

**The CITY OF COOS BAY
PLANNING COMMISSION MINUTES
Tuesday, February 14, 2012
6:00 P.M. CITY COUNCIL CHAMBERS**

ATTENDANCE

COMMISSIONERS: Vice-Chairman Chris Hood, Commissioners Jim Berg, Bruce Harlan, Jeff Marineau, Phil Marler and Danny Stoddard

ABSENT: Commissioner Christine Coles

STAFF: Laura Barron, Planning Administrator
Debbie Erler, Planner 1

SIGNED-IN GUESTS: Siegfried Hoffman, C/O Verne Herz, 525 S Marple Street, Coos Bay

APPROVAL OF MINUTES

Approval of the Planning Commission minutes of January 10, 2012.

MOTION: Commissioner Marineau – Approve the Planning Commission minutes of January 10, 2012 as submitted.

SECOND: Commissioner Harlan

VOTE: Unanimous

ABSTAIN: Commissioners Berg, Marler and Stoddard

CCI/PUBLIC COMMENTS

Rex Miller, 63109 W Catching Inlet, Coos Bay stated he is very disappointed that he was not reappointed to the Planning Commission. He thanked the Commission and said it was an honor to be on the Planning Commission and staff. He expressed how serious he took his role and said decisions that are made affect people's lives, property values and the community. Elected/appointed officials need to come to the table with a full tool box.

Vice-Chairman Hood stated it was a pleasure having Rex Miller on the Planning Commission; he did an admirable job and his expertise in landscaping architecture was invaluable to the Commission and he hates to see him go.

PUBLIC HEARING

ITEM A: Street Vacation #ZON2011-00066 – The applicants, Mr. and Mrs. Siegfried Hoffman, are requesting approval of the vacation of Webster Avenue, between South Marple and South Wall Streets, found in Section 19DA, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon.

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

Vice-Chairman Hood opened the public hearing.

Laura Barron read the public hearing disclosure statement and outlined the applicants' request. She stated the applicants, Mr. and Mrs. Siegfried Hoffman, are requesting the vacation of undeveloped, 70-foot-wide Webster Avenue between South Marple and South Wall Streets. The applicants own the property abutting the south right of way line of the area proposed for vacation. The street was originally 80-feet in width, however, the north 10-feet was vacated in 1977 at the request of the property owner on the north who had originally requested the full 80-foot right of way be vacated. There is an existing sewer line in the right of way proposed for vacation located 15-feet north of the center line of Webster Avenue right of way. If the vacation were approved, the property owner on the south, the Hoffman's would receive 40-feet of the right of way and the property owners on the north would receive 30 feet, which would include the area where the sewer line is located (15-feet north of the center of the original right of way). Mrs. Barron stated that if the Planning Commission is so inclined to recommend approval of the vacation, staff suggests a condition of approval be that *"Prior to issuance of a building permit for any part of the vacated right of way, a recording of an easement for access and maintenance or replacement of the sewer utility be recorded"*.

Mrs. Barron stated that Planning Staff received two differing viewpoints on the issue. The first from Randy Dixon, Operations Administrator Streets Division indicating the undeveloped right of way has the potential for connectivity throughout the neighborhood, or could be designated as future development of a pocket park for the neighborhood or another public use. Mr. Dixon states the vacation is not consistent with the Transportation System Plan (TSP) regarding neighborhood connectivity. The TSP discusses the local street plan and states there are several locations in Coos Bay where, due to the lack of connection points, the majority of neighborhood traffic is funneled onto one single street. This type of network results in out-of-direction travel for motorists and an imbalance of traffic volumes that impacts residential frontage. Mrs. Barron stated the criteria used in the TSP for providing connections are: every 300-500 feet for pedestrians and bicycles; and 500-1000 feet for automobiles. The distance from Pacific and Webster and Webster and Fulton are about 450 feet in length. Pacific Avenue is paved from South Empire Boulevard to Morrison Street and beyond. Fulton Avenue is paved from South Empire Boulevard to South Cammann Street. Note that Webster between South Empire Boulevard and South Marple Street is an open channel of water and drains water from the north, south and east.

Mrs. Barron stated the second viewpoint is from Ms. Jennifer Wirsing, Engineering Service Coordinator, Engineering Division. She indicated it is highly unlikely that the city would fill the open channel and develop Webster Avenue right of way between South Empire Boulevard and South Marple Street in the future. She indicated there would be significant drainage and environmental consideration (and cost) that would need to be addressed for this connection to occur and from an engineering and traffic perspective there does not seem to be a need for the connection due to connections one block to the north (Pacific Avenue) and one block to the south (Fulton Avenue). The water running over Hoffman's private property is from an unnamed tributary of First Creek. Additionally, the Webster Avenue right of way further east would have similar developmental issues and environmental constraints that would make right of way development problematic and costly. She added that it appears there would be difficulties with water on the next block to the east and topographical problem between South Wasson and South Cammann streets. She concluded that as you go east possible wetlands and environmental concerns are present between South Main Street and Fillmore Street. Mrs. Barron stated the Planning Commission recommendation will be heard before the City Council on March 6, 2012 at 7:00 p.m.

Commissioner Harlan asked what the work done on the property and in the right of way. Mrs. Barron stated the work was done without permits or authorization. She stated Mr. Hoffman has recently secured "After the fact permits" for storing the brush pile in the right of way and a grading permit for work conducted on the property.

Commissioner Harlan asked if the creek is on private property or in the right of way. Mrs. Barron stated the creek is on private property.

Siegfried Hoffman, applicant, stated he takes issues with Mr. Dixon's assessment. He said it would be very difficult to turn the area into a park, not because of topography. He said the Ed Lund Park is five blocks north and Hollering Place is only six blocks away. Mr. Hoffman stated the TSP indicates 300 to 500 feet apart for pedestrians/bikes and 1,000 feet for automobiles. He stated the proposed vacation does not go against the connectivity plan. He said if the request is approved he will have property that he can build a house on, as opposed to a property he cannot build a house on. He stated somewhere along the line a drainage ditch was put through his property which precludes him from building. He said it takes about 45-feet of the 80-foot property. He added it would be easier to allow him to build a house on the property and become a tax paying member of the community. He would also like to see an easement for a sewer lateral that he would need to connect to the City system.

Commissioner Marineau asked the applicant if he has talked with the neighboring property owners. Mr. Hoffman stated he has talked with the neighbors and that he provided a list of owners in the area and notarized approval of abutting properties. Commissioner Hood noted for clarification that the City Council initiated the vacation not the applicant, so the applicant was not required to get notarized signatures of two-thirds of the property owners. The surrounding property owners (250 feet in all directions) did receive mailed notice.

Commissioner Marineau asked staff why the City pursued vacation. Mrs. Barron stated the City did not pursue the vacation; the applicant appeared before City Council and asked them to initiate the vacation. Mr. Hoffman stated there are two ways to address a vacation, one is through the City Council and one is through a personal basis and he is used to the City Council way. He said it is very difficult to get the notarized signature, in his case over 30 properties. It would have cost him \$25 per signature to take a notary around with him to get all the required signatures. Mrs. Barron stated the vacation of public right of way is a state process regulated by Oregon Revised Statutes.

Commissioner Harlan asked if the applicant plans to build on the vacated area. Mrs. Hoffman stated that because of the drainage (creek) the vacated property is the only location to building a single-family dwelling. He said he has the property and he can't do anything with the property.

Vice-Chairman Hood asked Mr. Hoffman when he purchased the property. Mr. Hoffman stated a little over a year ago. Vice-Chairman Hood asked if the ditch/waterway was in place when he purchased the property. Mr. Hoffman stated in the summer time it dries up and there was no notice on the title and it was very overgrown with blackberries that he could not see anything. Commissioner Hood stated the creek/channel is very defined running through the property. He asked Mr. Hoffman if he knew where his property lines were when he purchased the property. Mr. Hoffman stated he did know where the property lines were located. Mr. Hoffman stated if you look at the topography map it does not show a waterway. Mr. Hoffman stated he would not have purchased the property if he had known about the waterway. He said he has gone through six or eight months trying to get this situated. He added that when the weather turns nice he would like to build a house on the vacated property, start paying taxes and start enjoying his life here. He stated he and his wife want to be close to their doctors.

Vice-Chairman Hood closed the public hearing.

Commissioner Harlan stated he has a problem with being asked to make a decision when work is proceeding as if they already have approval. He stated his main concern, as always, when considering a vacation is giving up public right of way. He said we don't know what our needs will be in fifty years and once it is vacated it's gone.

Commissioner Marineau stated one of the requirements if approved would be a ten foot easement for the sewer line. He asked Mr. Hoffman if he would be opposed to the easement being a public access. Mr. Hoffman stated he would not be opposed and a public access would benefit the neighborhood, because a lot of people walk in the area. Mrs. Barron pointed out that the easement and public access discussed would be on the north half of the right of way proposed for vacation, which would not affect the south half of the right of way abutting Mr. Hoffman's property.

Commissioner Berg stated he does not think the City will be losing anything. The street to west is used as a drainage ditch and a pocket park on the area proposed for vacation is unlikely.

Commissioner Marineau stated the property is not large enough for a park and we don't have funds to maintain existing parks so the chance of this property becoming a park is one in a thousand.

Commissioner Hood stated he agrees and while the area could remain open space the distance between Pacific Avenue and Fulton Avenue is not that far. He said due to topography Webster Avenue to the east will not likely be developed and the right of way to the west contains a drainage ditch. He said the traffic situation on South Empire Blvd would not benefit by adding another access point. He said the right of way does not have value as a street and the streets in the area are all well improved with parking on both sides and have all the utilities. He stated that he would like to see the creek remain open (not culvert) with natural vegetation, because it acts as a watershed and filters the water before it reaches the bay. He added that he is concerned that the stream has been totally denuded on both sides, all the vegetation has been removed and it is silting on both sides, which is not acceptable.

Commissioner Stoddard stated he agreed with Commissioner Hood and that with the development that is currently in this neighborhood, he hopes to continue on that trend and it would be a benefit to the City.

Commissioner Berg stated there will be a sewer treatment plant across the street on South Marple Street.

Commissioner Marler stated he agrees with Commissioner Harlan and he is not a proponent of vacating streets when we don't know what will happen 20, 30 or 50 years from now or what will be needed. He said Mr. Schroeder donated the property to the west in the 1970's for the possibility of a future street. He said a street vacation is so permanent that it could take away something that may be needed in the future.

- MOTION:** Commissioner Berg – Based on the findings, conclusions and applicants submittal, attached hereto and incorporated herein by reference as "Attachment A", recommend the City Council approve Vacation application #ZON2011-00066, allowing the proposed vacation, with the noted easements.
- SECOND:** Commissioner Marineau
- VOTE:** Yea - Commissioner's Berg, Marineau and Stoddard
Nay – Commissioner's Harlan, Hood and Marler

Vice-Chairman Hood stated that although he does not have a serious problem with the proposed vacation, there was a split panel on the issues discussed and he is voting "Nay" and sending the matter to the City Council for their review. Mrs. Barron stated the motion *fails* and the issue will be forwarded to the City Council as a recommendation for *denial*.

Vice-Chairman Hood asked staff to express to City Council the reasons for the split decision and the issues discussed.

Vice-Chairman Hood said there are issues with vacating streets (public right-of-way) and this is an opportunity for City Council to lay down an idea of what they believe and how the city is going to view street vacations. Maybe there needs to be a general policy of when, how and if public right-of-way will be vacated.

Mrs. Barron stated we will take the split vote to the City Council on March 6, 2012 at 7:00 p.m. Staff will add a condition regarding a future sewer lateral connection to the main line in the Webster Avenue right of way for the property to the south of the proposed vacation.

The Commission discussed when the sewer lateral can be installed. Mrs. Barron stated Mr. Hoffman has submitted a sewer connection permit but it is on hold because construction plans for a dwelling have not been submitted. Currently Mr. Hoffman is living in a recreational vehicle on site, which is not permitted until building plans for a dwelling has been issued.

Mr. Hoffman stated Mr. Schroeder donated the property so he could dig a 30-foot wide drainage ditch not to keep the street open.

Commissioner Harlan asked how someone gets so far along on development of a property (clearing property and undeveloped right of way, establishing a temporary living unit and other amenities). Mrs. Barron stated the work was done without permits or authorization. Mr. Hoffman has since applied for "after the fact" permits for the work conducted on site.

Laura Barron stated next month's agenda will include a rezone and Conditional Use Permit for the proposed expansion of the existing sewer plant off Fulton Avenue, which is proposed to located on the east side of South Empire Blvd.

Mrs. Barron stated the agenda staff report regarding the Empire standards will go before the City Council on February 21, 2012. Staff has written a report asking City Council if they want design standards and to give direction to staff.

COMMISSIONER COMMENTS

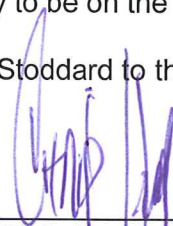
Commissioner Harlan welcomed the new commissioners. He stated we are missing two very valuable people. We have had a good cross section of Commission members with different expertise.

Commissioner Berg stated the Boat Center will be launching their first boat next Saturday. He stated they have been working on the boat for the last six weeks.

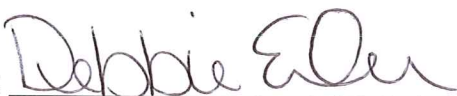
Commissioner Marler and Stoddard stated they were happy to be on the Planning Commission.

Vice-Chairman Hood welcomed Commissioner Marler and Stoddard to the Planning Commission.

ADJOURNMENT 6:50 p.m.



Chris Hood, Vice-Chairperson
City of Coos Bay
Coos County, Oregon

ATTEST: 

Debbie Erler, Planner 1, City of Coos Bay

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