

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY OF BROOKINGS
August 19, 1980

I. CALL TO ORDER:

The meeting was called to order at 7:30 p.m. by Chairman Earl Breuer.

II. ROLL CALL:

Those present were: Blain Gribble, Ralph DeJarnett, Mary Jane Brimm, Richard Swigert and Ted Mattson.

Staff members present were: Marshall Ferg, Building Official and Georgia Shirilla, Secretary.

Representative from the press was Richard Keusink from the Curry Coastal Pilot.

III. APPROVAL OF MINUTES:

Commissioner Brimm requested that the July 15, 1980 minutes be corrected on Page 3 VI (1) from motion "seconded by Commissioner DeJarnett" to "seconded by Commissioner Swigert."

MOTION by Commissioner Brimm, seconded by Commissioner Swigert that the minutes of July 8th and 15th meeting be approved with corrections. Motion carried unanimously.

IV. WELCOME TO VISITORS:

Chairman Breuer welcomed an audience of approximately 25 people. Also present was Mayor Hitchcock and County Planning Director Bob Higbie.

V. PUBLIC HEARINGS:

1. Conditional use permit application No. CU-80-5 by Bill and Wanda Ford for Gift Shop on Tax Lot 3800, Map 41-13-6DA at 741 Pacific Avenue.

Marshall Ferg informed the Commission that the gift shop was located in an RH zone in an old home which he had not had opportunity to inspect. He felt that the area should have been rezoned to CG zone in the comprehensive plan. The proponent Bill Ford, stated that they would not open the shop this year until work had been done on the house, but desired to obtain a conditional use permit. Their main sales would be turquoise jewelry and homecraft items. Chairman Breuer with the concurrence of Marshall Ferg stated that it might be possible to change the area to a commercial zone rather than grant a conditional use permit. Chairman Breuer questioned the need

for adequate parking and Mr. Ford explained that he intended to install a culvert on the North side of the property so that there could be parking in the yard and also parking in front of the property. Chairman Breuer stated also that the property would need to be inspected and brought up to standards for public use before any action was taken. There were no opponents.

MOTION by Commissioner DeJarnett, seconded by Commissioner Gribble that the conditional use application be approved with the reservation that the building inspector would make a thorough inspection and put in writing what is needed to bring the building up to code. Motion carried unanimously.

2. Conditional use permit application No. CU-80-6 by Paul Pierson for Stain Glass Studio on Tax Lot 3002, Map 41-13-6BA at 1010 Easy Street.

Marshall Ferg informed the Commission that prior to the conditional use application he had informed Mr. Pierson that he was doing business in violation of the zoning ordinance. The property is located in a residential low density zone. Mr. Pierson stated that he had a petition from all the property owners on the block with the exception of one who were in favor of the studio. He stated that he had been in business for 10 years and that he was using his home as a workshop and selling his goods in the Central Building downtown. If he obtained the conditional use permit he was considering moving his business into a barn on the property. He had ample parking space on the property. Mr. Cliff Banick, an opponent, questioned how many on his petition resided within 250 feet of his property. He gave objection to the permit because the dictionary stated that when a zone is in a City, you petition it as a residence business and industrial area. A variance to this business is a fact of a quality change, a deviation of discrepancy to that zone. He also felt that Mr. Pierson should have come before the Planning Commission prior to bringing his business back to his residence. Gayle Johnson stated that Mr. Banick was not residing at his residence and the reason for moving Mr. Pierson's business to the home was that the store closed and the building was shut up and that they had no prior notice. In answer to Mr. Ferg's question concerning selling downtown, Mr. Pierson stated that several crafts people had formed an artisan's guild as a cooperative effort to sell their goods. He stated that a neighbor, Bob Lathrop, had informed him by telephone that he was in favor of the permit. Rose Bardgett, a neighbor, stated that there had never been any noise or disturbance of any kind and she had lived there for 17 years. Commissioner Gribble suggested clearing the brush to the entrance of the property.

MOTION by Commissioner Gribble, seconded by Commissioner Mattson that we grant a conditional use permit on Tax Lot 3002 at 1010 Easy Street. Motion carried unanimously.

VI. LEGISLATIVE ACTION:

1. Replat of Seaview Subdivision Blocks A and B.

Commissioner Swigert asked to disqualify himself from this item. Marshall Ferg informed the Commission that this subdivision had been approved before the City was incorporated in 1948 and was never completed. It was now under construction at the present time. The street is being built within 50' right-of-way and was deeded to the City at the time that it was approved. It was platted subdivision. There had been concern about the ditch that divides the property with Alder Street. Chairman Breuer read the report submitted by H.G.E. John Dulisse of 215 Alder Street objected to the ditch that crossed his property without any deeded access or easement. He understood that it would be used as a new storm drain for the subdivision. He stated that it caused a health and personal hazard in the wintertime because of excessive water. He indicated that he would fill the ditch and it would no longer be his problem. Chairman Breuer and Marshall Ferg stated that this was a natural drainage area. Mr. Dulisse contended that it was not a natural drainage area and that a number of years ago the City had opened the ditch up with a backhoe to provide drainage so that his property would not flood. Commissioner Gribble stated that it was an old natural stream that has carried water and drained the entire area for some 36 years that he has lived in Brookings and he suggested that the City work with the property owners on both sides of the ditch and put in a good culvert and get the problems eliminated. Marshall Ferg stated that according to the ORS it is the property owners' responsibility to keep the stream open at all times and maintain the ditch. The property owners had not been doing this since brush and blackberries had been piled in the ditch. He stated that the ditch was creating problems and that the property owners and Tidewater should work out a solution. Darrell Niemie of B & D Surveys representing Tidewater stated that he felt that everyone could work together and with recommendations do something with the ditch. Jess Fitzhugh stated that he was one of the owners and would be happy to pay his fair share. Chairman Breuer stated that the ditch would not be a contingency upon the acceptance of the proposed subdivision and all the people should get together with Mr. Fitzhugh and work out the solution to the problem concerning the ditch.

MOTION by Commissioner Brimm, seconded by Commissioner DeJarnett that we accept the Seaview Subdivision preliminary plat with the Engineer's recommendations and that we approve the 34' street with the existing right-of-way. Motion carried unanimously.

2. Preliminary approval of Velopa Subdivision, owners Velopa Ventures, Inc., and Mr & Mrs. F.B. Haralson and minor land partition on Tax Lots 3000, 3100 Map 41-13-5CC. Marshall Ferg informed the Commission that this subdivision was located off of Tanbark extension at approximately the intersection of Memory Lane. There was an Engineer's report of the Subdivision; the street width was to be 34' with a right-of way of 50' and the developers had filed a variance for the street width. Mr. John Thorp, engineer, stated that the reason for submitting preliminary plat approval and a minor partition was so that those lots could be sold in advance of the subdivision and give the developers working capital. He stated that Lots 1 and 17 would be excluded from the final plat. Chairman Breuer stated that he desired to see that the curbs, gutters and street improvements by these lots were completed. Marshall Ferg stated that the street on Tanbark should have curb and sidewalk and should be continued over to Memory Lane and also should include a green strip between curb and the sidewalk. Chairman Breuer read the Engineer's report from H.G.E. Mr. Thorp stated that the developer was agreeable to all of H.G.E.'s recommendations except that the developer questioned the sidewalk on the full length of Tanbark and requested that there be a variance.

MOTION by Commissioner Gribble, seconded by Commissioner Swigert that we accept the Velopa Subdivision subject to the Engineer's approval, and with the stipulation that they put all the developments in along Tanbark as specified by the Engineer, and that we recommend to the Council that they accept the variance for street width. Motion carried unanimously.

MOTION by Commissioner Swigert, seconded by Commissioner Brimm that we grant the minor land partition on Tax Lots 3000 and 3100 by Velopa Ventures, Inc., with the improvements to be done on Tanbark as specified in the Engineer's report. Motion carried unanimously.

3. Minor land partition on Tax Lot 3500, Map 41-13-6DA at Hillside Avenue and Valley Street for Charles Andrews. Marshall Ferg informed the Commission that there was a partition dividing a section of land into three parcels which fronts on Hillside and Valley Street. The owner was requesting that it be reparceled. They all have 6,000 square feet and there is a driveway easement 10' in width and he would recommend approval.

MOTION by Commissioner DeJarnett, seconded by Commissioner Gribble that we grant the minor land partition on Tax Lot 3500. Motion carried unanimously.

VII. OTHER BUSINESS:

Review of conditional use application C-8020 filed by Mike and Velta Steevens for gravel removal permit on Tax Lot 505, Map 40-13-34 on the Chetco River.

Marshall Ferg informed the Commission that he had asked the City Engineer to review the matter since it is about one-half mile above the water intake. Unless proper methods of gravel removal were done, it would add siltation to the intake structure. There was no problem of the Water Treatment Plant handling any of the removal of this matter, but it might add to the cost of the treatment of water. He had recommended that if it was approved by the Planning Commission it should be approved only after the final method of gravel removal is reviewed by the City and the City Engineers. Mr. Bob Higbie stated that he had submitted a staff report because of the Urban Growth Boundary Management Agreement that the County has with the City and it is sent to the City for review. The gravel was to be used for fill work to construct a mobile home park. Chairman Breuer questioned the possibility of removing gravel to the point that it would change the river channel and jeopardize the water intake. Mr. Higbie stated that the City should see that a Division of State Lands permit is obtained and because of the location of the area, the activity should be monitored by driving by to see that it is done in those guidelines. Mr. Higbie stated that the conditional use permit had expired several months ago and this request for removal was for the purposes of Curry County, and he did not know if any Division of State Lands permits were obtained. Commissioner Brimm was concerned about the removal of gravel since it had been filled up to the road and if it would interfere with the City water system. Marshall Ferg felt that the conditions of gravel removal should require a buffer zone between the removal site and the river so that there is a settling action of any silt in the water. He felt that if the City knew the requirements of the permit that through constant surveillance by himself, Commissioner Brimm and the City crew, we should be able to tell when he was in violation. He was not in favor of this becoming a commercial venture. Bill Blackwell of Ferry Creek Heights stated that no Division of Lands permit had been obtained and questioned why they could not obtain the gravel from someone else if it was to be just for the mobile home court. Commissioner Brimm questioned if the removal of gravel would cause the

sewer to run into the water supply. Mr. Higbie stated this would be a question for the County Sanitarian to answer, and stated further that the land they were filling was zoned commercial and the mobile home park was considered an outright use. The river bar is zoned agriculture residential and the upper land area is zoned commercial. He stated the reason it was being filled was that it was in the flood plain and he assumed that the gravel was being used to fill it up to the level of the flood plain. The County Ordinance states to build it one foot above the 100 year flood plain. Mr. Higbie stated that the Division of State Lands permit on the bar upstream states that the material shall not be removed to a depth greater than one foot above the water level of the adjacent stream at the time of operation. Commissioner Gribble stated that he was not against the gravel removal or the building of the RV park provided Mr. Steevens can prove that it in no way endangers our water system. It is our duty to protect the water system.

MOTION by Commissioner Gribble that we would go on record as being against any removal of gravel or fill or any RV Park that would in any way endanger the water intake system of Brookings or Harbor until such time as the Steevens could prove to the satisfaction of all parties concerned that no permits be issued. (Motion restated below)

Marshall Ferg stated that he had talked with the City Engineer by phone and his concern was if sediment was carried downstream and taken into the pump system and could cost the City more to treat the water. Chairman Breuer suggested that we add to the motion that we consult our City Engineer for advice and then pass it on to the Council. Marshall Ferg desired to have the City Engineer review the method of removal before any permits were issued. Mr. Higbie replied that this could be done through the Curry County Planning Commission or a copy of the plan from the Division of State Lands. The motion was seconded by Commissioner Brimm. The motion was restated as follows:

MOTION by Commissioner Gribble, seconded by Commissioner Brimm that the Planning Commission go on record as being against the issuing of any permits to remove gravel from the river that would in any way endanger the intake of either the Brookings or Harbor water system until such a time as the Engineer could evaluate the situation and say whether it was harmful or not. The motion carried. Commissioners Swigert and DeJarnett abstained from voting.

VIII. COMMENTS:

Marshall Ferg stated that the Building Permits for July was 11, for a total of \$205,732.38 and 6 plumbing permits issued.

IX. ADJOURNMENT:

The meeting was adjourned at 9:33 p.m.

This meeting is recorded on tape and is on file in the City Recorder's office.


Chairman

ATTEST:


Secretary