacation would not be recommended by staff, but they would consider a "Right-of-Way Use" application. She stated in order for the applicants to proceed as proposed, the "Right-of-Way Use" application must receive an approval.
- VOTE:** Unanimous

Mrs. Barron stated conditions could be added that indicate only one-way traffic is allowed at the southbound driveway adjacent to the west end of the building and that landscaping is required along North 7<sup>th</sup> Street on the east side of the sidewalk.

**MOTION:** Commissioner Marineau - Eliminate Condition #7 regarding the curb, gutter and sidewalk on the vacated portion of Orchard Avenue, between HWY 101 and North 6<sup>th</sup> Street.

**SECOND:** Commissioner Berg

**VOTE:** Unanimous

**MOTION:** Commissioner Marineau - Include a condition for additional landscaping on the west side of the property, and southbound traffic only is permitted on the driveway adjacent to the west side of the building.

**SECOND:** Commissioner Coles

**VOTE:** Unanimous

Commissioner Miller requested to revisit the "Preliminary Landscape Notes" included with the plans. He said he has concerns regarding number six (6) on the irrigation plan. He stated the language about the double check valves needs to be removed and replaced with "*a reduced pressure backflow device as required by CBNBWB*". He said the irrigation plan must show the meter size and location of the take off valve, as it is a separate meter. He added that, at a minimum, the number of zones and gallons per minute per zone, piping, and water usage must be shown.

**MOTION:** Commissioner Marineau – Add a condition that the irrigation system must be revised and approved by the Public Works Department prior to the issuance of any building permits as follows:

- a. Preliminary Landscape Note #6 must be amended as follows:  
*"6. The irrigation system shall be automatic, have a reduced pressure backflow device, as required by the Coos Bay North Bend Water Board, at the point of connection and shall provide irrigation to all plant material."*
- b. Information must be added regarding the meter size, where the take off is located, and at a minimum, the number of zones and gallons per minute per zone.

**SECOND:** Commissioner Coles

**VOTE:** Unanimous

**MOTION:** Commissioner Coles - Adopt the Statements of Facts, Findings, and Conclusions as revised and applicant's submittal, attached hereto and incorporated herein by reference as "Attachment A" and approve Site Plan and Architectural Review application #ZON2007-00105, subject to the following Conditions:

1. Building plans for the utilities, which must include at a minimum the location, size and design of the utilities, must conform to the standards required by the City;

2. A fire hydrant must be installed at the intersection of Orchard and North 7<sup>th</sup> Street. This requirement could be reduced with the installation of an internal fire sprinkler system;
3. Detailed utility plans must be submitted of the proposed storm and sewer lines and the demolition of existing utilities; plans must be approved by the City Public Works Department;
4. Documentation is required to verify the size of the on-site storm drainage system is adequate to serve the site;
5. A pre-elevation certificate is required at the time development plans are submitted, including excavation, grading or fill;
6. The sidewalk at the southeast corner of the property must provide an unimpeded walkway;
7. Orchard Avenue, between 6<sup>th</sup> and 7<sup>th</sup> Streets must be developed to 36 feet in width with curb and gutters on both sides and a sidewalk on the north side;
8. Eliminate the 20-foot long landscaping element from the north side of the access driveway on North 7<sup>th</sup> Street which narrows the driveway to about 11 feet in width;
9. Outside ingress and egress from the tech lounge must not open onto the driveway;
10. Access on Pine Avenue west of North 6<sup>th</sup> Street is limited to two (2) 20-foot-wide driveways, a minimum of 48 feet apart;
11. Prior to construction of the improvements along Hwy 101 (sidewalk and landscape area in the right of way), the applicant must obtain a permit from ODOT and provide a copy to the Department of Public Works;
12. Engineered plans and profile for the changes to North 6<sup>th</sup> Street, especially elevation changes, must be submitted and approved prior to the issuance of any development permits;
13. A "Right of Way Use" application must be approved for the use of North 6<sup>th</sup> Street, between Orchard and Pine Avenues, prior to the issuance of any development permits;
14. The driveway running parallel to North 7<sup>th</sup> Street must be one-way heading south. Additional landscaping is required on the west side of the driveway;
15. A "No Thru Traffic" sign must be placed at the west end of vacated Orchard Avenue;

16. The Irrigation Plan must be revised and approved by the Public Works and Development Department prior to the issuance of any building permits. The following revisions are required:
  - a. Preliminary Landscape Note #6 must be amended as follows:
 

“6. The irrigation system shall be automatic, have a reduced pressure backflow device, as required by the Coos Bay North Bend Water Board, at the point of connection and shall provide irrigation to all plant material.”
  - b. Information must be added regarding the meter size, where the take off is located, and at a minimum, the number of zones and gallons per minute per zone.

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

Ms. Barron stated that there will be a fifteen day appeal period from the date the decision is put into writing.

Commissioner Donovan rejoined the meeting.

**ADMINISTRATIVE**

Mrs. Barron introduced Ms. Pam Patton, the newest Code Specialist for the Public Works Department.

**COMMISSION COMMENTS**

Commissioner Hood was concerned about the grading plan for the Toyota development. He stated the city needs to look closely at the grading plan when it is submitted. The flow of the property is to the north and the proposed drainage just isn't going work properly.

Commissioner Marineau stated he agrees with Commissioner Berg that the gated right-of-way on North 8<sup>th</sup> Street needs to be address at some point in the future. The argument is that traffic flow, access to property in the area and emergency response times are effected by the gate.

**ADJOURNMENT** 8:15 p.m

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

ATTEST: \_\_\_\_\_  
 Pam Patton, Code Specialist  
 City of Coos Bay

**APPROVED AS SUBMITTED 2/12/08**

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