

CITY OF COOS BAY
Agenda Staff Report

MEETING DATE	AGENDA ITEM NUMBER
11/5/2013	

TO: Mayor Shoji and City Councilors

FROM: Eric Day, Community Development Department
Rodger Craddock, City Manager

ISSUE: Ocean Grove Application Review

BACKGROUND:

Ocean Grove LLC. has applied for a consolidated land use application consisting of a Planned Unit Development, Conditional Use Permit, Site Plan and Architectural Review, Architectural Design Review and Tentative Subdivision Plat applications for their site southwest of Kmart off of Ocean Blvd. They are seeking land use approval to site approximately 1,700 residential units and the associated infrastructure. Typically, the consolidated application, with the exception of the tentative plat application, would be reviewed by the Planning Commission with any possible appeals going to the City Council. Per the CBMC, the Tentative Plat application would be reviewed but not decided upon by the Planning Commission and the City Council would make the final decision on that application.

Staff has received confirmation that at least three Planning Commission members have been retained by Ocean Grove, LLC to perform work for the proposed development. Therefore, they would need to recuse themselves from the Planning Commission's review leaving only four members to make the decision. By code, this is a sufficient number to perform the review but all members would have to attend each of the hearing(s). Additionally, to staff's knowledge, this is the largest land use application that the City has ever received giving staff some pause leaving a review of this magnitude to a four member Commission.

The CBMC and state law allows for two other options for the review of the application. The first is to hire a Hearings Officer to take the place of the Planning Commission and the second is to simply have the City Council direct staff to bypass the Planning Commission and have the application come directly to the Council for their review and decision. Any appeal of the Council's decision would go to the Oregon Land Use Board of Appeals.

Staff feels that the best route for the review of this application would be for the City Council to take up the review of the quasi-judicial application and bypass the Planning Commission/Hearing Officer options for these reasons:

1. The application would need to be reviewed and decided upon by the Council for the Tentative Subdivision portion of the application whichever option is decided upon. It therefore makes sense to simply bring the entire application before the Council.
2. Staff is not familiar with the Hearings Officer(s) in the area, if any exist. One could be procured but it is likely that this person would have little to no knowledge of our City's development code.
3. By going directly to the City Council, Staff would not need to leave additional time in the 120-day review clock that is allowed by State law. This would give staff more time to review the

application and work out agreements with the applicant's representative about possible conditions of approval.

BUDGET IMPLICATIONS:

None as the applicant would pay the review costs of the Hearings Officer if that option is chosen.

ADVANTAGES:

N/A

DISADVANTAGES:

N/A

ACTION REQUESTED:

Staff requests the City Council to direct staff to bypass the Planning Commission review level and to bring the land use application directly to the City Council for their review and decision.