

City of Coos Bay

Public Works & Development Dept.

500 Central Ave., Coos Bay, Oregon 97420 • Phone (541) 269-8918

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FINAL ORDER NOTICE OF PLANNING COMMISSION DECISION AND ORDER

APPLICATION: Site Plan and Architectural Review #ZON2007-00087
Pacific Crest Heights Planned Unit Development

APPLICANT: Jan Sirchuk, PO Box 2767, Harbor, OR 97415
OWNER: Charleston View, LLC, PO Box 2767, Harbor, OR 97415

LOCATION: T. 25, R. 13, S. 29 AB, a portion of Tax Lot 100
Located south and east of Pacific Crest Planned Community

ORDER: Approved with conditions on November 13, 2007
Planning Commission Final Vote:
Yea: Chairman Bruce Harlan, Commissioners Jim Berg, Chris Coles,
Steve Donovan and Rex Miller
Nay: None **Abstain:** None

APPEAL PROVISIONS: See page 2.

DECISION CRITERIA AND THE ADOPTED FINDINGS OF FACT, CONCLUSIONS, AND CONDITIONS: See pages 3-9.

FINAL ACTION

Based on the adopted Statements of Facts, Findings, Conclusions and the applicant's submittal, attached hereto and incorporated herein by reference as Attachment A, approve Site Plan and Architectural Review application #ZON2007-00087, allowing the development of a planned unit development (PUD) on Lots 13-15 of Pacific Crest Phase II, with the following conditions:

CONDITIONS:

1. Variance ZON2007-00088 requesting approval of the elevator shaft to be over the 35 foot height limit must be approved prior to the issuance of building permits.
2. The number, distribution, flow and flow duration of fire hydrants must comply with the current fire code adopted by the city.

3. The pump station must be built to DEQ and City standards and sized, or phased, to serve development on Lots 1-15 of Pacific Crest Phase II subdivision (ZON2007-00086), as it occurs. If the subdivision is not finalized the pump station must be sized, or phased, to serve potential development on the property which was proposed as Lots 1-12.

If the pump station is to be operated and maintained by the City, a paved access and turnaround must be provided to the City to access the pump station. An easement must be granted to the City for the access and an area adequate in size for the maintenance and operation of the pump station must be dedicated to the City.

The dedication and easement must be recorded with the County.

4. The City is not responsible for maintenance of sewer main lines on private property unless adequate access and easements are granted.
5. The developer/landowner of the proposed development of one, all, or a portion of Lots 13-15 shall be responsible for the provision of the main line of utilities to the furthest boundary (from the source of the utility) of the lot(s) being developed.
6. Post development storm water runoff onto adjoining property must be less than or equal to the storm water runoff prior to development.
7. Compaction tests must be completed, documented and provided to the Public Works and Development Department prior to the final approval of the City Excavation/Fill Permit.
8. The impoundment pond (dam) must be engineered and designed to handle traffic and peak flows of storm water into First Creek.
9. The outfall of the existing storm sewer must be connected to the downstream detention basins to eliminate discharge on to the Tribe's property.
10. The "General Comments" and "Pacific Crest Phase II Subdivision Plan Review Comments" in the letter from HBH Consulting Engineers, dated October 31, 2007 (Attachment E) must be addressed prior to issuance of any development permit, or at the time of final plat of subdivision ZON2007-00086 and final engineering.
11. As stated in the feasibility level geotechnical report by PBS Engineering and Environmental, detailed geotechnical studies along with appropriate recommendations for the construction will need to be completed prior to finalizing the design work on the project.
12. The road access gates must be able to be opened electronically from the interior of emergency fire apparatus. The electronic gates, limiting access to the PUD, must be operational prior to the issuance of building permits for any residential units.

13. The paved roadway ends at the driveway for Buildings A, B, C and D. To the south and west of these driveways, the roadway becomes a gravel road which connects to the south end of the existing Pacific Crest Phase II subdivision. The roadway, gravel or paved, must be a minimum of 20 feet in width for emergency access vehicles.
14. The private road/easement, as shown in the subdivision (ZON2007-00086) must be developed and monumented from the eastern boundary of Lot 15 to the western boundary of Lot 13, at a minimum, as an all-weather travel surface, 20 feet in width when one, all or a portion of Lots 13-15 are proposed for development. This will insure emergency access to the gate at the west end of the lots.
15. Approval of an additional slope and access easement through City and Coos Bay North Bend Water Board property, if necessary, from the northeast corner of the subject property must be granted prior to final plat and referenced on the final plat.
16. Variance ZON2007-00088 must be approved in order to allow the mechanical appurtenances, the chimneys and elevator shafts, above the 35-foot height limitation in the R-2 zone.
17. The PUD irrigation plans, details and specifications shall be prepared by a State of Oregon licensed Landscape Architect with north arrow, scales and key legends.

The irrigation plans shall show all areas to be irrigated including shrubs, trees, ground cover beds and lawn areas. Open space areas or rough grass seeded areas shall not be irrigated. All main lines and lateral lines shall be sized, sprinkler heads located for head to head coverage with GPM calculations provided. Irrigation lines extending under pavements shall be installed in sleeves.

The irrigation system shall be a fully automatic underground system with the location of the controller, the electrical valves, the backflow prevention and metering units. There shall be a manual shut off valve to shut down the entire system for maintenance and winterization. The backflow check valve shall be of a reduced pressure type, sized, and installed on a seismic concrete pad with a freeze-proof cover. A permit with tests is required for this installation.

All valves, meters and equipment shall be detailed and specified for size, manufacturer and installation for both workmanship and materials.

The plans must be submitted and approved prior to the issuance of building permits.

18. All private streets within a PUD shall be designed and constructed to City standards.
19. An additional three (3) feet on each side of pavement shall be designated as right of way area in which no construction shall take place.

20. All streets within the PUD shall be named as approved by the Commission. The owner or operator of the development shall furnish, install and maintain street signs of a type approved by the Commission.
21. Fire protection: On-site fire protection facilities shall be provided in accordance with current regulations and requirements of the City pertaining to such development.
22. Lighting: All roads within the PUD shall be lighted at night to provide a minimum of .35 foot-candles of illumination.
23. A description of the manner in which the open space and recreational areas will be perpetuated, maintained and administered: The preservation and continued maintenance of property commonly-owned and/or held for common use shall be guaranteed by a restrictive covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents shall be filed with the Public Works and Development Department before occupancy of any dwelling.
24. Additional geotechnical information is required to insure the effectiveness of the landscaping in the cut areas.

A three (3) year time period from the date of the decision was granted to the applicant to commence their project.

The decision to approve will become final at **5:00 P.M. on December 5, 2007**, unless an appeal is filed.

APPEAL PROVISION

A decision by the Planning Commission may be appealed to the Coos Bay City Council by an affected party. The party must file an intent to appeal with the City Recorder, which includes the required fee, within fifteen (15) days from the date of the decision. A notice of appeal shall contain all of the following:

1. Identification of the decision to be reviewed.
2. Statement of the interest of the appellant and whether the appellant has "standing to appeal." An individual is said to have "standing to appeal" if the person:
 - a. appeared before the Planning Commission orally or in writing, and
 - b. the person's interests are adversely affected by the decision.
3. Reasons the appellant feels aggrieved by the decision, and how the appellant feels the Planning Commission erred in its decision.

The scope of the review shall be limited to the issues raised in the request for appeal. The City Council will consider evidence in the record, evidence submitted at the appeal hearing which is relevant to the issues under review, and oral or written arguments submitted at the time of the appeal hearing addressing those issues.

Questions regarding the appeal procedure may be directed to the Public Works and Development Department, City Hall, 500 Central, Coos Bay, Oregon or phone (541) 269-8918.

DECISION CRITERIA, FINDINGS & CONCLUSIONS:

The following is a list of the Decision Criteria applicable to the request as stated in Chapter 5.11 of the Land Development Ordinance (LDO). Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. Although each of the findings or justification statements specifically applies to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

Based on their conclusions the Commission must deny, approve or conditionally approve the application. Conditions may be used by the Commission in order to address concerns about the compatibility of the proposed use.

DECISION CRITERIA #1: The location, size, shape, height, spatial and visual impacts and arrangements of the uses and structures are compatible with the site and surroundings.

STATEMENTS OF FACT AND FINDINGS:

- 1a.** The R-2 zoned subject property, made up of Lots 13-15 of proposed Pacific Crest Phase II subdivision (ZON2007-00086), contains approximately 25 acres and is surrounded by the following:

North: To the north of the subject property is the 36-lot Pacific Crest Planned Community. Northeast is property owned by the Confederated Tribes with business offices located at the north end of the property and property owned by the Coos Bay North Bend Water Board which is the site of a large municipal water storage tank and the site of a future tank.

East: East of the subject property is undeveloped property owned by the City of Coos Bay and property owned by the Coos Bay North Bend Water Board for watershed purposes.

South: To the south is property owned by the Water Board and used for watershed purposes.

West: To the west is property proposed for 12 single-family dwellings, residential Lots 1-12 of proposed Pacific Crest II subdivision. Further west is undeveloped property owned by Coquille Indian Tribe.

- 1b.** The unit breakdown by building type is summarized below:
- 124 units in three-story condominium buildings
 - 12 units in two-story townhouses
 - 6 units in one-story duplexes
 - 12 units in one-story tri-plexes.

- 1c. Roughly one half of the 154 condominiums proposed are along the eastern property line which also represents the highest elevations of the site. The condominium buildings are three stories and 35 feet in height. The only portion of the condominium building greater than 35 feet is the elevator shaft of the building which protrudes beyond the height limit of 35 feet. A Variance (ZO2007-00088) has been applied for to allow the elevator shaft to be over the 35 foot height limit.
- 1d. There is a tree line along the east property line that screens the condominium buildings from the adjacent property to the east. To the north of Building O, which is the northern-most building, the property is vacant which creates a buffer. To the south, vacant property exists which again creates a buffer. To the west, a row of two-story townhouses across the street from condominium buildings M and N help create a visual transition from single-family homes to the north and west to condominium buildings.

Architectural treatments such as staggering the building height down the hill, articulation of the buildings, spacing, and use of multiple color schemes help create a visual break to the mass of the condominium buildings and to make them compatible with adjacent single-family residences.

- 1e. The project site has been designed to cluster density to maximize the open space. This design concept has allowed for approximately 53% of the site to be comprised of open space.
- 1f. General open space areas such as landscape and trail areas, park areas, stream buffer and wetland areas make up approximately 62%, or about 16 acres of the approximate 25-acre site.

Two neighborhood parks are proposed within the PUD (see Sheets 13, 15 and 20 of the applicant's submitted drawings). The first park, .23 acre in size is located at the northeastern portion of the site at the development entrance. This park shares 8 surface parking spaces with Building O. These spaces are guest parking spaces for the building.

The second park, .35 acre in size, is located in the south central portion of the project site, south of Building F and northwest of Building E. The park shares 8 surface parking spaces with the building which are designated for guest parking.

CONCLUSION: The location, size, shape, height, spatial and visual impacts and arrangements of the uses and structures are compatible with the site and surroundings. The decision criterion has been adequately addressed and approval of the proposal can be supported with the following condition:

CONDITION: Variance ZON2007-00088 requesting approval of the elevator shaft to be over the 35 foot height limit must be approved prior to the issuance of building permits.

DECISION CRITERIA #2: The public and private sewerage and water facilities provided by the development are adequate in location, size, design, and timing of construction to serve the residents or establishments. These facilities meet city standards and relevant policies of the comprehensive plan and provide adequate fire protection.

STATEMENTS OF FACT AND FINDINGS:

- 2a.** The utility plan was prepared by PBS Engineering & Environmental and addresses the layout of the following utilities: sanitary sewer, stormwater, municipal water, and fire protection. Plan drawings are on Sheets 5-11 of 37 in the applicant's submitted drawings.
- 2b.** A pump station is proposed in the Pacific Crest Phase II subdivision (ZON2007-00086) which is currently under review. The pump station will collect wastewater from a proposed 8-inch PVC gravity main that will serve the PUD located in the southern and eastern portions of the property.
- 2c.** The applicant states in the submitted information that preliminary discussions with the Water Board has indicated that adequate fire flows exist to serve the PUD. Additional fire protection will be provided for all of the three-story condominium buildings which will be sprinkled.

CONCLUSION: The decision criterion has been adequately addressed and approval of the proposal can be supported with the following conditions:

CONDITIONS:

- 1. The number, distribution, flow and flow duration of fire hydrants must comply with the current fire code adopted by the city.
- 2. The pump station must be built to DEQ and City standards and sized, or phased, to serve development on Lots 1-15 of Pacific Crest Phase II subdivision (ZON2007-00086), as it occurs. If the subdivision is not finaled the pump station must be sized, or phased, to serve potential development on the property which was proposed as Lots 1-12.

If the pump station is to be operated and maintained by the City, a paved access and turnaround must be provided to the City to access the pump station. An easement must be granted to the City for the access and an area adequate in size for the maintenance and operation of the pump station must be dedicated to the City.

The dedication and easement must be recorded with the County.

- 3. The City is not responsible for maintenance of sewer main lines on private property unless adequate access and easements are granted.
- 4. The developer/landowner of the proposed development of one, all, or a portion of Lots 13-15 shall be responsible for the provision of the main line of utilities to the furthest boundary (from the source of the utility) of the lot(s) being developed.

DECISION CRITERIA #3: The grading and contouring of the site and how site surface drainage and/or on-site surface water storage facilities are constructed to insure that there is no adverse effect on neighboring properties, public right of way, or the public storm drainage system; and that the site development work will take place in accordance with City policies and practices.

STATEMENTS OF FACT AND FINDINGS:

- 3a.** The applicant states the project site has been carefully designed in its grading and contouring to provide the best utilization of the project site as it relates to the proposed buildings, roadway and driveways, access and pedestrian facilities. The grading plan (Sheets 6-11) shows the premise of the plan is to lower the highest elevation of the site at the northeast corner so vertical drop of the first row of condominium buildings along the eastern project boundary is minimized. Otherwise, a massive retaining wall would be necessary at the southeast end of the site.
- 3b.** There are two detention pond areas planned at the southwest corner of the project site if they are deemed necessary in the final engineering design phase of the project. These areas are designated in the SPAR plans (Sheet 13) but will only be utilized if needed to protect neighboring properties from the project site's surface drainage. This may not be necessary since approximately 53% of the site is open space and some infiltration will be possible.
- 3c.** An existing man-made pond at the south end of the project site may also be utilized for on-site surface water storage if necessary.
- 3d.** A "Geotechnical Investigation Report – Revised," dated August 14, 2007, by PBS Engineering and Environmental, is included with the applicant's submitted information. The feasibility level geotechnical study provides feasibility level recommendations for residential development as necessary for the initial land use planning approval. The report states that detailed geotechnical studies along with appropriate recommendations for the construction will need to be completed prior to finalizing the design work on the project. Due to the sandy nature of the soils, surface and storm water needs to be carefully controlled.
- 3e.** In a letter (Attachment D) dated October 18, 2007 the Coquille Indian Tribe expresses its concerns regarding stormwater runoff from the subject property onto tribal property to the south. First Creek, which runs through the subject property and continues onto the Tribe's land, is culturally significant to the Tribe.

The Tribe requests help in protecting the stream by requiring the following measures in any permits issued for this project:

- 1. The Department of Environmental Quality 1200-C permit must be strictly followed and monitored;
- 2. An erosion and sediment control plan must be strictly monitored to prevent sediment from leaving the construction project;

3. The developer must protect the Tribe's boundaries with properly installed and maintained silt fences;
4. Stormwater outfalls must be designed to mitigate erosion;
5. The impoundment pond (dam) must be engineered and designed to handle traffic and peak flows of stormwater into First Creek. The Tribe believes this is an illegal fill created by the previous owner, and is a danger to any downstream areas; and,
6. The outfall of the existing storm sewer must be connected to the downstream detention basins to eliminate discharge on to the Tribe's property.

The City finds the Tribe's requests 1-4, above, to be the responsibility of the Oregon Department of Environmental Quality. Items 5 and 6 will be reviewed for compliance by the City and the City's Engineer of Record at the time engineered plans for the infrastructure are presented to the City and prior to any development.

Items 5 and 6 are added to the conditions of approval.

- 3f.** A letter from Darin Nicholson, HBH Consulting Engineers, dated October 31, 2007, is at Attachment E. At the request of the City, HBH has reviewed the Preliminary Plans submitted for the proposal and provided their comments.

The comments are added to the list of conditions applicable to the proposal.

CONCLUSION: Since approximately half of the project site is considered open space, there is great flexibility in how the storm water runoff is dealt with. The PUD has been designed to accommodate storm water runoff on-site and sufficient open space is available to provide adequate facilities and treatment.

The decision criterion has been adequately addressed and approval of the proposal can be supported with the following conditions:

CONDITIONS:

1. Post development storm water runoff onto adjoining property must be less than or equal to the storm water runoff prior to development.
2. Compaction tests must be completed, documented and provided to the Public Works and Development Department prior to the final approval of the City Excavation/Fill Permit.
3. The impoundment pond (dam) must be engineered and designed to handle traffic and peak flows of storm water into First Creek.
4. The outfall of the existing storm sewer must be connected to the downstream detention basins to eliminate discharge on to the Tribe's property.

5. The "General Comments" and "Pacific Crest Phase II Subdivision Plan Review Comments" in the letter from HBH Consulting Engineers, dated October 31, 2007 (Attachment E) must be addressed prior to issuance of any development permit, or at the time of final plat of subdivision ZON2007-00086 and final engineering.
6. As stated in the feasibility level geotechnical report by PBS Engineering and Environmental, detailed geotechnical studies along with appropriate recommendations for the construction will need to be completed prior to finalizing the design work on the project.

DECISION CRITERIA #4: 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.

STATEMENTS OF FACT AND FINDINGS:

- 4a. The Pacific Crest subdivision approval conditioned the development to a maximum trip impact to Prefontaine Drive of 1,000 trips per day and the future traffic along Radar Road not to exceed 3,000 daily trips. The Pacific Crest Heights PUD will not have access to Prefontaine Drive since a gate is required at the south end of proposed Pacific Crest Phase II subdivision.
- 4b. The existing traffic volume along Radar Road was established at 1,618 daily trips in 2004 from a previous traffic study conducted by H. Lee & Associates. The previously approved Pacific Crest subdivision added 310 daily trips to Radar Road at full build out of its 36 lots. the proposed 12 single-family lots with the Pacific Crest Phase II subdivision are projected to generate an additional 104 daily trips along Radar Road. The total number of daily trips along Radar Road with the Pacific Crest and Pacific Crest Phase II subdivisions is 2,032. This leaves a daily capacity of 968 trips along Radar Road.

The proposed Pacific Crest Heights PUD is projected to generate 902 daily trips of which 812 trips would impact Radar Road. The remaining 90 daily trips generated by the proposed PUD will utilize Pacific Avenue to the west.

- 4c. The proposed access to the PUD is via an access easement that connects the project site to Fulton Avenue through City of Coos Bay, Coos Bay-North Bend water Board, and Confederated Tribes properties. The entrance to the easement directly south of Fulton Avenue, will be controlled by a gate. An emergency access only gate will be provided at the southwest end of the PUD site to assure that PUD traffic uses Fulton Avenue as its access. Only residents and guests will have access to the easement from Fulton Avenue.

The access easement is 50 feet in width. A 22-foot wide private roadway with sidewalk on the west side of the street will be developed in the easement.

The 22-foot roadway width continues from the private roadway within the access easement into the project site. As the roadway passes the traffic circle at the northeast end of the site, the roadway transitions to 30 feet to accommodate two 11-foot travel lanes and an 8-foot on-street parking lane on the east side of the roadway. The roadway transitions to 22-feet in width once the roadway passes the south end of Building M where no on-street parking is provided. The paved roadway ends at the driveway for Buildings A, B, C and D. To the south and west of these driveways, the roadway becomes a gravel road which connects to the south end of the existing Pacific Crest subdivision.

The applicant states a gate will be installed separating Pacific Crest Heights PUD and the remainder lot to the west, the area currently proposed as Lots 1-12 Pacific Crest Phase II subdivision. Access through the gate will be prohibited for general traffic and will only be for emergency access.

- 4d. Five-foot-wide sidewalks on both sides of the roadway are provided on-site where access to uses on both sides of the roadway is needed. Sidewalks generally transition to one side when most of the development density is only on that side of the roadway.
- 4e. There are numerous trails proposed throughout the open space area. The intent of these trails is to provide recreation opportunities for residents of the Pacific Crest Heights PUD. The trails provide access to the intermittent stream that bisect the project site and connects the residential areas to the open space areas. The trails will likely be constructed with a natural material such as gravel, cinder, or bark. The maintenance of these trails will be the responsibility of the home owners association.

CONCLUSION: 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. The decision criterion has been adequately addressed and approval of the proposal can be supported with the following conditions:

CONDITIONS:

- 1. The road access gates must be able to be opened electronically from the interior of emergency fire apparatus. The electronic gates, limiting access to the PUD, must be operational prior to the issuance of building permits for any residential units.
- 2. The paved roadway ends at the driveway for Buildings A, B, C and D. To the south and west of these driveways, the roadway becomes a gravel road which connects to the south end of the existing Pacific Crest Phase II subdivision. The roadway, gravel or paved, must be a minimum of 20 feet in width for emergency access vehicles.

3. The private road/easement, as shown in the subdivision (ZON2007-00086) must be developed and monumented from the eastern boundary of Lot 15 to the western boundary of Lot 13, at a minimum, as an all-weather travel surface, 20 feet in width when one, all or a portion of Lots 13-15 are proposed for development. This will insure emergency access to the gate at the west end of the lots.

DECISION CRITERIA #5: There are adequate off-street parking and loading facilities provided in a safe, well designed, and efficient manner.

STATEMENTS OF FACT AND FINDINGS:

- 5a. The applicant states there are significant loading areas available for all of the proposed buildings. Building O has an off-street, surface parking lot adjacent to it that can provide for loading facilities. Also, the driveway servicing the Building O can provide for loading/unloading also.

Buildings K, L, M, N and P have adjacent on-street parking as well as some off-street, surface parking spaces available for loading/unloading.

Buildings H, I and J have long driveways and extra off-street surface parking areas that provide for loading/unloading.

Buildings G and F can accommodate loading/unloading by on-street parking spaces, and traffic circles adjacent to the buildings.

Building E accommodates loading/unloading from an off-street, surface parking lot as well as a long driveway serving the building.

Buildings A, B, C and D have off-street, surface parking areas that can serve as loading/unloading areas as well as its own driveway/driveway loop.

- 5b. Each residential unit will have a minimum of two parking spaces assigned to it. In many cases, more parking is provided.

Townhouse units, Buildings K and L; tri-plex units, Buildings A, B, C and D; and duplexes, Buildings H, I and J, have two car garages with the driveway providing for two additional parking spaces.

Three additional guest parking spaces are provided for each duplex building. Tri-plex Buildings A and B have 4 additional parking spaces; tri-plex Building C has 7 additional spaces; and tri-plex Building D has 5 additional spaces.

5c. Each condominium building has underground parking to accommodate parking of the tenants/owners. Each unit has two parking spaces assigned to it. Additional surface or on-street guest parking is provided as follows:

- Building E – 8 spaces
- Building F – 21 spaces
- Building G – 9 spaces
- Building M – 15 spaces
- Building N – 20 spaces
- Building O – 8 spaces.

5d. Building P, the community building has 8 parking spaces associated with it. It is also in close proximity to six parking spaces directly across the street that are associated with Buildings M and N. Twenty more on-street parking spaces exist along the access roadway on the opposite side of the street adjacent to Buildings M and N.

CONCLUSION: The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #6: Adequate dedication or reservation of real property for public use, as well as easements and right of entry for construction, maintenance, and future expansion of public facilities are addressed.

STATEMENTS OF FACT AND FINDINGS:

6a. The applicant states that although the roadway serving the PUD is private, a public easement will be created to allow access to all of the public utilities on-site. In general the utilities will be located under the private street. In cases where utility lines are located outside the private street easement, public easements will be created where necessary to allow adequate access.

6b. The City is not responsible for maintenance of sewer main lines on private property unless adequate access and easements are granted.

6c. The easement which provides access at the northeast corner of Lot 15 appears to be wider than the easement granted in 2005 by the City. It appears that additional property may be necessary to overcome topographical problems.

CONCLUSION: The decision criteria has been adequately addressed and approval of the proposal can be supported with the following condition:

CONDITION: Approval of an additional slope and access easement through City and Coos Bay North Bend Water Board property, if necessary, from the northeast corner of the subject property must be granted prior to final plat and referenced on the final plat.

DECISION CRITERIA #7: The structural design, location, size, and materials used for buildings, walls, fences, berms, traffic island, median areas, and signs serve their intended purposes.

STATEMENTS OF FACT AND FINDINGS:

- 7a.** The applicant states all elements of the project have been designed to work together to create a vibrant community. The proposed streets and pedestrian trails/sidewalks create connectivity to all areas of the site. Buildings, common areas, open space and parks are all connected by the private street network and various pedestrian facilities. There are street treatments such as traffic circles, scored concrete, and bulb-outs to soften the roadway features and to make the roadway more compatible with pedestrians. The building elevations for all of the different building types have been designed to create a sense of community. Landscaping has been provided to help soften some building features, provide screening where appropriate, and to create a vibrant, livable environment for residents. Open space, recreational pedestrian trails, and two parks have been created as amenities to enhance the project.
- 7b.** The PUD project is comprised of six types of buildings as described below:
- Condominium Buildings: Buildings E, G, M, N, and O. These buildings are comprised of 12 to 23 units and are essentially built from the same modular units.
 - Chevron Condominium Building: the chevron shaped condominium building is Building F. It is comprised of 33 units and has similar architecture as the other condominium units with the exception of windows overlooking the ocean which are mounted diagonally to respond to the ocean view. Mounting the windows diagonally provides the ability to take advantage of the ocean view as part of the interior space rather than exterior via a deck.
 - Townhomes: Buildings L and K are comprised of townhome units. These units will be condominiumized. Each building has a cluster of 6 units. Each unit will have a difference façade to provide a unique and diverse product from other townhome owners.
 - Community Building: This is Building P. It is located between the 2 clusters of townhome units and will serve the entire Pacific Crest Heights PUD.
 - Tri-plexes: There are four tri-plex buildings comprising a total of 12 units. These units will be condominiumized.
 - Duplexes: Buildings H, I and J are duplexes building comprised of 6 units. The duplex units are one-story flats. These units will be condominiumized.

7c. Materials utilized in the PUD will be predominantly market driven and dependent on market conditions at the time of construction. It is anticipated that the roofing material will be asphalt shingles with architectural accents which will be monochromatic with dark edges and shadow lines to emulate a three dimensional look.

7d. Accent paving material will be considered at crosswalks and traffic circles. Sidewalks will be constructed of concrete and the pedestrian trails will likely be compacted gravel or some other natural surface. Artificial wood projects will be considered where appropriate. Likely applications will be step/stair cases and decking. Stair and decking structures will be constructed from pressure treated lumber. Decking at grade may be constructed from brick, scored concrete, or some other paver material. Siding type to be utilized could include lap siding, stucco, shingles, and board and batten. Concrete blocks may be utilized around the parking garages. Stone veneer may be utilized around the duplexes, triplexes, and townhouses.

Four material and color palette illustrations are included in the applicant's submitted information at the end of the section entitled "Architectural Plans." These illustrations show potential materials and colors. In general, the color scheme employed will be earth tones with some lighter and darker accents.

7e. The community building will facilitate daily informal meetings and encounters between residents. A communal living room will provide both formal and informal meeting spaces that connect to public patios and porches. The building is articulated in the craftsman tradition of timber porches, stone bases and framed 2-story windows to present views to the spaces within.

7f. A preliminary geotechnical soils investigation was conducted by PBS Engineering & Environmental. The study included three borings in the PUD. The applicant states that based on preliminary conclusions of the study, the project can feasibly be constructed as proposed. No major geologic hazards or other geotechnical issues precluding development were found.

CONCLUSION: The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #8: Other property development requirements of the zoning district are satisfied.

STATEMENTS OF FACT AND FINDINGS:

8a. The subject property is zoned "Single-family and Duplex Residential (R-2)." A PUD is a conditional use in the R-2 zone. A PUD is defined as a tract of land planned and developed as an integrated unit under single ownership or control which in this context may be vested in partnerships, corporations, syndicates, or trusts. The PUD shall encompass a comprehensive development plan of a parcel of land and may utilize innovative and unique development concepts,

including but limited to clustering and mixing of residential units to create useful open space and to preserve site features.

In a PUD any uses permitted or conditional in any residential zone may be permitted as part of the conditional use process. The different residential use types were approved by conditional use ZON2004-00062.

- 8b.** The approval for the conditional use and Site Plan and Architectural Review for the PUD will “transfer” if any or a part of the subject property is conveyed as long as it is the plan under review that is built and the requirements of the LDO and especially Chapter 4.6 (PUD) are met.
- 8c.** The applicant has requested approval of a Variance to the height limitation in the R-2 zoning district of 3 stories, not to exceed 35 feet. The application is pending to allow the mechanical appurtenances, functional chimneys and elevator shafts, for Buildings E, F, G, M, N and O, to extend above the height limitation.
- 8d.** The landscape plan is designed to facilitate a wide range of varying conditions on the site as well as the availability of plant materials in the Coos Bay area. The planting plan illustrates a specific design in its layout and placement of shrubs, ground covers, and trees. However, the landscape contractor may select plant materials from the plant list provided with the applicant’s submitted information or may substitute additional plants that are available in the Coos Bay area and are not on the plant list, with Landscape Architect approval.

The contractor must adhere to the landscape legend where plant selection is limited to evergreen or deciduous, either small, medium, or large, and must plant those materials in locations as indicated on the plans. The contractor must also adhere to the sun exposure requirements indicated on the plant list. The planting list was reviewed by two local landscape companies in the city for their appropriateness.

The landscape plan is at Sheets 12-21 of 37 of the applicant’s submitted plans.

- 8e.** Sheet 22 of 37 of the submitted plans shows the areas that are planned to be irrigated. There are three types of areas on the irrigation plan: 1) areas to be irrigated fully with automatic underground irrigation system; 2) areas that have temporary irrigation for plant material establishment; and 3) no irrigation.

For those areas requiring irrigation, a full irrigation construction plan will be submitted when the final engineering is completed.

- 8f.** The boring logs in the preliminary geotechnical soils investigation, conducted by PBS, Engineering and Environmental, indicate the site will be graded to rock and sand. Additional geotechnical information is required to insure the effectiveness of the landscaping in the cut areas.

- 8g. LDO Chapter 4.6(5), PUD, Development Standards, requires the following:
- All private streets within a PUD shall be designed and constructed to City standards;
 - An additional three (3) feet on each side of pavement shall be designated as right of way area in which no construction shall take place;
 - All streets within the PUD shall be named as approved by the Commission. The owner or operator of the development shall furnish, install and maintain street signs of a type approved by the Commission;
 - Fire protection: On-site fire protection facilities shall be provided in accordance with current regulations and requirements of the City pertaining to such development; and
 - Lighting: All roads within the PUD shall be lighted at night to provide a minimum of .35 foot-candles of illumination.

CONCLUSION: The decision criterion has been adequately addressed and approval of the proposal can be supported with the following conditions:

CONDITIONS:

1. Variance ZON2007-00088 must be approved in order to allow the mechanical appurtenances, the chimneys and elevator shafts, above the 35-foot height limitation in the R-2 zone.
2. The PUD irrigation plans, details and specifications shall be prepared by a State of Oregon licensed Landscape Architect with north arrow, scales and key legends.

The irrigation plans shall show all areas to be irrigated including shrubs, trees, ground cover beds and lawn areas. Open space areas or rough grass seeded areas shall not be irrigated. All main lines and lateral lines shall be sized, sprinkler heads located for head to head coverage with GPM calculations provided. Irrigation lines extending under pavements shall be installed in sleeves.

The irrigation system shall be a fully automatic underground system with the location of the controller, the electrical valves, the backflow prevention and metering units. There shall be a manual shut off valve to shut down the entire system for maintenance and winterization. The backflow check valve shall be of a reduced pressure type, sized, and installed on a seismic concrete pad with a freeze-proof cover. A permit with tests is required for this installation.

All valves, meters and equipment shall be detailed and specified for size, manufacturer and installation for both workmanship and materials.

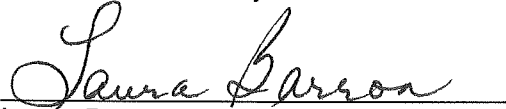
The plans must be submitted and approved prior to the issuance of building permits.

3. All private streets within a PUD shall be designed and constructed to City standards.
4. An additional three (3) feet on each side of pavement shall be designated as right of way area in which no construction shall take place.
5. All streets within the PUD shall be named as approved by the Commission. The owner or operator of the development shall furnish, install and maintain street signs of a type approved by the Commission.
6. Fire protection: On-site fire protection facilities shall be provided in accordance with current regulations and requirements of the City pertaining to such development.
7. Lighting: All roads with the PUD shall be lighted at night to provide a minimum of .35 foot-candles of illumination.
8. A description of the manner in which the open space and recreational areas will be perpetuated, maintained and administered: The preservation and continued maintenance of property commonly-owned and/or held for common use shall be guaranteed by a restrictive covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents shall be filed with the Public Works and Development Department before occupancy of any dwelling.
9. Additional geotechnical information is required to insure the effectiveness of the landscaping in the cut areas.

EFFECTIVE DATE OF PERMIT APPROVAL:

The Commission approved a three (3) year time period in which to commence the project.

The effective date of the permit may be delayed if substantive conditions are attached to the approval. The Commission may grant an extension of time for a period not to exceed one year if circumstances beyond the control of the applicant cause delays.



Laura Barron
Planning Administrator

DATE: November 20, 2007

Attachments: Zone map

Applicant's submitted information and plans – *previously provided*

D – Letter dated October 18, 2007 from the Coquille Indian Tribe

E – Letter dated October 31, 2007 from HBH Consulting Engineers

c: Jan Sirchuck
Charleston View, LLC
H. Lee and Associates
Coos Bay Fire Chief Stan Gibson
Coos Bay North Bend Water Board
Edward Metcalf, Coquille Indian Tribe
Todd Tripp, Coquille Indian Tribe
Tom Younker, Coquille Indian Tribe
Vicki Sieber-Benson, Confederated Tribes
OR Dept of Environmental Quality, Coos Bay
Kristy Sewell, OR Dept of Environmental Quality, Eugene
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Robert Winokur
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