



MINUTES

Coburg City Council
Special Meeting
July 23, 2013 – 6:30 P.M.
Coburg City Hall
91069 North Willamette - Coburg

COUNCILORS PRESENT: Jae Pudewell, Mayor; Jerry Behney, Sharyl Abbaspour, Jeffrey Kaliner, Don Nelson, Brian Pech

COUNCILORS ABSENT: Ray Smith

STAFF PRESENT: Petra Schuetz, Gary Darnielle

RECORDED BY: Dan Lindstrom

Mayor Jae Pudewell called the meeting of the Coburg City Council to order at 6:30 p.m. Councilors joined in the Pledge of Allegiance. He noted that a quorum was present. He determined that there was no one present wishing to provide Citizen Testimony.

Mayor Pudewell stated that the City Council would hold a Public Hearing of an Appeal of the denial by the Planning Commission of CU-02-13, an application by Love's Travel Stops and Country Stores to develop a truck stop with a fast food restaurant, tire barn, and fueling stations on vacant land zoned Highway Commercial.

Mayor asked Councilors to declare any *ex parte* contacts regarding the Appeal. Councilor Jerry Behney stated that he and all Councilors had received copies of a letter of support for the application at the previous meeting of the Council. Councilor Don Nelson reported that he had discussed the Appeal with a large number of persons and had heard support for and against the application. Councilor Sharyl Abbaspour reported that she, also, had discussed the Appeal with many citizens and had heard support for and against the application. Mayor Pudewell reported that he had discussed the Appeal with proponents and opponents of the application.

Mayor Pudewell asked if there were any challenges to the lack of conflict of interest by Councilors. None were raised. He opened the Public Hearing and asked for a Staff Report.

City Administrator/Planner Petra Schuetz referred to her 65 page Staff Report and reviewed background for the application. She highlighted information about referrals and property owner notices it contained, noting responses received attached as Supplemental Evidence. She reviewed the Appeal decision-making process.

Ms. Schuetz explained that the Planning Commission had denied the Loves application at its May 22, 2013, meeting on the basis that it was for both a truck stop and service station and that service station standards prohibited its location within a certain distance of another service station. She reviewed application of statutory construction use of terms and their interpretation. She explained that a truck stop was not specifically defined in the developmental code. She reviewed the definition of a Service Station in the Coburg Development Code.

Mayor Pudewell determined that Councilors had no questions regarding the presentation of Ms.

Schuetz. He made a special effort to determine that all who wished to testify in the Appeal public hearing were identified. He called upon supporters of the Applicant to present testimony.

Bill Kloos, 375 West Fourth Avenue, Suite 204, Eugene, stated that he represented Loves Travel Stops and Country Stores. He requested that the record of the public hearing be kept open to allow for his response to issues raised by those opposed to the Appeal. He distributed copies of a document entitled "Love's Travel Stop Proposal: Summary of Key Issues to Decide." He reviewed legal and factual questions it identified:

1. Is this a "truck stop" or "service station" or both?
2. Will Loves meet the city noise standards?
3. Does Love's meet the code front yard setback standard?
4. Does Love's site "share" a property line with a Residential zone district?
5. Is there traffic capacity for Love's?
6. Miscellaneous technical issues resolved at the Planning Commission.

Mr. Kloos reviewed photographs of Love's Travel Stops in Oregon and commented on positive contributions to be made to Coburg identified in a July 22, 2013, letter from Kym Van Dyke distributed at the beginning of the meeting: Love's travel centers are designed to be visually attractive. Love's provides good jobs. Love's would contribute to the local infrastructure. Real-life examples of existing Love's travel centers show the proposal to generate less traffic than the "worst case scenario" in the TIA model.

Paul V. Vaughan, 180 East 11th Avenue, Eugene, stated that he represented Key Bank National Association, successor trustee of the Mary Jean Stevenson Family Trust, owner of the property that is the subject of the Conditional Use Permit application. He said his client supported approval of the application because it was compatible with and not adversely affect the future use and development of the property in question.

Mr. Vaughn described an existing buffer between the proposed truck stop and his client's residential-zoned property located to the west. He also reviewed contentions related to consequences of Coburg Code interpretation supporting the development. Finally, he reviewed component land uses of the proposed Serenity Lane development parallel to those of the proposed truck stop.

Peter Asmuth, 2133 Centennial Plaza, Eugene, stated that he was head of Serenity Lane alcohol and drug residential treatment program to be located immediately north and west of the application property. He said the plan of his organization was to locate Serenity Lane in a park-like setting, as approved by the property owner Mary Jean Stevenson. He described interruptive noises and traffic flows of the operation of a truck stop incompatible with that plan. He encouraged Councilors to uphold the denial of the application by the Planning Commission.

K.C. Hoffman, 1011 Harlow Road, #300, Springfield, stated that he represented Serenity Lane. He reviewed acoustical and other studies made of the proposed truck stop and stated that they showed the development to be incompatible with the Coburg Development Code. He urged consideration of the technological information available to support the denial of the application by the Planning Commission.

Mike Conners, 520 SW Yamhill, Suite 283, Portland, stated that he represented Coburg 5, owners and operators of Truck 'N Travel complex of travel services. He pointed out that the Planning Commission had not addressed any issues beyond whether the Love's proposal was for a

truck stop or service station. He reiterated that a service station did not qualify under locational criteria and that a service station was clearly intended by the application. He said the Planning Commission "got it right" and the Love's position is inconsistent with the Coburg Code and the Council should support its denial of the application.

Mark Kannen, 1011 Harlow Road, #300, Springfield, requested that the record of the hearing remain open to allow for response to current testimony. He commented on what he called inconsistencies of the reports of noise studies presented, especially as related to idling trucks. He also said that some studies did not take into account noise created by tire repair and replacement services to be provided.

Michelle Sunia, 91205 Rustic Court, said that in order for Coburg to prepare for successful future, mistakes of the past need to be corrected. She said she believed locating large businesses near residential area needed to be avoided.

Patricia McConnell, 91129 North Miller, stated that she lived next door to the planned development. She described her participation in development of a Coburg Vision plan that specifically sought to prevent the type of development proposed in the application. She urged the Council to accept the decision of the Planning Commission and referred to her written submittal dated July 1, 2013, in which she raised concerns about providing for transition between higher and lower intensity uses, and their appropriate scaling to fit the small town, historic character of Coburg.

Mike Watson, 9100 Abby Road, reported his experience in developing Coburg Code and community support for promoting the City as an historic residential community, not a "truck stop city."

John Fox, 32764 East Dixon, described his involvement in development of the Coburg Vision and emphasized the importance of preservation of its existing quality of life. He expressed special concern about 24 hour ambient lighting, airbrake noise, and safety issues potentially created by a truck stop and service station. He said he believed it was important to support the Coburg Police and not add another truck stop.

Katie Thiel, 2940 Perkins Avenue, Marcola, stated that as a long-time member of the Coburg Planning Commission, she was familiar with the City Development Code as it related to truck stops. She said the purpose of Code provisions was to control impacts and avoid Coburg becoming a "slum." She urged the Council to not "give in" to the "first developer" who proposes a new business in Coburg. She said she was advocating for all citizens of the City and that the applicant was asking for favoritism. She said no findings of fact compel the Council to overturn the denial of the Planning Commission.

Mayor Pudewell determined that there were no further requests to testify in the public hearing and invited Mr. Kloos to provide a response of the applicant.

Mr. Kloos stated that he was concerned that there was inaccurate reporting of case law in the testimony provided. He said reports of such experiences from other cities did not apply in Coburg. He emphasized the significance of property owned by the Oregon Department of Transportation that existed between the parcel proposed for development and the neighboring residential-zoned property. He said the noise impacts on Serenity Lane were all addressed in reports submitted in evidence. He contended that the Council was not compelled to agree with the action of the Planning Commission, but that it could add conditions to approval of the application to make it more acceptable. He warned that the next proposal for development of the

property in question could be for something that was allowed outright that would be more negative than the proposal of Love's.

Kym Van Dyke, 10601 Pennsylvania, Oklahoma City, Oklahoma, stated that he was the western representative of Love's Travel Stops and Country Stores. He said the testimony and positions of Mr. Kloos were accurate, but that he wanted to emphasize the outstanding community relations of the Company. He said there were many examples in the 300 installations of his family-owned company giving back to the communities in which they were established. He mentioned the pleasant landscaping efforts of each installation and said an agreement could be reached in which no tire installation would be conducted at night.

Ms. Schuetz noted that there had been two requests to keep the record of the hearing open. Acting City Attorney Gary Darnielle stated that to do so the Council would have to continue the hearing to a specific date. He said it would be possible to discuss the issues involved and seek further information before a continuance was determined.

Mayor Pudewell led a discussion of a schedule of events possible with a continuance of the hearing:

- Record Open for Submissions – August 6
- Deadline for Rebuttal of Submissions – August 13
- Final Rebuttal Accepted – August 16
- Staff Report based on Submissions – August 20
- Special Council Meeting for Deliberation/Decision – August 27

Councilor Brian Pech moved, seconded by Councilor Don Nelson, to hold open the record of the Public Hearing as proposed. The motion was adopted unanimously, 5:0.

Mayor Pudewell declared a short recess in the meeting.

Mayor Pudewell reconvened the meeting and asked a series of clarifying questions. He determined that there was consensus to schedule the Special Council Meeting on August 27 at 6:30 p.m. Mr. Darnielle emphasized that no additional public testimony should be received after August 6. He also suggested that the Council seek to differentiate between a service station and truck stop as its initial task.

In response to a question from Mayor Pudewell, Mr. Darnielle suggested that the Council had a role in interpreting and applying the Coburg Visioning process to its Development Code.

Ms. Schuetz added that the Council would need to determine if its locational criteria for service stations prohibited the development proposed by Love's.

Councilors engaged in extended discussion of the questions raised and whether the Council should uphold the decision of the Planning Commission.

Councilor Jeffrey Kaliner moved, seconded by Councilor Abbaspour, to uphold the decision of the Planning Commission to deny CU-02-13, an application by Love's Travel Stops and Country Stores to develop a truck stop with a fast food restaurant, tire barn, and fueling stations on vacant land zoned Highway Commercial.

Councilor Don Nelson said he did not believe the Council was ready to act on the motion with-

out consideration of additional testimony to be received from holding the record open. Mr. Darnielle clarified that the Council was bound to honor its decision to hold open the record of the public hearing.

Councilor Kaliner withdrew his motion.

Councilor Abbaspour withdrew her second of the motion.

Councilor Nelson moved, seconded by Councilor Pech, to adjourn the meeting. The motion was adopted unanimously, 5:0.

The meeting adjourned at 9:40 p.m.

ACCEPTANCE

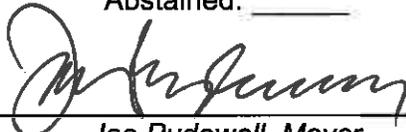
Approved: August 13, 2013

Yes: 6

No: 0

Abstained:

Attest:



Jae Pudewell, Mayor

Date: 8/23/2013



Sammy L. Egbert, City Recorder

Date: 8/23/2013