

**CITY OF COOS BAY
PLANNING COMMISSION MINUTES
Tuesday, November 13, 2018 at 6:00 P.M.
Coos Bay City Hall, 500 Central Ave, Coos Bay**

ATTENDANCE

COMMISSIONERS: Chairman Rex Miller, Commissioners Jim Berg, Chris Hood, John Peery, Bill Davis and Jeff Marineau

ABSENT: Commissioner Christine Coles

STAFF: Debbie Erler, Planner 1

SIGNED-IN GUESTS: Don Ivy, Jenni Schmitt, Brandi Jaques, Arianne Lyons, OSHI

CCI/PUBLIC COMMENTS Update presentation on the Coos Estuary Land Use Analysis Project 2016-2019 by members of the committee (Don Ivy & Jenni Schmitt).

Chairman Miller asked what happens to the data that has been gathered during the project. Ms. Schmitt said that it will all go through a technical review, then it is passed to Coos County where it will be determined how this updated information can be used in their Estuary Management Plan. Commissioner Berg asked for an example of who would use this information and how it would be used. Mr. Ivy gave the example of Snowy Plover habitat considerations when planning for land use; Commissioner Hood (who is also part of the project committee) expounded on the value of updated information when it comes to habitat and developing land around these existing habitats that are protected.

PUBLIC HEARING

ITEM A: ARCHITECTURAL DESIGN REVIEW APPLICATION #187-18-128 – 510 Newmark Avenue: The applicant is requesting approval of updated sign panels on the existing projecting sign off the south elevation of the structure abutting Newmark Avenue. The property is in the “Empire Settlement” design review area; therefore, approval on an Architectural Design Review application is required.

Chairman Miller opened the public hearing. He asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if any Planning Commissioner had ex parte contact or conflict of interest to report; none are voiced.

Ms. Erler read the disclosure statement and summarized the item. She stated that although the building is part of the Empire Settlement design review area, the building, murals and signs on the building were in place prior to designating this area a design review area, and the original appearance of the building does not fit the design criteria. She said that the new sign also does not fit the design criteria for the area, but it is an improvement on the original sign. She said that the new sign is already in place, and the new owner of the building did not know that a review by the design review committee was needed prior to changing the signage. The design review committee does recommend approval because although the new sign does not fit the criteria, it is a better quality sign than the original, and fits the character of the building better, as well.

Brandi Jaques spoke in favor of the sign, commenting that the artwork on the sign is more in keeping with the aesthetics of the building, which is not likely to change anytime soon.

Commissioner Peery asked if there was any attempt by the Code Enforcement officer to cite the property owner for the new sign, as this application is an “after the fact” request because the new sign is already in place. Ms. Jaques responded that someone did contact the business and informed them that they were in violation of City code for replacing the sign without submitting an application; she said that the sign (brackets, attachments) were already in place, and that the only thing replaced was the artwork on the sign. At this point, contact was made with the City and an application followed.

There were no other comments for or against the application, so Chairman Miller closed the public hearing. The general consensus among the Commission was that the new sign looked much more in character with the building.

MOTION: Commissioner Hood – Accept the statement of facts, findings, and conclusions in the applicant’s submittal and approve Architectural Design 187-18-128
SECOND: Commissioner Peery
VOTE: Unanimous

Ms. Erler stated that there is a 15 day appeal period from the date that the decision is put in writing.

ITEM B: ARCHITECTURAL DESIGN REVIEW #187-18-141 FAÇADE IMPROVEMENT IN THE WATERFRONT HERITAGE DISTRICT (WH) – 790 N Bayshore Drive: The applicant is requesting approval to install external “Goose Neck” lighting and new signage. The property is in the Waterfront Heritage (WH) design review area; therefore, approval of an Architectural Design Review application is required.

Chairman Miller asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if any Planning Commissioner had ex parte contact or conflict of interest to report; none are voiced.

Chairman Miller opened the public hearing. Ms. Erler read the disclosure statement and summarized the item. She stated that the applicant does have a façade improvement grant to change other things about the exterior of the building that does not require Planning Commission review; the Planning Commission will only be reviewing the goose neck lighting and new signage. Chairman Miller asked if the applicant will be changing any of the landscaping as part of their overall project.

Arianne Lyons spoke in favor of the application and responded to the question of landscaping changes. Chairman Miller asked if the U-hauls would be parked in the gravel area, to which Ms. Lyons affirmed that this would be the parking location. Chairman Miller remarked that a bit more landscaping would be an improvement.

Commissioner Hood asked if the name of the business and the original sign would be changed; Ms. Lyons confirmed that both changes would be made (the business name will change from Marshfield Bargain House to Marshfield Mercantile). Commissioner Hood asked about the reader board; Ms. Lyons said that the intent would be to remove the reader board and just have the new sign on the face of the building.

There were no other comments for or against the application, so Chairman Miller closed the public hearing. There were no further questions from the Commission, nor any deliberation.

MOTION: Commissioner Hood – Accept the statements of findings & facts, or findings and conclusions in the applicant’s submitted evidence and approve Architectural Design review 187-18-141.
SECOND: Commissioner Berg
VOTE: Unanimous

Ms. Erler stated that there is a 15 day appeal period from the date that the decision is put in writing.

ITEM C: CONDITIONAL USE #187-18-144 ESTABLISHMENT OF A “BED AND BREAKFAST” – 1068 Montgomery Avenue: The applicant is requesting approval to convert an existing single-family dwelling to a “Vacation Rental” defined in the Coos Bay Municipal Code as a “Bed and breakfast house” which means a hotel in what was built as a single-family dwelling and which offers up to six bedrooms for transient guests.

Chairman Miller asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if any Planning Commissioner had ex parte contact or conflict of interest to report; none are voiced.

Chairman Miller opened the public hearing. Ms. Erler read the disclosure statement and summarized the item and staff recommendations and conditions of approval. Chairman Miller asked if development standards had changed significantly between the time the home was built in 1952 and the present day. Ms. Erler stated that there are more setback regulations today than there were back then.

OSHI, the property owner, spoke in favor of the application; she said that she has retired from her primary occupation and started using the property as an Air BnB a year and a half ago, stating that she did not initially know that she needed to submit an application for approval first. She said that during this timeframe, she has received nothing but positive responses from neighbors about the use of the property. She said that guests are required to provide identification to Air BnB (an online reservation service) prior to their stay, and she has had no issues with guests so far. Chairman Hood asked about the designation of bed and breakfast, and remarked that it seems to be more of a vacation rental. She said that some of the listings on the Air BnB website do offer breakfast, but not all. Chairman Miller asked if the rental is occupied all the time. OSHI responded that it is in July and August, and that September and October are good months, as well.

Commissioner Peery asked Ms. Erler how this application differs from previous B & B issues that have presented difficulties in the past. Ms. Erler stated that the past 6 months have brought an influx of similar applications, and that the City’s ordinance on bed and breakfast houses will be expanded to better define the different types of short term rentals that exist. She stated that there are probably a number of vacation rentals in existence that the City is not aware of, and likely will not be aware of until complaints arise. Additionally, the City Finance Dept was receiving transient taxes on short-term rentals that had not gone through the Land Use process; steps have been taken to correct this oversight. As applications are submitted, fire, life & safety issues are reviewed, and older homes that do not meet these standards are not approved without making the necessary changes to bring those properties up to date. There are similar issues with this property that the owner has been able to correct.

Commissioner Hood asked if the City has a definition for “Bed and Breakfast” in the ordinance. Ms. Erler responded that a Bed and Breakfast is a hotel that is built as a single-family dwelling that offers up to six bedrooms for transient guests. She said that the definition is vague, and is an example of the need for changes to better define the types of short-term rentals in City ordinances. Discussion takes place regarding the definition of bed and breakfast versus a short-term vacation rental. Commissioner Hood talked about the importance of establishing a well-defined ordinance on short-term rentals in order to properly regulate them in the City. Chairman Miller asked if vacation rentals have to be a single-family dwelling. Ms. Erler said that they could also be used in a duplex or triplex structure, as well. Possible scenarios of different types of vacation rentals were discussed.

There were no other comments for or against the application, so Chairman Miller closed the public hearing. There were no further questions from the Commission, nor any deliberation.

MOTION: Commissioner Hood – Adopt findings and conclusions, and the applicant’s submittal, and that we approve application 187-18-144 to allow the conversion of the existing single-family dwelling to a bed and breakfast vacation rental, subject to the conditions, one through three.

SECOND: Commissioner Marineau

VOTE: All but one in favor
Commissioner Peery voted against the application

Ms. Erler stated that there is a 15 day appeal period from the date that the decision is put in writing.

ITEM D: CONDITIONAL USE #187-18-145 ESTABLISHMENT OF A “BED AND BREAKFAST” – 584 S Wasson Street – Unit A: The applicant is requesting approval to convert one of two living units to a “Vacation Rental” defined in the Coos Bay Municipal Code as a “Bed and breakfast house” which means a hotel in what was built as a single-family dwelling and which offers up to six bedrooms for transient guests.

Chairman Miller asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if any Planning Commissioner had ex parte contact or conflict of interest to report; none are voiced.

Chairman Miller opened the public hearing. Ms. Erler read the disclosure statement and summarized the item. She said that this application is very similar to Item C. She said that the property in this application is larger though, and a letter of opposition was received by a nearby property owner who was concerned about off-street parking. It was determined that there is sufficient off-street parking available on the property. Parts of the letter were read into the record concerning an alley that is used to access the property and surrounding properties, and its maintenance. Staff has recommended limits on the number of guest’s vehicles, and that these vehicles be parked only on-site, not on the street. Ms. Erler has also communicated with the Street Department regarding maintenance of this alley.

OSHI, the property owner, voiced some concerns about the condition of approval in the Staff Report requiring paving of the driveway apron. Commissioner Hood asked OSHI if she lives at this property. She responded that she goes back and forth between this property and the one in Item C. She said she currently has two long-term renters on the property, occupying a studio basement apartment, and a small cottage-style structure apart from the main house. The main floor of the main house is the portion that would be used for the bed and breakfast. She described the property and its rental spaces in detail.

Chairman Hood asked about the number of off-street parking spaces for the different rental spaces. Ms. Erler responded that there are two assigned to the long-term rentals, and three for the bed and breakfast, for a total of five off-street spaces. There was discussion about the different rental spaces and their amenities.

There were no other comments for or against the application, so Chairman Miller closed the public hearing.

During deliberation, Chairman Miller voiced concerns about the conditional requirement for paving the driveway apron; he said that paving a small area is much less cost effective than paving a larger area. Commissioner Marineau disagreed with the requirement; he said that the change of use would have little impact, and that it would make more sense to require a paved driveway apron for new construction. Further discussion centered on the proposed driveway apron, surface of the driveway and existing sidewalk. The Commissioners concluded that requiring the property owner to pave such a small portion, which would cost virtually the same as paving the entire parking area, would be burdensome. Commissioner Hood remarked about the lack of opposition to this application from the neighboring properties.

MOTION: Commissioner Hood – Adopt the findings, facts and conclusions in the applicant’s submittal and approve application 187-18-145 to allow the conversion of the upper floor living unit of the existing duplex to a bed and breakfast vacation rental, subject to the conditions, with the exception of number five (to be removed): paved driveway access apron must be installed along S. Wasson right of way, and the existing driveway must be graveled 15 feet in width, and must be maintained in good condition.

SECOND: Commissioner Marineau

VOTE: All but one in favor
Commissioner Peery voted against the application

Ms. Erler stated that there is a 15 day appeal period from the date that the decision is put in writing. Commissioner Hood asked if this property, like the one in Item C, had been already used as a bed and breakfast, prior to the application. The property owner affirmed that it had, as she was not previously aware of the land use application requirement.

ADMINISTRATIVE:

Ms. Erler stated that next month, there are two major projects to review: the rebuild of Eastside School, and upgrades and re-facing of Millicoma School. There will also be a review of a major commercial development on the Central Dock property, including 78,000 SF of floorspace for restaurant, retail and office use. The owners of that property have worked with all necessary resource agencies on the requirements for developing along the waterfront, and on wetlands and depressed seabeds. They are close to full buy-in by ODOT and the Port on access to the development. She briefly described the proposed structures, which do not include residential or hotel spaces. Commissioner Marineau recalled a similar project that was reviewed in 2005 or 2006 that did not progress past the planning stages. Ms. Erler stated that the property owners expect to be finished with the development two years from now. She stated that the City will contribute a certain amount for infrastructure changes, and the access to the museum adjacent to that property will change. Ms. Erler stated that she will get the package for this project to the Commissioners early, as there will be a considerable amount of material to review. Commissioner Hood asked if there will be a public right of way along the waterfront. Ms. Erler responded that the developers are proposing a 15 foot wide trail skirting the entire length of the development on that side, an area that will be open to the public.

COMMISSION COMMENTS

Commissioner Davis spoke about recent training, in which the trainers emphasized the importance for Planning Commissioners to make good, defensible decisions. He said that there was also a portion of the training focused on the substantial amount of preparation that goes into each item, highlighting the importance of Ms. Erler's role. He also spoke about some of the training materials that Ms. Erler will be making available to the other Commissioners. Ms. Erler mentioned that the training was valuable for Staff, as well.

Commissioner Peery stated that he would like to see the language regarding short-term rentals cleaned up in City ordinances, and that is primarily why he dissented on Items C & D. He asked what the difference is between the items reviewed tonight and 805 Prefontaine, which had noise issues. Ms. Erler responded that the difference is that the Prefontaine property owners chose not to go through the application process to legitimize their short-term rental. Commissioner Peery remarked that the Prefontaine property is now for sale. Ms. Erler stated that property owners like OSHI commonly complain about the damage to their property from long-term renters, and with short-term rentals, online management companies take care of cleaning and maintenance, and have the ability to charge guests' credit cards for damages. Discussion took place about the benefits versus the drawbacks of short-term and long-term rentals.

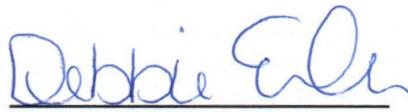
STAFF COMMENTS - None

ADJOURNMENT 7:47 p.m.



Rex Miller, Chairman
Planning Commission
City of Coos Bay
Coos County, Oregon

ATTEST:



Debbie Erler, Planner 1

APPROVED AS SUBMITTED 01/12/2021