

MINUTES

CITY COUNCIL PUBLIC HEARING

ON THE DRAFT LAND DEVELOPMENT CODE
JANUARY 31, 1989

The sixth public hearing conducted by the City Council on the draft Land Development Code was called to order at 7:00 p.m. in the Council Chambers at Brookings City Hall on the above date with the following Council members and staff in attendance.

Councilors

Fred Hummel, Mayor
Gil Batty
Kathy Hoselton
Ralph Mory

Staff

Roy G. Rainey, City Manager
Richard A. Ullian, Planning Director
Nancy Corrigan, Secretary

Councilor Ray Nidiffer was absent.

PUBLIC HEARING

It was decided by the Councilors at the December 15, 1988 hearing that a review and consensus of the members would be made on a section by section basis, and any changes proposed would be authorized by motion and a majority vote.

This was a continuation of the January 19, 1989 public hearing at which the last section to be discussed pertained to nonconforming uses (Section 120). The hearing was commenced beginning discussion on Section 124, Provisions Applying to Special Uses.

The following persons spoke concerning specific sections of the draft Code during the public hearing with questions, expressing opinions and/ or concerns:

1. Frank Cembellin, 17530 Hwy 101, Brookings
2. Charles Brendlinger, 925 Marina Heights, Brookings
3. Phyllis Cottingham, 1304 English Court, Brookings

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By consensus of Councilors, the following additions, deletions, modifications and amendments were authorized, by section, to the draft Land Development Code:

1. Amend Section 124.010 Day care, nursery schools and kindergartens, subsection A, as follows:

"A. Facilities for thirteen (13) or less children are exempt from these provisions and the provisions of section 140, conditional use permits..."
2. Amend Section 132.040 Exception to yard requirements, subsection A, 1, as follows:

"1. Cornices, canopies, eaves, belt courses, sills, or other similar architectural features, or fireplaces, but these may not in any case extend more than 24 inches into any required yard area."
3. Amend Section 144.040 Action by the planning commission, subsection A, by the deletion of the portion of the sentence as follows:

"The planning commission shall study the matter to the extent that it considers such study to be necessary, ~~including the holding of a public hearing if it so desires,~~ and shall, in open meeting, recommend the approval or disapproval of said amendment."
4. Amend Section 144.040 Action by the planning commission, by the deletion of subsection C in its entirety.
5. Amend Section 144.050 Action by the city council, subsection D, Findings of fact, by the addition of the following:

"D. Findings of fact. In order for the city council to adopt an ordinance for an amendment to this code, comprehensive plan document and/or map, findings must be made, and adopted as a part of said ordinance, that are adequate to support the amendment proposal. The findings must be factual and must be supported by substantial evidence submitted into the record. It must be found that the amendment complies with...etc..."

6. Amend Section 152 Vacations, as follows:

"152.010 Generally. A request to vacate a public street, alley, easement, plat or public place shall, in addition to the requirements contained herein, be subject to the provisions of ORS Chapter 271, which requires the holding of a public hearing. Vacations may be initiated either by petition pursuant to ORS 271.080, upon recommendation of the planning commission, or on the council's own motion, pursuant to ORS 271.130."

7. Correction of typographical error, Section 160.010 Generally, as follows:

"...In thus resolving ambiguities on appeal, the planning commission shall so interpret this code as to carry out section 1.040 and the expressed purpose of the zoning district involved."

8. Amend 160.020 Appeal procedure by the deletion of a portion of the sentence as follows:

"160.020 Appeal procedure. Any applicant or any other interested person may, within 15 days after the decision of the site plan committee, ~~architectural-review-commission~~ or administrative staff, file an appeal with the city manager or his designate, pursuant to procedures set forth in sections 156.010, 156.020, 156.030 and 156.050."

9. Amend Section 164 Enforcement and penalties by the addition of the following underlined portion:

"164.020 Violations a nuisance. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this code and any use of any land, building or premise established, conducted, operated or maintained contrary to provisions of this code, shall be and the same is hereby declared unlawful and a public nuisance, and the city attorney to the city of Brookings may, upon advice of administrative staff, or upon order of the city council..."

10. Amend Section 172.010 General development standards and requirements by the deletion of a portion of the sentence as follows:

"...or dedication to the city of utilities easements along lot lines and easements for drainage purposes in order to accommodate expected runoffs or determined according to generally accepted drainage accommodation principles, pedestrian easements along boundaries contiguous to streets, ~~rivers, streams, ocean frontages or beaches,~~ vehicular turning...etc."

11. Amend Section 172.020 Street standards, subsection P, by addition of the following underlined sentences:

"P. Grades. Grades shall not exceed eight (8) percent on arterial, 10 percent on collector or 15 percent on minor streets. Maximum grade within 100 feet of intersections shall not exceed four (4) percent. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the planning commission may accept steeper grades. No street grades shall be less than 0.5 percent grade."

12. Amend Section 172.020 Street standards by the addition of the following subsections:

"V. Cross slopes. Cross slopes for the purpose of roadway drainage usually fall in both directions from the centerline except where super elevation of curves directs one side of the roadway. Cross slopes for paved roadways shall be approximately 2% from centerline to shoulder. Cross slopes on shoulders should be somewhat greater than that of the roadway. Paved shoulders shall be sloped away from the centerline at 4-6%. Gravel and turf shoulders shall be sloped at 4-6% and 6-8% respectively."

"W. Sight distance. Adequate sight distance allowing the motorist time to respond to obstructions in the roadway and other vehicles is essential for safe travel. Sight distances hindered by horizontal and vertical curves in the roadway, or any other sight obstruction, shall not limit sight distances to less than 350 feet for arterials, 275 feet for collectors, and 200 feet for local streets."

13. Amend Section 172.030 Easements, subsection C, as follows:
- "...Within the easement, a sidewalk of at least five (5) feet in width shall be constructed."
14. Correction of a typographical error, Section 172.040 Neighborhood circulation plan, subsection A, as follows:
- "A. All developments shall comply with an adopted neighborhood circulation plan provided such plan includes the proposed project site area. If the neighborhood circulation plan does not include the proposed project site area, it shall be the...etc."
15. Correction of a typographical error, Section 172.070 Street improvements, deferred, subsection B, 1, (last paragraph):
- "If the owner disagrees with the requirements set forth for installation of improvements as provided in this section, he shall, within 30 days of the date the notice from the city engineer was mailed, request a review of the requirements by the city council. The decision of the city council shall be binding upon both the city and the owner."
16. Amend Section 172.170 Improvement plans, by the addition of subsection C, as follows:
- "C. The developer shall pay a security deposit of \$300.00 to the city to cover cost of the city engineer's review of the improvement plans and specifications, and any unused portion of the deposit will be refunded to the developer. If the review costs exceed the \$300.00 deposit, the developer will be responsible for the full payment to the city."
17. Amend Section 172.190 Public facilities construction standards, by deleting subsections B, C, D, E, F, and G and revising subsection A as follows:
- "A. the standard specifications for construction, reconstruction or repair of streets, sidewalks, sewers, water mains and other public improvements within the city of Brookings are as contained in the document entitled "Standard Specification's for Street, Storm Drain, Sewer and Waterline Construction, City of Brookings, Curry County, Oregon" and dated August, 1988. Said document shall be adopted by resolution of

the city council and shall by this reference be made a part of this code and incorporated herein for all public facility work authorized by and pursuant to this code."

18. Amend Section 176.050 Minor partitions, subsection B, 19, as follows:

"19. The approving authority (planning commission) certificate shall contain a statement that acknowledges compliance with all conditions of development permit and state statutes, and such compliance shall be certified by the signature of the chairman of the planning commission affixed thereto."

19. The Council accepted the recommendations of the Planning Commission that the proposed zoning map be adopted as redrafted, with the following amendments thereto:

- a. North Brookings/Highway 101 proposed rezoning area. That those properties from Rubio's Restaurant to, but not including, Oceanview Center on the north side of Hwy 101 be rezoned from C-G (Commercial General) to C-4 (Tourist Commercial). This would include the Brookings Inn/Flying Gull Restaurant on the south side of Hwy. 101.

The properties from, and including Oceanview Center to Easy Street be retained in the C-G (Commercial General) equivalent new zoning classification of C-3 (Central Commercial).

- b. East/West side of Fifth Street, South of Easy Street proposed rezoning area. That the area as proposed to be rezoned from C-G (Commercial General) to PO-1 (Professional office) be amended to include the northern 100 feet to a depth of 304.7 feet of the Ray's Sentry Market Corporate Headquarters property to be retained in the proposed R-3 (Residential Multiple Family) zoning classification.

Following the discussions of the above changes to the draft Land Development Code, as well as those changes authorized at the preceding public hearings, the public hearing was closed. The Mayor and City Council directed city staff to make the authorized changes to the draft code document and proposed zoning map, and to prepare the necessary enabling ordinance and resolution for presentation at the regularly scheduled City Council meeting on April 10, 1989.

There being no further business before the Mayor and City Council, the meeting was adjourned at 10:19 p.m.

Fred Hummel
Fred Hummel
Mayor

ATTEST:

Beverly S. Shields
Beverly S. Shields
City Recorder/Treasurer

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