

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

January 7, 1999

The minutes of the proceedings of a special meeting of the City Council of the City of Coos Bay, Coos County, Oregon, beginning at 7 p.m. in the Council Chambers at City Hall, 500 Central Avenue, Coos Bay, Oregon.

Those Present

Those present were Mayor Joanne Verger, Councilors Joe Benetti, Jeff McKeown, Cindi Miller, Don Spangler, Kevin Stufflebean, and Judy Weeks. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Planning Administrator Laura Barron, and Community Services Director Bill Finney.

Continuation of Eastside Comprehensive Plan Amendment and Amendment to the Land Development Ordinance – Adoption of Planning Commission Findings, Adoption of Resolution 99-2 and Enactment of Ordinance No. 269

Laura Barron, Planning Administrator, reported the record is closed and new information will not be submitted into the record concerning this matter. Ms. Barron explained there are several different components which make up the proposal and approval of each proposal is contingent upon approval of every component. Ms. Barron explained the Comprehensive Plan is the guiding document which sets forth policies to guide the City's development and the Land Development Ordinance is the tool to implement the policies set forth in the plan. The Comp Plan has established criteria that must be satisfied in order to amend the plan and the applicant has addressed the criteria in order to make the plan amendment. The decision must be made based on the criteria being satisfied.

Ms. Barron reported the Oregon International Port of Coos Bay owns approximately 312 acres in Eastside and the 114 site in question has been in Port ownership for many years and has been utilized as a dredge materials disposal site in maintaining the channel. Over 100 acres is suitable for urban levels of development. Councilor Spangler asked if the area lies within the downtown urban renewal district and Mr. Grile said it is within the urban renewal district, however D Street is not.

Ms. Barron explained Coastal Shoreland Boundary and Especially Suited for Water-Depend Use designations are placed on the property, and to remove each designation requires a plan amendment to allow the applicant to do their proposed development. Ms. Barron explained the Coastal Shoreland Boundary was assigned to the property because of the proximity to the estuary and it is proposed to cut the size down to a smaller piece and another layer proposed for removal is the Especially Suited for Water-Dependent Use which is based on State Goal 17. Ms. Barron reported the Port had applied for the plan amendment and rezone in March 1997. The Planning Commission approved the zone change to the 140 acres, subject to a Site Plan and Architectural Review (SPAR) at the time of development, and recommended approval of the plan amendment on August 12, 1997. The plan amendment and rezone went to the City Council on and was sent back to the Planning Commission for further review, in particular to the LCDC concerns. The LCDC concerns were addressed and on November 10, 1998 the Planning Commission approved the changes contingent on adoption of the Bay Area Economic Analysis.

Mayor Verger inquired what had prompted the Port to want to do this development when the City has had no growth. Ms. Barron responded a study was done of the area which determined the best use for

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the property was residential rather than industrial.

Ms. Barron explained the first component for review is the plan map designation proposal to change the zoning from industrial to residential-low, residential high, commercial and quasi-public. The criteria has been addressed, LCDC issue have been addressed, and the traffic study issue raised by ODOT has been addressed. Ms. Barron explained ODOT will not require a traffic study, but recommended the study be made a part of the SPAR process. She commented the SPAR would show vehicular and pedestrian traffic generation and would go before the Planning Commission. Mayor Verger said the traffic study is postponed, but the requirement not eliminated, and asked who would pay for the study. Ms. Barron responded the applicant would pay, however, the City does not require a traffic impact study and the SPAR would look at the traffic flow. She noted it is not known when the development will take place and the traffic study may not be necessary until later in the development. Mayor Verger inquired if an analysis of traffic had been compared to the flow if it were industrial versus residential. Ms. Barron reported the figures were very close and it didn't appear that there would be a great difference in the traffic volume. Mr. Grile noted the City's traffic analysis would be different than what ODOT would expect or cost. Ms. Barron commented ODOT can only make a traffic study a requirement at plan amendment and rezone time, and noted ODOT is not requiring, but recommending the study.

Councilor McKeown commented he was impressed with the way the proposed amendment was prepared but had concerns about the timing for making a zone change, and there is a need for more industrial property. Mayor Verger noted the property has been there along time with no development and the Port wants the property put to use and as the study showed, the property is more suited for residential than industrial. She further commented access from an industrial sense not good and most of the Eastside area is residential. Councilor McKeown reported that from the number of economic meetings he has attended, the big concern is that there is not enough industrial property available in the Bay Area, and that is a problem. One of the City's greatest assets is the deep water port and this property is located along the port. Given this fact, perhaps the City shouldn't take the property off the industrial roll. He further stated there is no immediacy for residential housing in the city and a bigger industrial base is needed, and may not be good in the long term. Councilor McKeown noted that NUCOR usually brings a number of secondary industries with them and they need to locate somewhere, possibly on this property.

Mayor Verger commented the Council needs to take a cautious look at what they do and encouraged discussion of the matter. She commented after attending the meetings and reviewing the Port's plan, she has come to the conclusion the Port's plan is good. Councilor Stufflebean expressed concern on the impact to the school system if 400 houses were built and commented the Council should address what the impact would be. Mayor Verger commented there is no way to know what percentage would be families, it could be a retirement village. Councilor Spangler asked Councilor McKeown if he knew how much land is open for industrial use on the North Spit and Councilor McKeown said he did not have the figures, just that the consensus from economic meetings is that there isn't enough industrial land available. Councilor McKeown asked what the immediacy was for the zone change. Mr. Grile said the Council must distinguish between need and suitability and the application is not based on need but on a series of very complex findings concluding the land is not suitable for industrial.

Ms. Barron reported this had been addressed and part of the justification is site and location factors. The property is isolated, industrial use is incompatible with adjacent residential and school uses, there is no rail service, distance from Highway 101, night uses, and access is poor. Councilor McKeown suggested access would be the port and it wouldn't be inappropriate to drive by residential and schools. Ms. Barron commented cars are a lot different than large trucks and heavy equipment. Councilor Weeks noted that when Mid-Coast Marine was in business there were many complaints and problems from noise and if rezoned, the City would not have the complaints. Councilor Miller commented supplies and materials would need to be trucked in to the site. Councilor McKeown opposed changing the zoning because of the timing, no need for more residential, and the economy is poor. Mayor Verger commented Councilor McKeown's concerns are

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shared by the Council as well as concerns about the Isthmus Slough Bridge and traffic flow in the Bunker Hill area.

Ms. Barron reported proponent No. 3 would remove the Especially Suited for Water Dependent Use for the property; No. 4 would amend the text of the Comprehensive Plan, Exception #17, to eliminate reference to Coos Bay Estuary Management Plan Segment 27-UW and the Eastside property; and No. 5 would amend the text of Coos Bay Estuary Management Plan 27-UW to enable the proposed development to take place. Ms. Barron explained Ordinance No. 269 provides a coordinating statement for the master plan regarding the requirement for riparian vegetation along the shoreline. Ms. Barron reported the effective date of the action shall be the date of the signature of the last party of the cooperative agreement between the City of Coos Bay, City of North Bend, Oregon International Port of Coos Bay, and Coos County. North Bend and Coos County has not yet signed.

Councilor Spangler moved to adopt the plan amendment, accept the Planning Commission's Final Recommendation for file #97-32 and #97-50, including the addition of Findings A3 and dA4 to File #97-32 to amend the plan map designation from Industrial, Reserved and Buffer to Residential-Low, Residential High, Commercial and Quasi-Public with the condition the effective date of this action shall be the date of signature of the last party of the Cooperative Agreement for the Bay Area Comprehensive Economic Analysis. Councilor Miller seconded the motion and Deputy Recorder Jansen polled the Council with the following votes:

Yes: Mayor Verger and Councilors Benetti, Miller, Spangler, and Weeks
No: Councilors McKeown and Stufflebean

Councilor Weeks moved to accept the Planning Commission's final recommendation for File #97-32 to relocate the Coastal Shoreland Boundary to 50 feet from the mean high water line of Isthmus Slough. Councilor Miller seconded the motion and Deputy Recorder Jansen polled the Council with the following votes:

Yes: Mayor Verger and Councilors Benetti, McKeown, Miller, Spangler, Stufflebean, and Weeks
No: None

Councilor Miller moved to accept the Planning Commission's final recommendation for File #97-32 to remove the ESWD designation from the subject property. Councilor Spangler seconded the motion and Deputy Recorder Jansen polled the Council with the following vote:

Yes: Mayor Verger and Councilors Benetti, McKeown, Miller, Spangler, Stufflebean, and Weeks
No: None

Councilor Weeks moved to accept the Planning Commission's Final Recommendation for File #97-32 to amend Exception #17 in the Comprehensive Plan by eliminating reference to Segment 27-UW and the Eastside property. Councilor Miller seconded the motion and Deputy Recorder Jansen polled the Council with the following vote:

Yes: Mayor Verger and Councilors Benetti, McKeown, Miller, Spangler, Stufflebean and Weeks.
No: None

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Councilor Spangler moved to accept the Planning Commission’s Final Recommendation for File #97-32 to amend the text of Coos Bay Estuary Management Plan 27-UW. Councilor Weeks seconded the motion and Deputy Recorder Jansen polled the Council with the following vote:

Yes: Mayor Verger and Councilors Benetti, Miller, Spangler and Weeks
No: Councilors McKeown and Stufflebean

Councilor Miller moved to adopt Resolution 99-2 based on the Planning Commission’s Final Recommendation for File #97-32 and #97-50, including the addition of Findings A3 and A4 to File #97-32, with the following condition: the effective date of this action shall be the date of signature of the last party of the Cooperative Agreement for the Bay Area Comprehensive Economic Analysis. Councilor Weeks seconded the motion and Deputy Recorder Jansen polled the Council with the following vote:

Yes: Mayor Verger and Councilors Benetti, Miller, Spangler and Weeks
No: Councilors McKeown and Stufflebean

Councilor Miller moved to enact Ordinance No. 269 amending Coos Bay Land Development Ordinance No. 93, as amended, adopting property development requirements in the Park/Cemetery District based on the Planning Commission’s Final Recommendation in File #97-33. Councilor Spangler seconded the motion and the Deputy Recorder read the ordinance by title only and polled the Council with the following vote:

Yes: Mayor Verger and Councilors Benetti, Miller, Spangler and Weeks
No: Councilors McKeown and Stufflebean

Planning Administrator Barron reported the decision will be reduced to writing and there will be a 21-day review period.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to January 19, 1999 at 7 a.m. at the Red Lion Inn, 1313 Bayshore Drive, Coos Bay for a special meeting.

ATTEST:

Joyce Jansen
Deputy Recorder of the City of Coos Bay
Coos County, Oregon

Joanne Verger
Mayor of the City of Coos Bay
Coos County, Oregon