

**CITY OF COOS BAY
PLANNING COMMISSION MINUTES**

Tuesday, August 8, 2006
6:00 P.M. CITY COUNCIL CHAMBERS

ATTENDANCE

COMMISSIONERS: Chairman Bruce Harlan, Commissioners Jim Berg, Chris Coles, Mark Daily, Chris Hood and Rex Miller

ABSENT: Jeff Marineau

STAFF: Laura Barron, Planning Administrator
Julie LaPraim, Planning/Code Specialist

SIGNED-IN GUESTS: Alison Chaney, 1752 Southwest Blvd, Coos Bay, OR 97420
Van Messner, 1201 Ocean Blvd, Coos Bay, OR 97420
Don & LaDonna Hinerman, 1185 Salmon Ave, Coos Bay, OR 97420
Mary Lou Munyon, 1177 Salmon Ave, Coos Bay, OR 97420
Ralph Stewart, 873 Augustine, Coos Bay, OR 97420
Bruce Bertrand, 926 N. 10th Street, Coos Bay, OR 97420
Ralph Dunham, P.O. Box 118, Coos Bay, OR 97420
Jim Donnelly, 1654 Applewood Dr., Coos Bay, OR 97420

APPROVAL OF MINUTES

Approve Planning Commission minutes for July 11, 2006.

MOTION: Commissioner Coles - approve Planning Commission minutes of May 9, 2006 as submitted.

SECOND: Commissioner Daily

VOTE: Unanimous

CCI/PUBLIC COMMENTS

PUBLIC HEARINGS

ITEM A: Variance (ZON2006-00063): Mr. Ralph Stewart, 873 Augustine, Coos Bay. The applicant is requesting a variance to the lot coverage requirement in order to allow the addition of a roof over each patio of the existing duplex at 873 Augustine.

Chairman Harlan asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if the Planning Commission had exparte contact or conflict of interest to report.

Chairman Harlan opened the public hearing.

Commissioner Miller stepped down due to a conflict of interest.

Laura Barron read the disclosure statement and outlined the applicant's request.

Commissioner Hood asked if this area is just going to be covered and if it's just a patio does it still count against lot coverage. Laura Barron replied it only counts against lot coverage if it is covered.

Applicant, Ralph Stewart, 873 Augustine stated he replaced the siding and decided to put on a conventional roof of the same size, with no increase to foot print. He also submitted pictures (*Exhibit 1*).

Laura Barron stated she had one written objection from Linda Fitzwalter, who thought the variance ordinance should be followed.

Chairman Harlan closed the public hearing.

Commissioner Daily stated the ordinance exists to control density. And he thought the applicant should have come in to see if he needed a permit before proceeding with his project.

Commissioner Hood defined the structure diminutive and concluded the lot coverage or overage is adequately insignificant.

MOTION: Commissioner Coles – Accept the Statements of Fact, Findings, Conclusions of Decision Criteria 1-3 as noted and approve Variance application #ZON2006-00063 as submitted allowing the requested variance to the lot coverage requirement for the addition of a roof over each patio of the existing duplex at 873 Augustine.

SECOND: Commissioner Hood

VOTE: Yea – Commissioner Berg, Coles, Hood, Harlan, and Miller
Nay – Commissioner Daily

ITEM B: Conditional Use (ZON2006-00066): Ms. Alison Chaney, 1752 Southwest Boulevard, Coos Bay. The applicant is proposing a kennel at 1195 Newmark Avenue.

Chairman Harlan asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if the Planning Commission had exparte contact or conflict of interest to report.

Chairman Harlan opened the public hearing.

Laura Barron read the disclosure statement and outlined the applicant's request.

Laura Barron stated she received no written comments.

Applicant Alison Chaney, 1752 Southwest Blvd, stated the business will be the same as at her current location except the customer will be allowed to do their own dog washing. In the three and one-half years she has been in business she has had no complaints at all. She said a lot of people are interested in her new business and she's had a very positive response. She said all animal waste is disposed of daily and she will reside over the business in an apartment.

Don & LaDonna Hinerman, 1185 Salmon Ave, spoke in opposition of the business. They live adjacent to the undeveloped Woolridge Avenue right-of-way the applicant plans to use for walking the dogs (*Exhibit 1-pictures*). Mr. and Mrs. Hinerman keep this grassy right-of-way clean from litter and debris and keep it mowed; they state this is will be a complication as dogs will be walked on the grass area and are concerned about barking dogs. Mr. Hinerman said he does not have a problem with the grooming but is against the kennel.

Van Messner, 1201 Ocean Blvd, Coos Bay, owner of Coos Bay Marine, said he does not believe a kennel belongs in this area and would be detrimental to other businesses. He stated dog noise could not be avoided. He said dog control would be a problem and parking would be even more confined.

Alison Chaney commented there is another entrance to the building. She said her employee's have never lost control of dogs in their care; her staff is very well trained and is more than willing to help with maintenance of the grass area in question.

Commissioner Daily said he does not agree with a business walking dogs making profit off public property.

Chairman Harlan asked Alison Chaney how many times they would walk each dog per day. Alison Chaney replied four times per day, and they walk one dog at a time.

Mary Lou Munyon, 1177 Salmon Ave, Coos Bay, spoke in opposition of the business; she said she lives in a clean, quiet neighborhood. She has two lots with nice clean grass. She presented the Planning Commission with a pictures (*Exhibit 2*) of her house. She said there is already a problem with dogs that live in the area and the problem would become worse.

Chairman Harlan closed the public hearing.

Commissioner Miller said nothing more is more upsetting than dog manure; his personal opinion is a grooming business should not be located on a main street.

Commissioner Berg stated the issue is the kennel and walking the dogs, not the grooming business.

Commissioner Daily said he has a real problem with dog feces and the walking of dogs needs to be contained within the business property.

Commissioner Hood agreed stating the adverse physical effects are not compatible with surrounding business the site itself is not adequate.

Commissioner Coles said she does not have a problem with Alison Chaney and the proposed business; she feels it will work out and clean-up will be better than private people already walking their dogs.

Commissioner Berg said walking dogs in public spaces is not new, but he also see issues with the neighbors.

Commissioner Daily said he is concerned about relying on a business owner to do the right thing, and if they sell the business, the next person may not be as diligent.

- MOTION:** Commissioner Coles - Accept the Statements of Fact, Findings, Conclusions and Conditions of Decision Criteria 1-4 as submitted and approve Conditional Use application #ZON2006-00066 allowing a kennel at 1195 Newmark Avenue as proposed.
- SECOND:** Chairman Harlan, with the condition that this is applicable to Alison Chaney only as the business owner. Any new owner would need to go through the conditional use process.
- VOTE:** Yea – Commissioner Berg, Coles, and Chairman Harlan
Nay – Commissioner Daily, Hood and Miller

MOTION FAILED

Commissioner Daily asked if parking spaces could be used for walking the dogs. Commissioner Berg said you can't tell people they can't walk a dog in a public place. Commissioner Coles said dogs are walked all over on public streets.

Commissioner Miller asked if the landscaping in the front of the building could be removed to allow walking of the dogs. Chairman Harlan asked if the entire operation could take place within the building, treadmills for the dogs perhaps.

Commissioner Daily said neighbors may choose to vacate the right of way if the business causes problems with the grassy area. Commissioner Coles stated Alison Chaney said she will clean up after her business and she believes she will do so.

- MOTION:** Chairman Harlan - Accept the Statements of Fact, Findings, Conclusions and Conditions of Decision Criteria 1-4 as submitted and Approve Conditional Use application #ZON2006-00066 allowing a kennel at 1195 Newmark Avenue with the following condition: *All operation of the kennel business, including walking of pets, must take place on the subject property; and, a maximum of 10 dogs and 10 cats shall be boarded at any time.*
- SECOND:** Commissioner Daily
- VOTE:** Yea – Commissioner Berg, Coles, Daily, Miller and Chairman Harlan
Nay – Commissioner Hood

ITEM C: Variance (ZON2006-00069): Mr. and Mrs. Bruce Bertrand, 926 N 10th Street, Coos Bay. The applicants are requesting approval of a 5-foot variance to the setback requirements on the side and rear property lines in order to replace and add to the existing garage at 926 N. 10th Street.

Chairman Harlan asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if the Planning Commission had ex parte contact or conflict of interest to report.

Chairman Harlan opened the public hearing.

Laura Barron read the disclosure statement and outlined the applicant's request.

Applicant Bruce Bertrand told the commission he would like to replace his existing garage because it is beyond repair; he provided information regarding the replacement, and his reasons for doing so. The footprint will be the same, with a 6' extension and the roof may be a little higher.

Chairman Harland stated concerns about a higher building taking sunlight away from other property owners.

Commissioner Hood asked if the height would be 10 to 12 feet.

Bruce Bertrand said the new roof would be slightly higher; he did not have exact measurement.

Chairman Harlan closed the public hearing.

MOTION: Commissioner Berg – Accept the Statements of Fact, Findings, Conclusions of Decision Criteria 1-3 as submitted and approve Variance application #ZON2006-00069 as submitted allowing the requested 5-foot variance to the setback requirements on the side and rear property lines in order to replace and add to the existing garage at 926 N. 10th Street.

SECOND: Commissioner Daily

VOTE: Unanimous

MOTION: Commissioner Berg – Accept the Statements of Fact, Findings, Conclusions of Decision Criteria 1-3 as submitted and approve Variance application #ZON2006-00069 with the condition: *The peak of the roof of the new structure must not be more than 4 feet higher than the highest part of the parapet of the existing garage; and, the bottom edge of the new roof must not exceed the height of the highest part of the existing parapet.*

SECOND: Commissioner Daily

VOTE: Unanimous

ITEM D: Replat (ZON2006-00068): Charleston View, LLC and Pacific Crest Development, Inc., PO Box 2767, Brookings, OR. The applicants are requesting approval to replat Lots 11 through 16 of the Pacific Crest Planned Community (subdivision) to add a total of approximately one acre of property to the lots in order to allow larger single-family dwellings on each lot. The subject property is located south and along Inlet Loop which is south of Prefontaine Drive.

Chairman Harlan asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if the Planning Commission had exparte contact or conflict of interest to report.

Chairman Harlan opened the public hearing.

Chris Hood stepped down due to a conflict of interest.

Laura Barron read the disclosure statement and outlined the applicants' request.

Ralph Dunham, with Stuntzner Engineering said he submitted the replat as the cleanest and simplest way to do this project.

Laura Barron passed out a confidential report form the City Attorney to the Planning Commission members for their review.

Commissioner Daily said he doesn't understand the gravity and attorney guidance.

Ralph Dunham said the purpose of this is to increase the footprint of the proposed two story houses to single story houses, making them easier to sell to retired people.

Commissioned Miller asked about the remaining parcel.

Chairman Harlan closed the public hearing.

MOTION: Commissioner Coles - Accept the Statements of Fact, Findings, Conclusions and Conditions of Decision Criteria 1-3 as submitted and recommended changes by staff approve Replat application #ZON2006-00068 for Lots 11 through 16 of the Pacific Crest Planned Community (subdivision) to add approximately one acre of property to the lots in order to allow larger single-family dwellings on each lot.

SECOND: Commissioner Berg

VOTE: Unanimous

ADMINISTRATIVE Extension – A one-year extension has been requested by Myhre Group Architects for Pacific Crest Planned Unit Development.

Laura Barron read the disclosure statement and outlined the applicant's request.

MOTION: Commissioner Coles - Accept the Applicants request for a one year extension.

SECOND: Commissioner Berg

VOTE: Unanimous

COMMISSION COMMENTS

Commissioner Coles suggested the city should make available cleanup bags for dogs at Mingus Park, perhaps bio-degradable.

Commissioner Daily commented the letter from the city attorney made him uncomfortable. And he would like an explanation from the city attorney.

Commissioner Miller stated he did not think a dog kennel belonged on a main street.

Chairman Harlan stated he is also uncomfortable with city attorney letter and would like to have a meeting with him.

ADJOURNMENT 8:45 p.m.

Bruce Harlan, Chairman
City of Coos Bay
Coos County, Oregon

ATTEST: _____
Julie LaPraim, Planning/Code Specialist
City of Coos Bay

APPROVED AS SUBMITTED 9/12/06

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