

**CITY OF COOS BAY
PLANNING COMMISSION MINUTES
Tuesday, April 8, 2014 at 6:00 P.M.
Coos Bay City Hall, 500 Central Avenue, Coos Bay**

ATTENDANCE

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

ABSENT: Jeff Marineau and Phil Marler

STAFF: Eric Day, Director of Community Development
Debbie Erler, Planner
Aaron Harris, Planner

SIGNED-IN GUESTS: None

CCI/PUBLIC COMMENTS None

APPROVAL OF MINUTES

Approval of the Planning Commission minutes of February 11, 2014.

Correction noted by staff to change all reference to Chairman Hood to Vice-Chairman Marineau.

MOTION: Commissioner Coles - Approve the Planning Commission minutes of February 11, 2014 as corrected.
SECOND: Commissioner Berg
VOTE: Unanimous **ABSTAIN:** Chairman Hood

PUBLIC HEARINGS

ITEM A: Variance #187-ZON14-011. The applicant is requesting approval of a variance to the seven (7) foot setback requirement for a three-story structure in the Single-Family and Duplex Residential (R-2) zoning district. A 2.6 foot x 9 foot "Tip-Out" on the second and third floors extends into the required 7-foot setback area as described above.

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

No objections were made and no Commissioners announced ex parte contacts.

Chairman Hood opened the public hearing.

Debbie Erler read the disclosure statement and outlined the applicant's request. The applicant is requesting approval of a variance to the seven (7) foot setback requirement for a three-story structure in the Single-Family and Duplex Residential (R-2) zoning district. A 2.6' x 9' "Tip-Out" of usable floor space on the second and third floors extends into the required 7-foot setback area as described above.

Commissioner Harlan inquired about the construction plans provided in the applicant's submittal with regards to setbacks. Debbie Erler answered that a survey was done following the construction plans.

Chairman Hood asked to clarify if the tip-out was part of the original construction plans. Debbie Erler responded in the affirmative and clarified the current setbacks on the property.

Chairman Hood requested clarification regarding when the survey was conducted in relation to the previous, voided permits. Chairman Hood then requested clarification regarding the ownership pattern.

Mr. Larry Hink, the applicant's representative, stated that his position is outlined in the provided letter. He noted that the City had previously approved the project in 2009.

Ms. Erler explained that the owners may have thought there was a problem because they proposed a 10-foot setback on the property's south side. The owners at the time had requested the survey and the surveyor brought it to the City's attention.

Mr. Larry Hink explained that the property owner, Mr. Rozzi, and another partner purchased the property from a bank when it was foreclosed in 2010. He did not recall the previous property owner mentioning anything about a survey. It could have been done by the contractor. Ms. Erler stated that the survey may have been conducted at the request of the contractor.

Chairman Hood restated and clarified the chain of events leading to the hearing for the variance.

Chairman Hood asked how setbacks are determined. Ms. Erler explained that setbacks are measured from the wall of the building. Debbie Erler read the CBMC setbacks language as included in the staff report. She explained that because the structure's tip-out is usable floor space, it cannot be classified like a chimney or other type of allowable bump-out that does not count against setback requirements.

Chairman Hood asked for the purpose of setbacks: What is the intent of the rules? Is the intent to ensure that development will not infringe on adjacent property owners? He asked if the City would accept the bump-out being changed to a seat instead of a window. Ms. Erler stated that she did not feel comfortable making a decision regarding building codes.

Chairman Hood told the applicant's representative that another option is extending the hearing for 30 days and working with staff to address the issue. Ms. Erler stated that she did discuss this possibility with the City's building codes administrator and he wasn't sure that was the fix.

Director Day stated that the City will call the bump-out a bay window and will work with the Building Codes Administrator to resolve the issue. The applicant can return to the Planning Commission at no fee if necessary.

Ms. Erler clarified that the subject area in question will be converted from usable floor space to a permanent bay window, construction methods determined by building codes. Chairman Hood stated there would then be no need for a variance.

Chairman Hood closed the public hearing.

- MOTION:** Chairman Hood - Based on the findings, conclusions and applicant's submittal, attached hereto and incorporated herein by reference, to provide a continuance allowing the applicant to return to the Planning Commission in 30 days, if the conversion of the tip-out from usable floor space to unusable floor space is not possible.
- SECOND:** Commissioner Berg
- VOTE:** Unanimous

DEVELOPMENT CODE (CBMC, Title 17) REWRITE

Director Day explained the background and reasoning for the development code re-write. Staff received a \$20,000 Technical Assistance (TA) grant for development code re-writes. Objectives for code re-writes include a new format that is cleaner, easier to follow, and better organized. Applicable sections of the current code will be cut and pasted into the new code template. Examples of sections that will be cut and pasted include Hollering Place and flood plain. Staff does not want to change anything unless directed to do so by the Planning Commission and/or the City Council. Staff will work with the Planning Commission regarding changes. The intent is not to create contentious issues.

Director Day explained the project timeline. According to the TA grant, the process must be completed by May of 2015. Commissioner Berg asked how the funds will be used. Director Day stated that the money could be used in a variety of ways, and that it has not been decided.

Chairman Hood inquired about grant expectations. Director Day responded that the funds were to be used, generally, to re-write the code. Director Day proposed 6-8 months working with the Planning Commission. The first four months would be to provide the Planning Commission with chunks of work to review. Typical Planning Commission meetings would include development code work sessions.

Commissioner Berg asked Director Day to give examples of what we would be changing in the code. Director Day gave the example of code organization by utilizing Types I through IV applications. He also cited expanded noticing as another example.

Commissioner Berg reaffirmed that redrafting, consolidating information, and simplification were the purpose of the proposed code re-write.

Director Day stated his agreement with Commissioner Berg. Director Day stated that another example is his opinion that the City has too many conditional uses.

Director Day returned to clarifying the timeline. He stated that after 6-8 months the Planning Commission would hold a public hearing. That would leave 4-5 months at Council where there would be a couple work sessions. The Planning Commission would make a recommendation on the issue to Council. If the Planning Commission did not give a positive recommendation, the matter would not be brought to the Council.

Commissioner Berg stated that, if it's a matter of simplification and ease, and if it eliminates trivial things, then he approves.

Director Day stated that another caveat is zoning. He explained that because the City currently has such a large number of zones, we could simplify things a lot. We could probably cut out a third of the zones. He stated that he thinks there are a few zones we could eliminate very simply.

Commissioner Berg asked if hearings officer Carrie Richter is an example of the type of person who might be hired to review the new code. Director Day responded that he did not want to hire Mrs. Richter due to the high cost, but that he has some contacts that could do an excellent job.

Director Day stated that the project will take thousands of hours at the staff level.

Chairman Hood stressed that when Staff provides information on a provision or chapter, that it be made clear what editing has been done and how something will be changed as an end result.

Commissioner Berg questioned why there isn't a template that the City can use. He asked why the City has to reinvent the wheel.

Director Day responded that if we were to reinvent the wheel, the process would take ten years. Staff will be using a template from another city, but that our community has different zoning and different goals. The idea is to take a code that we know is legal, and take Coos Bay and put that into it. It's up to Planning Commission to determine what that means.

Director Day noted the Chairman's comment regarding edits. Director Day stated that Staff will start with the administration code section. Because we're using a new code as a template, we often cannot make strike outs. If there are edits to something existing, strike outs are possible.

Chairman Hood responded by requesting at least an explanation of what's being proposed or changed when Staff provides changes for review.

The Planning Commission and Director Day continued the conversation regarding code changes.

Commissioner Coles expressed her approval of the development code re-writes and commented that it was time to make revisions.

Director Day informed the Planning Commission to expect their work load to increase substantially.

COMMISSION COMMENTS

Commissioner Berg stated there is an event at the Boat Center on Sunday, the 4th of May at 6pm, and everyone is invited to attend the event.

Commissioner Miller expressed excitement regarding the changes that may and probably will come to Coos Bay. Re-writing the development code is an opportunity to guide the community for the upcoming years.

Commissioner Coles stated she is looking forward to the development code changes Director Day has proposed.

Commissioner Harlan stated his support for the Design Review Committee, as it was previously organized, prior to the changes made by Council. He expressed his belief that they are a helpful group composed of knowledgeable people from a variety of backgrounds. He expressed his belief that more than two people living outside of City limits should be allowed to participate on the committee.

Chairman Hood spoke about the Partnership for Coastal Watersheds. The organization received an award from the State Land Board. The award was received in conjunction with two other organizations: South Slough and Coos Watershed Association. Their current project is in the second phase of a two-part process to assess the health of the Bay. The project is expanding to include socioeconomic issues. Chairman Hoods stated he is hoping that down the road the collected data can be used as baseline information for comprehensive planning. The goal is to organize the project into a computerized format to make it a living document, so changes can be made as they occur. It would be formatted for GIS. Great work has been done so far.

ADMINISTRATIVE

None

ADJOURNMENT 7:12 p.m.



Chris Hood, Chairman
City of Coos Bay
Coos County, Oregon



ATTEST:

Aaron Harris, Planner
City of Coos Bay