

**CITY OF COQUILLE**  
**CITY COUNCIL MEETING MINUTES**  
**May 25, 2006**

**COUNCIL PRESENT:** Mayor Steve Britton, Councilors: E.N. “Corky” Daniels, Loren Wiese, Jan Torbeck, Mollie Anderson, Kathy Hagen and Fan Capehart

**STAFF PRESENT:** City Manager Terence O’Connor, Planning Director John Higgins, City Attorney John Trew and Deputy Recorder Rene Collins, City Planner Walt Wendolowski.

**PRESS:** Coquille Valley Sentinel, Robert Jump

**AUDIENCE:** A roster of those present is on file in the City Recorder's Office.

**1. CALL TO ORDER**

Mayor Britton called the meeting to order at 7:03 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC HEARING – ON AN APPEAL OF DECISION MADE BY THE COQUILLE PLANNING COMMISSION ON FEBRUARY 13, 2006, REGARDING A VARIANCE TO ROAD STANDARDS AND APPROVAL OF A CONDITIONAL USE FOR A PLANNED UNIT DEVELOPMENT REQUESTED BY JAMES SMEJKAL**

Mayor Britton thanked everyone for attending the meeting. He announced the Public Hearing is to hear appeal of a decision made by the Coquille Planning Commission on Feb 13, 2006, then asked City Attorney Trew for additional information.

Attorney Trew said this is an appeal of a decision of the Planning Commission approving an application in the matter of an application for approval of a variance to street standards and an application for a conditional use permit to allow a planned unit development (PUD), James Smejkal, applicant. The applicant’s representative is Stuntzner Engineering. Carol Doty of Doty Consultative Services filed the appeal as representative of Coquille Citizens for Responsible Growth (CCFRG).

The Planning Commission approved an order and adopted findings of fact approving an application for a Conditional Use Permit to allow a Planned Development in a residential zone per Coquille Municipal Code Title 17 Planning and Zoning, Division III Zoning Regulations, Chapter 17.20, Residential Zone District, Section 17.20.020 Conditional Uses, F. Planned Development.

The Planning Commission also approved an order and adopted findings of fact approving an application for a variance to street standards per Coquille Municipal Code Title 17 Planning and Zoning, Division II Subdivision, Chapter 17.08, Subdivision and Partition Standards and Requirements, Section 17.08.120 Streets, A. General, B. Minimum right of way, K. Grades and curves.

The property is located as follows: Coos County Assessor’s Map 27 12 31 Lot #1500, #1600, #1700, #1800, #1900 and #2200. Coos County Assessor’s Map 27 12 31CC, Lot #100, #4400, #4500 and #4800 in Coquille, Oregon, more easily located as the area in the NE corner of the City of Coquille.

Notice pursuant to legal requirements was published in the Coquille Valley Sentinel and mailed to interested parties. The Common Council will hear only arguments on the appeal.

He stated that Council Members had received a document that included evidence presented during the Planning Commission meetings and a multi-page document submitted by the Citizens for Responsible Growth. Council’s decision will be based on that information and the testimony heard tonight. The Council can affirm, modify or reverse in part the action of the Planning Commission.

Mayor Britton stated Council would be acting in quasi-judicial capacity. He asked if any Council member had an ex parte contact, including site visits, they wish to declare. Councilor Capehart said she attended the first Planning Commission meeting on September 2005. The Mayor asked if anyone had questions for Councilor Capehart on the contents of the meeting, there were none and City Attorney did not see a problem. Mayor Britton asked if any Councilor member had any personal bias or interest that would preclude them from participating in the hearing, there were none. The Mayor asked if any objected to the jurisdiction of the council to hear this matter, there were none.

Attorney Trew reviewed the appeal hearing process stating that no new evidence will be permitted during the argument and any applicant or participant may file an appeal with the Oregon Land Use Board of Appeals (LUBA)

Mayor Britton asked for the Planning Staff to present their report. Planner Higgins introduced Walt Wendolowski and noted he has been assisting in the preparation of the staff reports. Higgins stated that the staff report is tab #21 in the 3 ring binders that they each received and asked if anyone had any questions, there were none. Planner Higgins also stated that tab #23 and #24 "Final Order of Findings of Facts" refers to the staff findings, those findings are under tab #21.

Planner Higgins said the appeal stated by Ms. Doty questioned if tax lots numbers had been left off items and Higgins said yes and they would be corrected tonight. He also stated that the City no longer has an adversity issue with the multi-family dwellings because they will be duplexes. The subject of multi-family units came up after the Public Hearing, the traffic study relates to 72 lots for single-family dwellings and 13 duplex lots. Attorney Trew said Ms Doty raised these issues during the appeal process and Council received the correct information that the Planning Commission approved. The corrected tax lot numbers were included in Attorney Trew's opening statement, which was stated from the published notice.

Councilor Anderson asked about the change of wording from duplex to multifamily? Planner Higgins stated that the original traffic study was based on duplexes and Ralph Dunham thought that it was multi-family. Planner Higgins had asked the Planning Commission to change it to multi-family and that should not have been done, after further research everything was based on duplexes and it should remain duplexes.

Chris Hood with Stuntzner Engineering, PO Box 118 Coos Bay Oregon, said that he is here with Ralph Dunham and James Smejkal and they are representing James Smejkal. Mr. Hood wanted to clarify for the record that they submitted two applications to the City of Coquille one for a conditional use permit to allow a Planned Unit Development under the PUD standards and a variance to road standards. We submitted two applications, paid two fees, received two decisions, two motions were made, and two findings were presented and we have one appeal before us tonight. Our question is the single appeal for the conditional use or the variance. The applicant has stated in the appeal that they are appealing the conditional use and road variances. Attorney Trew said he has advised the City and the applicant to proceed as though both issues were appealed.

Mr. Hood said the appellant's people have raised a lot of issues that we are not dealing with in this phase. In the PUD you are required to go through a conditional use process. In the process you can make an application for a conditional use PUD and at the same time submit a tentative plan and have them both reviewed together with separate decisions. We are not proposing a tentative plan at this time, we are asking for a conditional use for a PUD. We submitted a finding document, which is included in your record, which specifically addresses the criteria of the conditional use permit for a PUD. Under PUD standards you are allowed to make modifications, we have asked for 25' roadways with sidewalks on one side to allow the creation of large lots. The density requirements have been met and utilities are available to the property. We have agreed to a geo-technical inspection on every lot, which is not necessary because they are not all built on 18% slopes. We are asking for approval at this time for of 85 lots on 85 acres that use the road systems that the City of Coquille purchased and has in their comprehensive plan. The Comprehensive Plan states the City plans to improve and connect Shelly Road to 6<sup>th</sup> Street in two different places, which will provide a loop around Shelly Road. We are here for approval of a conditional use permit to allow a PUD tonight by meeting the standards, which we have done. The next step will be to present a tentative plan for approval, then a final platting stage that we will work with the City

and their engineers, Division of State Lands, Fish and Wildlife and the Core of Engineers. Chris asked council if there were any questions. There were no questions at this time.

Carol Doty with Doty Consultative Services, 511 SW Franklin, Bandon Oregon, is representing Coquille Citizens For Responsible Growth (CCFRG). Ms Doty stated they do not have to discuss the number of duplexes because it has been agreed that there are to be 72 single-family dwelling lots and 13 duplex lots. Some of the members of CCFRG are present in the audience. She said a letter from Stewart Weinger dated August 21, 2005 that stated she would be the representative for CCFRG was omitted from the record. Planner Higgins said that it would be included in the record. Ms. Doty stated CCFRG had received the map in exhibit 18 and a contour map that she requested was received October 14<sup>th</sup>. Attorney Trew said the contour map and CCFRG multi-page document dated May 16<sup>th</sup> will be included in the record. For the record Ms. Doty said the public notice for this hearing does not list the following approval criteria that CCFRG feels is necessary for this decision:

- Conditional use procedure 17.68
- Variance Standards 17.64.110
- Riparian corridors 17.62
- Hazards Overlay zone 17.48

In addition there are a number of items from the Comprehensive Plan that have not been sited which we have addressed in our document, they are as follows:

- There is not a transportation system plan
- Public facilities
- Transportation policy
- Riparian erosion flooding issues

CCFRG feels the May 15, 2006 staff report was a rebuttal to the appeal. Ms. Doty reviewed areas of her rebuttal to the staff report and presented a copy to council and the record with the understanding there was no new evidence being presented.

Ms. Doty said the application was significantly altered during the hearing process from the original request. The code requires any variance requests to be in a separate document. There was only one variance request and that was from 34-foot wide road to 25-foot wide road on a collector. Most of the changes that were requested during the hearing were approved. We have addressed the issues of the variances and how they are not based on the application and how they do not comply with the approval criteria in our multi-page document.

The second statement Staff made was the applicant is entirely responsible for insuring that the plans including constructions plans do not adversely affect the riparian corridor. Another Staff statement was that the development may not proceed without acceptance from the City of the geo-technical reports and the third statement the decision does not relieve the owner from compliance with applicable laws.

Ms. Doty said these statements do not constitute conditions of approval they are staff opinions. The following statements made by Staff; modifications were reviewed and accepted by Staff, Staff stands behind current findings, have no force of law. Only findings and applied conditions that the approval criteria has been met or can be met that were adopted by the planning commission and upheld or amended by the City Council have the force of law. Ms. Doty has prepared citations for the record and presented the document to the Council and the Applicant. Attorney Trew advised Ms. Doty that this is difficult because the information was not received prior to the meeting.

Ms. Doty read 17.56040, which describes the approval process for a PUD conditional use permit. The applicant never submitted a site plan, which would have clarified a number of issues including adjacent right of ways, parking area, property lines and many others. Ms. Doty called for questions; Council did not have any at this time.

Stewart Weinger, 1331 E. 5<sup>th</sup> Street Coquille Oregon, has about 20 acres adjacent to the Smejkal property stated he has opposed this project from the beginning. He feels that this is prime property and has a great value and it is a great discredit to the City to break this property into parcels. CCFRG is prepared to take this to the next level to make sure the land is developed in the best interest of the community and Coos County.

Barbara Rollins, 57663 Crest Acres Rd. Coquille Oregon, has been concerned about the width of the roads and safety. She has watched Shelly Road just west of Hillside Terrace and the road is too narrow and there is not a safe walking area. Ms. Rollins stated the road widths being proposed and the variances being requested concern me greatly. As they build there is going to be more erosion and mud coming down the drainage pipe located near the corner of 5<sup>th</sup> Street and Elliot, which the city cleaned out recently and the opening is closing off again.

Mayor Britton asked the applicant for clarification if there was going to be parking allowed in the 25-foot road width area?

Attorney Trew asked Mr. Hood if he was comfortable with the documents that had been presented and if he needed a recess to review those documents, he did not.

Mr. Hood said there have been erosion issues previously, this project will be fully engineered and that is required for development. The development of this project requires planning and working with several agencies.

Mr. Hood said the green areas on his map will have a 34' width and the pink areas will have the requested 25' streets, which are non-developed areas. There will not be parking in the 25' width areas and will not be needed it is passage to get from one point to another. The city will be responsible for the roads when the development is complete and if they are 34' they will take more maintenance. A collector takes traffic from a road system, which exists along Shelly Road and Crest Acres, used for residential use and filters it to a downtown area. The traffic levels shown from the study shows that the traffic is so low that there would be approximately 850 trips and a residential roadway can have 1,000 trips. A collector can have up to 3,000 trips. The traffic will not impact the residential or collector streets above their capacity and you cannot develop areas without increasing traffic.

There are many issues that have been raised here and your job is to interpret your ordinance, and determine if the criteria has been met. We are asking for 85 lots on 85 acres and we feel this is a reasonable request. This development will be good for the City of Coquille.

Councilor Anderson asked if they are planning on sidewalks from Crest Acres to town, Mr. Hood said they have planned sidewalks on one side, and the right of way is wide enough for additional sidewalks if necessary. The Mayor asked if the sidewalks would be to City standards? Mr. Hood said yes and all the improvements will be made before any lots or final platting is done. Councilor Wiese asked if the engineering does or will include run off to 5<sup>th</sup> Street and Elliot. Mr. Hood said that engineering would be done during the tentative plat. R. Dunham, PO Box 118 Coos Bay Oregon, of Stuntzner Engineering stated the culvert currently installed is at an invert angle. We have submitted several reports and it showed several drains in the area are in need of repair. Mr. Smejkal did offer \$10,000 to the City to repair their culverts. We have also agreed to limit the amount of runoff from the property; this is not submitted at this time because we have to know if we can build this project.

Mr. Dunham said we are dealing with a conditional use issues and a variance not riparian corridor issues. The impacts we are discussing would be less with our variances and with narrower roads to the area. He also stated that he put together a letter on May 17, 2006 in rebuttal to Ms. Doty's multi-page document and was told that it was too late to have it put in the record. With your current street standard of 34' allows two 10' travel lanes and two 7' parking lanes. A 25' road allows for two 12-½ foot travel lanes with no parking so the road of travel is wider. The general definition of a collector is a street that collects traffic from neighborhoods and transports them to another collector or arterial. We asked for a variance to address the collector issue. The collector standards are based on the amount of projected traffic including peak travel times. The traffic study includes traffic from our development, and growth from Crest Acres and Coquille and the trips per day are below 1,000. We asked for variance on road width and grade up to 15%. The way you reduce grade is to make curving roads,

the collector standard is 10% and 16% in the residential, the grade is exceeded so we could make the road straighter which will make it safer.

Mayor Britton asked how many areas would have that maximum grade; Mr. Dunham said that about 1,500 feet would exceed the 10% grade.

Attorney Trew asked Mr. Dunham if his letter was in rebuttal to Ms. Doty's document packet, Mr. Hood said that it was not new evidence. Attorney Trew said it will be submitted into the record and copies were provided to the council members and CCFRG.

Mayor Britton closed the public hearing at 8:26 p.m.

#### **4. COUNCIL DELIBERATION AND DECISION**

The Mayor asked if the applicant is prepared to have Council proceed and make a decision, Mr. Hood responded they were. Mayor Britton called for a short recess.

The Mayor reopened the meeting at 8:45 p.m. and said Council will proceed with our discussion and our decision. Attorney Trew advised Council they could discuss the information and make a decision. You will then make a motion reflecting your decision and direct staff to prepare a final order and findings.

The Mayor asked if anyone had questions, and he feels that citizens are asking when we are going to grow and he has not been able to tell them when. If a new business were to come to Coquille and supply 300 jobs we could not house those employees, so they would look to Coos Bay.

Councilor Wiese said there is a lot of information and sometimes we are looking at opinions not facts. He stated that the document says if the applicant is approved the use of the property involved in this application may require additional permits from the City or other local, state, or federal agencies. The City of Coquille land use review and approval process does not take the place of or relieve the applicant of responsibility for acquiring such other permits or satisfy any restrictions or conditions thereon. Further, approval does not remove, alter or impair in anyway any covenants or restrictions imposed on this property by deed or other instrument. He knows the applicant has many steps to complete and will be required to meet many agencies requirements.

Councilor Torbeck said coming from a planning back round this is an extremely low-density plan and is amazed. She said she has seen houses built on slopes much steeper. There are many more steps the applicant will be going through. The road they have shown is straighter than Shelly Road and no parking on a 25' right of way is safer because there will not be parking in the traffic lanes. From her perspective the conditional use permit looks good.

Councilor Daniels agreed with Councilor Wiese but is also concerned about the road access and width. The road will be the first thing to be built and it will be inspected and he did not find anything that would change his mind and the application should be approved.

Councilor Anderson stated she put her faith in the process and that the developers are just getting started and that every step along the way will need a stamp of approval and the action that has been taken has been appropriate.

Councilor Capehart agreed that the plan is good and no parking along the 25' width road is a good idea.

Councilor Torbeck made a motion to affirm the planning commission decision and direct staff to come back with final order and finding of facts. Councilor Hagen seconded the motion, all voted in favor.

Attorney Trew said the next Council Meeting would be held on June 5, 2006 and the signing of the Final order and Finding of Facts.

Mayor Britton adjourned the meeting at 8:57 p.m.

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Mayor Steve Britton

ATTEST: \_\_\_\_\_  
Deputy City Recorder