

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

September 7, 2004

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

Those Attending

Those present were Mayor Joe Benetti and Councilors Jon Eck, Anna Marie Larson, Jeff McKeown, Cindi Miller, and Kevin Stufflebean. Councilor Roger Gould was absent. City staff present were City Manager Chuck Knight, Deputy Recorder Joyce Jansen, City Attorney Nathan McClintock, Fire Chief Stan Gibson, Library Director Carol Ventgen, and Police Chief Eura Washburn.

Flag Salute

Mayor Benetti opened the meeting and led the assembly in the salute to the flag.

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of approval of the July 20, 2004 and July 27, 2004 minutes. Councilor McKeown moved to approve the consent calendar as presented. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Presentation by Bob Braddock of Energy Projects Development LLC on the Proposed Development on the North Spit [Jordon Cove Project]

Bob Braddock reported Energy Projects Development LLC is in the process of developing a liquid natural gas receiving terminal on the North Spit. He briefly reviewed the progress of the project and noted obtaining the land and permits could take at least one year. Mr. Braddock explained ships will bring the gas from Alaska, Eastern Russia or Peru and they anticipate two ships per month. He further explained the areas in which they hope to sell the gas, the safety features of the facility, and that Coos County can expect a lower cost for the gas than in other parts of the country. Mr. Braddock commented the long-term growth in the Bay Area will benefit from this facility, although, such facilities are not without controversy. He reported there has not been a significant accident where there has been loss of life or major injury in the US or in Japan. These facilities have a very high safety record and he explained the construction and safety features of the gas tanks. Mr. Braddock stated the benefit for the area is that there will be a piece of infrastructure in place that has been missing for a long time, which will attract industry to the area. Councilor McKeown commented the facility will bring more revenue for the county's pipeline as well as an opportunity for good jobs and will attract other businesses to the area.

Public Hearing on the Appeal of Remand of the Conditional Use for a Planned Unit Development

[ZON2004-00062] Located South of the Terminus of Prefontaine Drive and Pacific Crest Subdivision

Planning Administrator Laura Barron read the public hearing disclosure to the assembly and briefly reviewed the application. The applicant is the Mhyre Group and the proposed planned unit development [PUD] was conditionally approved by the Planning Commission in July. The criteria for approval were that the development would be served by streets adequate to safely carry traffic from the development, and the development would not have an adverse affect the surrounding areas. Ms. Barron reviewed the area the development would be built, the easement to route traffic to Fulton, and the affection on Prefontaine Drive. Ms. Barron reported the Council must first determine if the appeal was filed within a timely manner, and if the appellants have standing to appeal. The notice of decision was mailed on July 15th and the appeal was received on the July 28th, and the scope of appeal is limited to the issues raised in the appeal. Councilor Stufflebean moved that the notice of appeal was filed in a timely manner and the appellants have standing to appeal. Councilor Eck seconded the motion which passed with Mayor Benetti and all Councilors present voting aye.

Mayor Benetti opened the public hearing. Christopher Rainey, 835 Prefontaine Drive, reviewed the process beginning May 2003 through September 2004, and action taken at the Planning Commission and Council meetings. City Attorney McClintock reminded Mr. Rainey that issues for discussion need to be those of the appeal. Mr. Rainey suggested the approval be modified to require a second access and reduce the project density to allow public safety vehicles access between the PUD and the development. Fire Chief Gibson reported under the code, once access can be allowed the building have sprinkle systems.

Mayor Benetti inquired about the change in the staff report and Ms. Barron explained after the application was remanded, the subdivision was revised to remove eight acres which changed the development, and City ordinance requires that a PUD have access via public road. The applicant requested a continuance and came back with a connection to Prefontaine. Ms. Barron explained in the beginning, the access was shown through Morrison, but because an easement was not able to be obtained, the applicant abandoned the idea. Ms. Barron noted a new traffic study was done for the new connection and the current proposal was conditionally approved by the Planning Commission. Ms. Barron reviewed the stats from the traffic study and there was further discussion on traffic impact to Prefontaine Drive and the surrounding area, and the problems with obtaining an easement. Councilor McKeown noted the safety and traffic issues will be addressed in the site plan and architectural review [SPAR]. Ms. Barron reported the conditional use needs to be in place to move forward with the SPAR. Ms. Barron accepted Mr. Rainey's chart as Exhibit 1.

Bob Everetts, 770 Prefontaine Drive, expressed concern about the traffic statistics and the increase in traffic the development would bring. He suggested Nautical Street end in a cul de sac so it would not impact Prefontaine, and would preserve the lifestyle and safety of the area. There was further discussion that it would not be a public road and access from the Tribe was not available. Bob Renner, 765 Prefontaine, commented the key issue is access to the new development and future connectivity to adjoining parcels is required by the Land Development Ordinance. Mr. McClintock noted this would be part of the SPAR process and Mayor Benetti commented the City had tried to make the access a public road. Mr. Renner commented the reason for the appeal is the issue of access; these issues have not been resolved and they are

a part of the LOD criteria. Mayor Benetti explained the project will not go forward until the developer goes through the SPAR process. Mr. Renner also expressed concern about the information in the traffic study.

June Willoughby, 1101 Fulton Avenue, stated she has attended five council and planning commission meetings and could not hear what was being said, and she requested the Council use the microphones and speak slower. Ms. Willoughby expressed concern about the density of the project and street access, and recommended the city adopt system development fees. She inquired about the requirements for a local improvement district [LID] and expressed concern that residents would be forced to participate in an LID. Ms. Barron explained the process for an LID. Jeff Myhre, Charleston View LLC, reported the LID is a condition placed on them and they agreed not to oppose the formation of an LID. Mayor Benetti commented the concern is that citizens have the ability to do an LID if they desire, but they want assurance that the developer would not initiate an LID.

Mr. Myhre commented the development will not exceed 172 units and that the changes in the plans came about through the planning/development stage. Mr. Myhre commented the SPAR process will cover the areas of concern expressed by residents. He further stated the PUD process is complicated and there has been some confusion regarding traffic impact and access. Haun Lee explained the guidelines and standards for the traffic study and reported the conceptual site plan allows for future connectivity. There was further discussion of the traffic study, whether installing a gate would be beneficial, and public safety access.

There were no more comments to be heard, and Mayor Benetti closed the public hearing. Councilor Stufflebean moved to modify the Planning Commission's approval of the PUD to add a gate structure, to add in Section E no remonstrance if an LID is to be formed by citizens, that no more than 172 units will be built, and to adopt the findings and conclusions of the Planning Commission. Councilor Eck seconded the motion which passed with the Mayor and all Councilors present voting aye.

City Attorney's Report

City Attorney Nate McClintock reported the City has received notification of a potential claim by Mike Martin and the claim has been forwarded to the City's insurance provider.

City Manager's Report

City Manager Chuck Knight reported Dyer Partnership is preparing documents to go to bid on the bay crossing project and this will be brought back to the council for approval. The appraisal on the Mission property has been completed and will be presented to the Urban Renewal Agency. Walt Meyers will be on the September 21st council agenda to discuss system development charges.

Public Comments

June Willoughby, Coos Bay, requested the City Council consider amending Ordinance No. 42 regarding animals at large to include a leash law. Ms. Willoughby reported problems in her

neighborhood with dogs running at large, attacking other animals and knocking people down. City Attorney McClintock will look into the matter.

Council Comments

Councilor Eck introduced Howard Owens as one of the new battalion chiefs. Councilor Larson commented school is open and encouraged citizens to drive carefully. Councilor Stufflebean welcomed Mr. Owens and commented the Downtown Association did a great job with the Blackberry Arts Festival. He reminded everyone the Fun Festival will be held September 18th and 19th. Councilor McKeown commented development of the liquid natural gas facility is positive step forward for the community, and SCDC is working on some interesting leads in the wood products industry. Mayor Benetti reported Music on the Bay will present concerts in the park every Tuesday for the month of September, and the American Legion awarded Coos Bay a plaque for City of the Year. Mayor Benetti reported all Farmer’s Market vendors have been instructed to park away from the downtown area and the market is doing very well. He noted the city manager candidates will be interviewed Thursday and Friday, and will also attend the Tourism Promotions Committee meeting.

Executive Session

An Executive Session was held pursuant to ORS 192.660 (2) (a) for the purpose of considering applicants for the city manager position.

The Council reconvened into regular session.

Adjourn

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to September 9, 2004 in the Council Chambers at City Hall.

Joe Benetti, Mayor

ATTEST:

Joyce Jansen, Deputy Recorder