

## **MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL**

**July 1, 2003**

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, Roger Gould, and Anna Marie Larson. Councilors Jeff McKeown, Cindi Miller, and Kevin Stufflebean were absent. City staff present were Interim City Manager Chuck Knight, Deputy Recorder Joyce Jansen, City Attorney Nathan McClintock, Finance Director Janell Howard, 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 authorization to redeem hotel/motel bonds. Councilor Eck moved to approve the consent calendar as presented. Councilor Gould seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Department Head report by Finance Director Janell Howard**

Finance Director Janell Howard reported the budget for fiscal year 2003/04 will be filed with the county July 15<sup>th</sup>. The Public Employees Retirement System recently revised the city's rate which will eliminate one-half the city's expenses for retirement contributions. Ms. Howard commented the rate can be changed July 2005 and is estimated to increase 3.4% based on 2001 losses. This year's budget is balanced without the use of one-time revenue and the Hotel/Motel bonds will be called and paid off by August 15<sup>th</sup>. Mayor Benetti commented this is the first time in two years revenues have met expenditures.

### **Presentation by Coos County Fair Queen Jolene Woodlief and first Princess Megan Shaw**

Coos County Fair Queen Jolene Woodlief reported the dates of the fair are July 22<sup>nd</sup> through 26<sup>th</sup> and reviewed the fair schedule and various entertainment events being offered during the week. Princess Megan Shaw reported on the rodeo, children's events, dance, and parade.

### **Public Hearing on a Proposed Rezone and Plan Map Amendment for Property Located at 1330 Teakwood**

Planning Administrator Laura Barron read the public hearing disclosure for land use issues to the assembly and explained Coos Bay School District is requesting the zone change to allow for

the sale of the facility. Under the current zoning designation the facility can only be used for educational purposes. Ms. Barron reviewed the location of the facility and the written comments received regarding the proposed changes. The Planning Commission reviewed the request and recommended approval of the rezone with two conditions: residential use of the property shall not be permitted, and a vegetation buffer of a minimum of 10 feet in width shall be maintained on the eastern property line. Mayor Benetti opened the public hearing for citizen comments. Joe Slack, architect for the school district, reviewed a map of the area and pointed out land use and street locations in the area. Mr. Slack commented the facility is currently used for office space and is in good shape, and the adjoining ball field would continue to be used and would maintain the park-like setting required by the zoning conditions. There being no further public comments, Mayor Benetti closed the public hearing.

Councilor Gould moved to approve the zone change based on the findings and conclusions set forth in Exhibit A of the proposed ordinance with the conditions that residential use shall not be permitted, and a vegetative buffer, a minimum of 10 feet in width, shall be maintained on the eastern property line. Councilor Eck seconded the motion and Deputy Recorder Joyce Jansen read the ordinance by title only and polled the Council. Ordinance No. 335 was enacted with the following vote:

Aye: Mayor Benetti and Councilors Eck, Gould, and Larson  
No: None  
Absent: Councilors McKeown, Miller, and Stufflebean

Councilor Gould moved to approve the plan map amendment and change the plan map designation from “Quasi Public (QP)” to “Residential High (RH)” based on the findings and conclusions set forth in Exhibit A of the proposed ordinance. Councilor Eck seconded the motion and Deputy Recorder Joyce Jansen read the ordinance by title only and polled the Council. Ordinance No. 336 was enacted with the following vote:

Aye: Mayor Benetti and Councilors Eck, Gould, and Larson  
No: None  
Absent: Councilors McKeown, Miller, and Stufflebean

**Appeal of Conditional Use ZON2003-00053 Allowing a Planned Unit Development to Proceed with a Site Plan and Architectural Review for Property Located South of Prefontaine Drive**

Planning Administrator Laura Barron reported an appeal of the Planning Commission’s approval of a conditional use application to allow a Planned Unit Development (PUD) on property located south of Prefontaine Drive has been filed and the decision is based on the applicant’s failure to meet the major criteria required by existing city ordinance. The City Council agreed by consensus that the appeal was filed in a timely manner, the appellants have standing to appeal, and the notice of decision contains the reasons the appellants feel aggrieved by the decision. Planning Administrator Laura Barron read the public hearing disclosure to the assembly and explained the proposed planned unit development and the conditions and criteria required for approval of the project. The Planning Commission approved the use with five conditions which are now part of the site plan and architectural review. The appeal is based on two issues: the applicant should complete a traffic impact study to assess the suitability of the existing streets

for the development, and an engineering and scientific study of the site's topography be completed to determine the number and arrangement of dwelling unit the site can support before approval of the conditional use is given.

Mayor Benetti opened the public hearing for citizen comments. Seymour Glassman, 1006 Maryland, expressed concerns about the manner in which the Planning Commission handled information he submitted regarding safety for residents, and the adequacy of the streets regarding emergency vehicle access, traffic volume, and lighting. Donna Mangham, 534 Taylor Avenue, expressed concern regarding increased traffic on Prefontaine Way and recommended the development be required to meet the same development standards as those applied to Prefontaine Way and the surrounding area. Chris Rainey, 835 Prefontaine Drive, representing a group appealing the Planning Commission's decision, reviewed the criteria the applicant was to meet. He stated the applicant failed to meet the criteria and the Planning Commission received 20-plus letters and heard testimony opposing the application. Mr. Rainey commented the SPAR process is for fine-tuning after the criteria has been met and requested the Council overturn the Planning Commission's decision granting the conditional use.

Bob Winokur, 840 Prefontaine Drive, commented the decision must be based on whether the application meets the requirements of the land development ordinance. The applicant failed to meet the criteria, and financial considerations were inappropriately considered in the decision process. Mr. Winokur urged the Council to overturn the Planning Commission's decision, and if not, consider requiring an alternate access to the development because the streets are not designed to handle the additional traffic. Bob Everetts, 770 Prefontaine Drive, commented he is not opposed to the project, but would like to see a continuation of the upscale neighborhood and an alternative access other than Prefontaine Drive should be required. Frances Cooley, 720 Prefontaine Drive, commented mobile homes already exist in the area and the development would be a good addition to the area. Mark Healy, Coos Bay, commented the Coquille Indian Tribe has agreed to look at an easement across their property for the development. L. C. Tindell, member of the Coquille Indian Tribe, expressed support for the development and commented the City Council and Planning Commission do a good job.

Jeff Myhre, representing the applicant Hank Westbrook, stated his firm specializes in planned unit developments and they have met the city's land development ordinance requirements. He reported they have hired an engineer to do a traffic study, and they are addressing wetland requirements, provision of utilities, erosion control, and obtaining easements. Councilor Gould noted the LDO has criteria to be met before approval of the development. Mr. Myhre commented the studies would take time and money and his firm believes the conditional use approval is necessary for them to evaluate the project. There was further discussion on when the criteria would be addressed in the process and whether the application meets the criteria. City Attorney Nate McClintock commented the Council could approve the conditional use with conditions, and eventually the applicant will have to do the studies. He further stated the issue is how to proceed with the development.

There were no further comments and Mayor Benetti closed the public hearing. Councilor Gould recommended reversing the Planning Commission's final order and remanding the matter to the Commission and take evidence on Criteria No. 3. He further commented the applicant has acknowledged no evidence of traffic use and safety has been presented, and the applicant's position is that it can be determined by the SPAR process. Councilor Gould explained granting a conditional use is different than placing conditions on an approval, and the applicant must

provide evidence on each decision criteria. The proposed use must not adversely impact the streets and this criteria must be addressed. Councilor Eck concurred with Councilor Gould's assessment of the matter. Councilor Larson expressed support for the development and noted it would help economic development in the area. Mayor Benetti commented the Council supports the project, however, the issues need to be resolved before proceeding.

Councilor Gould moved to reverse the Planning Commission's final order and conditional use ZON2003-00053, Hank Westbrook, final order dated May 15, 2003, and remand the application to the Planning Commission for taking further evidence on decision criteria no. 3. Councilor Eck seconded the motion. The motion passed with Mayor Benetti and Councilors Eck and Gould voting aye, and Councilor Larson voting no.

### **Approval of Salary and Agreement for the Interim City Manager**

Mayor Benetti moved to approve the proposed salary of \$5,737 per month and contract agreement for Interim City Manager Chuck Knight. Councilor Gould seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **City Attorney's Report**

City Attorney Nate McClintock commented questions had been raised by the Council at a previous meeting regarding the OLCC licensing process. OLCC is required to obtain input, or at least request input, but OLCC is not required to abide by the Council's recommendation. Mr. McClintock suggested that unless there is reason to deny the license, there is no need to place the license on the council agenda.

### **City Manager's Report**

Interim City Manager Chuck Knight reported negotiations are in progress for the City of Coos Bay to provide dispatch service for the City of Coquille, the appraisal of the Empire Lakes Community Building came in at \$285,000, and discussion of the South Town development project is proceeding.

### **Public Comments**

There were no public comments given.

### **Council Comments**

Councilor Larson wished everyone a happy and safe 4<sup>th</sup> of July. Councilor Eck congratulated Stan Gibson on appointment as president of the Lion's Club and reminded everyone of the activities scheduled in Mingus Park on the 4<sup>th</sup> and of the North Bend Jubilee beginning on the 5<sup>th</sup>. Mayor Benetti asked the Council's approval to remand dedication of the boardwalk to Steve Clay to the Parks Commission for designing, and the Councilors agreed. Mayor Benetti reported a retirement party for Dave Main and Larry Mauer will be held on the 12<sup>th</sup>, the Council has been invited to participate in North Bend's Jubilee, and The Mill will have a celebration and

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fireworks on the 3<sup>rd</sup>. He reminded everyone of Coos Bay's July 4<sup>th</sup> activities in Mingus Park and fireworks over the bay.

**Executive Session**

Pursuant to ORS 192-660 (1)(d) the City Council met in executive session for the purpose of discussing labor negotiations.

The Council reconvened in regular session.

**Adjourn**

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to July 15, 2003 in the Council Chambers at City Hall.

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Joe Benetti, Mayor

ATTEST:

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Joyce Jansen, Deputy Recorder