

**CITY OF COOS BAY  
PLANNING COMMISSION MINUTES  
Tuesday, December 11, 2012 at 6:00 P.M.  
Coos Bay City Hall, 500 Central Avenue, Coos Bay**

**ATTENDANCE**

**COMMISSIONERS:** Chairman Christine Coles Commissioners Jim Berg, Bruce Harlan, Chris Hood, Phil Marler and Danny Stoddard

**ABSENT:** Commissioner Jeff Marineau

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

**SIGNED-IN GUESTS:** Carmen Matthews, 1832 Juniper Avenue, Coos Bay

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**APPROVAL OF MINUTES**

Approval of the Planning Commission minutes of November 13, 2012.

**MOTION:** Commissioner Harlan – Approve the Planning Commission minutes of November 13, 2012 as submitted.

**SECOND:** Commissioner Marler

**VOTE:** Unanimous

**ABSTAIN:** Commissioners Berg, Hood, Stoddard

**CCI/PUBLIC COMMENTS** None

**PUBLIC HEARING**

**ITEM A: Conditional Use Permit ZON2012-00063.** The applicants are requesting approval to establish a “brewery” at 245 South 2<sup>nd</sup> Street in the Central-Commercial (C-1) zoning district.

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

Commissioner Berg stated he handled the sale of the building but he’s has had no further involvement. Chairman Coles stated she serves on the Oregon Music Association Board and the Parks Commission with the applicant, but that would not affect her ability to make an impartial decision.

Chairman Coles opened the public hearing.

Laura Barron read the public hearing disclosure statement and outlined the applicant’s request to establish a brewery to manufacture beer which would be distributed to local s, restaurants and bars. The applicants will also be providing a brewpub/taproom for on-site consumption. Manufacturing is regulated by Coos Bay Municipal Code, Chapter 17.280, since the characteristics and surrounding impacts of manufacturing uses are so varied it is not possible to simply classify each type of manufacturing.

Mrs. Barron stated the subject property is located at 245 S. 2<sup>nd</sup> Street in downtown Coos Bay and is zoned Central Commercial (C-1). The 14,000 square foot building is located north of the parking lots that are north of Curtis, between South 2<sup>nd</sup> and South 3<sup>rd</sup> Streets and lies in the floodplain. Formerly, Bay Area Enterprises (BAE) occupied this building. Approximately 2,500 square feet of the building will be occupied by the brewery, brewpub and storage. The code for light manufacturing allows the use of light, hand-operated machinery or equipment as opposed to automated mass production. The use is compatible with allowable commercial uses in appearance; no byproduct results that could cause on-site contamination of air, land, water, or noise quality; and, a conditional use approved. She stated that the proposed manufacturing of beer requires a walk-in cooler, natural gas burning stoves, pumps for moving beer, glycol refrigeration systems, fans for ventilation, grain mill, and maybe a fork lift for loading kegs into a van. The brew will be stored in six fermenters. There will be a ventilation system which will impart some scent outside of the building of steeping grains (malt) and hops. The smell is not likely to be of an offensive nature. According to info submitted the owner intends to make exterior improvements to the building. Inside a wall of windows will be furnished providing a view of the fermenters from the brewpub/taproom for on-site consumption. The applicants anticipate the business will be open daily between 8:00 a.m. and 10:00 p.m. She stated the beer will be transported to local s. Loading and unloading into a van will take place on the west side of the building along South 3<sup>rd</sup> Street. The subject property lies in the parking district so off-street parking requirements do not apply. City parking lots lie to the south of the building.

Commissioner Berg stated the proposed use is similar to past light-industrial uses in the building by Bay Area Enterprise and Hanson Electric.

Mr. Carmen Matthews, 1832 Juniper Avenue, Coos Bay stated the name of his company is Seven Devils Brewing Company. He stated they plan to improve the downtown area by bringing business in to the area and making improvements to the existing building. He said there will be a slight noise, but not substantial. He said you may be able to smell hops and malted grain but nothing major or offensive. He added that they have met the safety requirement including air filtering and all equipment will be kept within the building. He said he hopes they can move forward with their project and business plan.

Commissioner Hood asked the applicant to compare his operation to that of the Bank Brewery and their larger copper containers that you could see from the street. Mr. Matthews stated the copper area at the Bank Brewery was the brew house (what you can see) it is where you sanitize the beer by boiling and infuse the beer with hops. Then the beer is held in fermenters and kegs. He said they will have three vessels, one for hot water, one for seep and separating grain and one for boiling (which will be larger than what was at the bank brewer). They will have six fermenters for different types of beer in various stages of the process. He stated where they are now is a small step from where they want to be in production. They hope to produce more beer and increase the size of the nine fermenters but may not expand the number. Mr. Matthews stated the scent comes from the brewing (caramel smell) and there will be a ventilation system and make-up system for the hops. He said they are using natural gas, which will be vented. Commissioner Hood stated he never smelled anything at the Bank Brewery. Mr. Matthews stated the situation will be very similar. They hope to brew two or three times a week in the beginning in the morning. They also plan to sell coffee in the mornings.

Commissioner Stoddard asked about the number of jobs that will be created. Mr. Matthews stated at first just him and his wife (co-owners) and one employee. He said "Phase 1" is about getting production going (manufacturing beer) and get it on the market. He stated they want to get the coffee shop and pub open before the end of summer and at that time they will need at least one for the coffee shop and servers and a cook for the pub. Mr. Matthews stated they will have kegs, growlers, and they plan to purchase a small bottle line (hand operated).

Commissioner Marler asked if the pub will sell food. Mr. Matthews stated OLCC requires any establishment that sells alcohol for on-site consumption to sell food. He added that they plan to offer local and seasonal foods on the menu.

Commissioner Marler asked about the use of the two large rooms on the floor plan, adjacent to 2<sup>nd</sup> Street. Mr. Matthews stated that is not part of his lease area, but the owner of the building plans to have multiple tenants, include a wine bar, deli and retail. Mr. Matthews stated his business will be operated mainly off 3<sup>rd</sup> Street.

Mr. Perry St. John, 65493 Bay Breeze Road, North Bend stated he has been working with Mr. Matthews on the improvement to the Ford Building. He stated the owners intend to have multiple tenants in the building and they are not concerned about the noise from the brewery. He said the owners plan to have a recording studio and a vacation rental apartment (3 bed 2 baths) on second floor and a community room on the first floor which will be available to the public.

Chairman Coles closed the public hearing.

Commissioner Hood asked about the other proposed uses and if they are permitted in the zone. Mrs. Barron stated the proposed uses are permitted in the C-1 zone.

Commissioner Marler asked about comments from surrounding business. Mrs. Barron stated the surrounding businesses were notified and we received no comments.

- MOTION:** Commissioner Hood – Based on the applicant’s submittal, and the Statement of Facts, Findings, Conclusions attached hereto and incorporated herein by reference as “Attachment A”, approve Conditional Use application #ZON2012-00063, allowing the establishment of a “brewery” at 245 South 2<sup>nd</sup> Street in the Central-Commercial (C-1) zoning district.
- SECOND:** Commissioner Berg
- VOTE:** Unanimous

Commissioner Hood stated the south side of the building along the wide sidewalk area would be a great place for outdoor seating. Mr. Matthews stated they would love to eventually have outdoor seating. Mrs. Barron stated that the area is public right of way, so they would just need approval of a “Right of Way Use Permit.”

## **ADMINISTRATIVE**

**ITEM B:** Discussion on Design Review Committee (DRC) candidate interviews with a recommendation to City Council.

Mrs. Barron stated there are three openings and three applicants. Two applicants, Ms. Baker and Mrs. Lesan are asking for reappointment and Mr. St. John is a new applicant.

Chairman Coles stated she knows the three candidates. She said she has worked with Ms. Baker and Mrs. Lesan on the Design Review Board and with Mr. St. John. They are all good candidates.

Commissioner Harlan stated he was part of the interviews and he recommends all three candidates.

Commissioner Berg asked if it matters if they a candidate lives outside of Coos Bay. Mrs. Barron stated residence is not an issue, and all candidates either living or work in Coos Bay. Commissioner Berg stated we are very lucky to have members of the boards of such caliber.

Mrs. Barron asked if the Planning Commission thinks there can be too many architects on the committee. Commissioner Hood stated who better to be on an architectural review board than architects. He said while it is important to have lay people on some committees, there are so many nuances to design standard the more experienced the better for our community. He added that he would hate to lose Ms. Baker or anyone on the Design Review Committee.

**MOTION:** Commissioner Harlan – Recommend the City Council re-appoint Hilary Baker and Darla Lesan and appoint Perry St. John to the Design Review Board.  
**SECOND:** Chairman Coles  
**VOTE:** Unanimous

**ITEM C:** Planning Commission discussion on vending on public property.

Mrs. Barron outlined the issue and stated that the City Council wants to have a policy in place for this summer. She stated the issue is not a planning issue and the regulations will be put in the CBMC under “Business Licenses”. Mrs. Barron read the proposed definition for “Transient Business”. The City Council would like the Planning Commissions input on proposed regulations. She said they have researched a number of community’s regulations on public vending, some are very strict and some are not. She said Brookings limits vending to two hours at any one location. Mrs. Barron outlined the proposed restrictions (1-11). Mrs. Barron stated that according to our Finance Director the City may lose their tax exempt status if a business for profit is conducted on the Boardwalk or other public property. She summarized the report which was provided in the Planning Commission packets.

Mrs. Barron stated they are looking at locations where there is a lot of pedestrian traffic such as the Pedway, Boardwalk, parks, streets and sidewalks in the downtown area. As outlined in the draft, vending in public parking lots would not be allowed. It is not proposed to have specific boundaries other than vending would not be allowed in residential zone, with the exception of ice-cream trucks, but they would have a time limit in each neighborhood. It was also discussed that some jurisdictions place a time limit for each location (two hours per location). The Planning Commission discussed the proposed requirements (business license, insurance, placement on sidewalks, etc.).

The Planning Commission discussed events that currently allow s, including the baseball field at Mingus Park and special events, such as 4<sup>th</sup> of July in the Park, the Blackberry Art Festival and The Fun Festival.

Commissioner Marler asked if a hotdog cart would be allowed in Mingus Park. Mrs. Barron stated that it is something that needs to be discussed. The Planning Commission discussed the problem with birds/geese being attracted to the food and creating a problem. They discussed that appropriate locations would be directed by the market. If people are not making money they will move on to another site.

Mrs. Barron asked the Planning Commission to disregard the tax issue and discuss if the boardwalk would be an appropriate place for vendor carts. Commissioner Berg stated it would give people a reason to get out of their cars, even if it is just for a hotdog. He said even the old fire station lot is a good location, as well as any place people gather. He added the City needs to do what is can to not hinder this sort of business.

Mrs. Barron asked if the Planning Commission had any concerns about vending on the Pedway. They discussed that motorized vehicles should not be allowed. Commissioner Berg stated the Pedway would be a good place for vending. The Planning Commission asked about enforcement issues and who be regulating complaints/issues/ conflicts. Commissioner Stallard stated the City has a Code Enforcement Officer and the Business License Ordinance have built in enforcement.

Mrs. Barron asked if there should be a time limit on vending locations. Chairman Coles stated two hours is very limiting when you consider that it is a lot of work to set up the carts. She stated the Farmer's Market has specific rules to regulate and there are issues with setup and taking down, that including blocking streets, so there are time limits (end at 3:00 p.m.). Commissioner Berg said there should not be time limits. Planning Commission discussed the difference between events such as Farmers Market and special events and daily or seasonal vendors.

Chairman Coles stated that if a time limit is needed she suggest daily from 8:00 a.m. to 10 p.m. and cannot affect operation of the Farmer's Market.

The Planning Commission discussed vending in other areas like Portland. Chairman Coles stated for the most part vendors take pride in their carts. Chairman Coles stated maybe we need to plan areas for the vendor's carts that will not adversely affect existing business.

Chairman Coles stated vending is not just food any items such as flowers could be sold from vending carts (motorized and non-motorized units).

The Planning Commission discussed their concern with motorized carts being allowed to park in on-street parking spaces in the downtown area. They agreed that it would be detrimental to existing businesses, since the mobile unit would be taking their customers parking spaces. They agreed that business owners rented the buildings with the understanding that on-street parking would be available to their customers. They discussed that motorized vendor carts parked on the street would block visibility of fronting businesses.

Commissioner Berg stated that maybe we should consider automotive vendors in the parking lot north of Curtis Avenue. She stated it would be nice to have them in some areas like on 101 corridors and 2<sup>nd</sup> Court (because the sidewalks are covered). Commissioner Berg stated it would add to business and there are a lot of empty buildings.

Commissioner Berg stated the City needs to regulate on-street motorized (mobile units). We want to encourage and should identify some areas where it can be permitted (provide a map). His said it makes sense to allow motorized unit in areas where people can park.

Commissioner Hood asked how it will be set-up without impacting existing businesses. He said an inspection of the downtown needs to be done to identify areas where the vendor carts can be placed without adversely affecting existing business.

Commissioner Hood said the City needs to be considerate of the business owners that rent buildings and could be impacted by where vendor carts are authorized. It would be counter-productive, even detrimental to the downtown, for the City to authorize vendor carts that end up costing the City business in the downtown buildings.

Commissioner Harlan stated a little push cart on the sidewalk is a lot different than a truck or trailer parked on the street all day take up a valuable parking space.

Mrs. Barron stated the Planning Commission started out stating the City should not have regulations but based on the input it sounds like there needs to be some regulations to protect existing businesses, identify locations (motorized and hand carts), signage and other basics.

Commissioner Marler you can over regulate and you can under regulate. The key is to have a balance where the City is protected and s can prosper.

Mrs. Barron stated the vending issues are different when you are talking about private property and they will be regulated separately.

### **COMMISSION COMMENTS**

Commissioner Berg stated the Boat Building Center will be open from 6:00 p.m. to 8 8:00 p.m. December 15, 2012. He encouraged everyone to stop by on their way to Shore Acres.

Commissioner Hood stated he thinks the brewery will bring in more business in to the downtown.

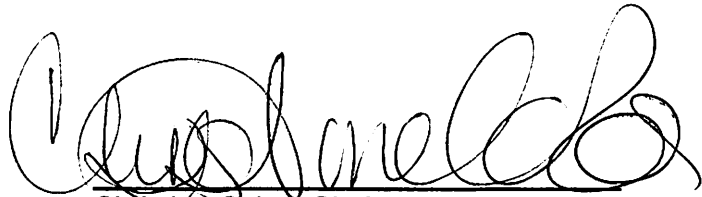
Commissioner Marler stated he had a conversation with the City Manager regarding the employees of the One Call Center parking on Anderson and Broadway. He said they are at work for up to 8 hours and they are taking customer parking for other businesses. The surround owners would like employee of the One Call Center to utilize the public parking lots southwest of the building. He said one example is customers of the Coney Station being required to park blocks away which is affecting the business.

Commissioner Harlan stated he wanted to express his enthusiasm for the people on the DRC. It is hard to find a group of people with their qualification that are willing to set on a volunteer board.

Chairman Coles stated the Park's Commission completed the Park's Master Parks. She said she will keep the Planning Commission posted during the adoption process. She added the plan had not been updated since 1989, but upon adoption they will be able to apply for grants.

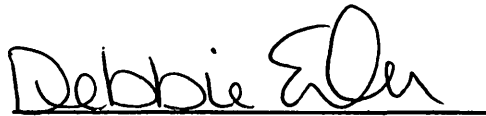
### **STAFF COMMENTS**

**ADJOURNMENT** 7:30 p.m.



Christine Coles, Chairman  
City of Coos Bay  
Coos County, Oregon

ATTEST:



Debbie Erler, Planner 1, City of Coos Bay

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**APPROVED AS REVISED 02-13-2013**