

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY OF BROOKINGS
May 27, 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: Chairman Earl Breuer, Commissioners Blain Gribble, Richard Swigert, Ralph DeJarnett, Jean Hagen and Mary Jane Brimm.

Staff members present: Marshall Ferg, Building Official and Alexa Coombs, Secretary.

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

III APPROVAL OF MINUTES:

Motion by Commissioner Hagen, seconded by Commissioner Brimm, that the minutes of April 22, 1980 meeting be approved as presented.

Motion carried unanimously.

IV WELCOME TO VISITORS:

Chairman Breuer welcomed the people in the audience and stated it was good to have them participate in the meeting and City government.

V APPOINTMENTS:

Chairman Breuer stated that the Chairman and Vice-Chairman terms expire at the same time. The minutes call for an election the first of each year, but to put everything in order the Commission would have to have an election tonight. The Commission elects its own Chairman and Vice-Chairman.

MOTION by Ralph DeJarnett, seconded by Commissioner Hagen, to reelect the present Chairman Earl Breuer.

MOTION by Commissioner Hagen, seconded by Commissioner DeJarnett, to close the nominations for Chairman. Motion carried unanimously.

MOTION by Commissioner Hagen, seconded by Commissioner Swigert, to reelect Vice-Chairman Mary Jane Brimm.

Marshall Ferg stated that the Commission would have to vote on the motion for Chairman of the Planning Commission before proceeding to Vice-Chairman.

MOTION by Commissioner Hagen to retain the same Vice-Chairman was withdrawn.

Chairman Breuer polled the Commission. The Commission unanimously passed the motion to reelect Earl Breuer as Chairman of the Planning Commission.

MOTION by Commissioner Hagen, seconded by Commissioner DeJarnett, to reelect Commissioner Mary Jane Brimm as Vice-Chairman of the Planning Commission.

MOTION by Commissioner Gribble, seconded by Commissioner Swigert, to close the nominations. Motion carried unanimously.

Chairman Breuer polled the Commission. The Commission unanimously passed the motion to reelect Mary Jane Brimm as Vice-Chairman of the Planning Commission.

Chairman Breuer stated he had mixed emotions about being reelected, but that he enjoyed his work on the Commission. He also stated that he was pleased with Vice-Chairman Brimm's reelection, and that she was very capable. Vice-Chairman Brimm stated that Chairman Breuer has done an excellent job, and that she would continue to do the best job she could.

VI

LEGISLATIVE ACTION:

1. Minor land partition on request by Donald F. Hintzman on Tax Lot 2200, Map 41-13-6AC.
Marshall Ferg stated that this item was on the last agenda and had been put back on in hopes he had come to an agreement with Exxon as far as access to the property. He also refiled the application and now has an application for three parcels, rather than the one parcel as presented last month. Chairman Breuer stated he had requested Mr. Hintzman and his realtor, Mr. Sorvaag, to obtain the dates the 10' and 15' easements were given. The 15' easement was granted in July, 1948, three years before the incorporation of the City. The 10' easement was granted in March, 1959. Mr. Ferg read item number 4 of the Legislative Action in April 22, 1980 Planning Commission minutes. Mr. Sorvaag stated he contacted the owner of the Exxon Station. It is privately owned, and Mr. Sorvaag felt the owner was not very interested in giving any property. Chairman Breuer asked if Mr. Sorvaag had approached Mr. Freeman and asked him to write a letter in his behalf to the owner of the Exxon Station. Mr. Sorvaag stated he had not. There is a total of 25' between the Chetco Avenue and the corner of the lot, and Mr. Hintzman has set aside another 15' to go up into the property. Commissioner Swigert asked what the distance was from the street to the corner of the property. Mr. Hintzman stated it was 25' width for about 170' or so. He has a 15' easement plus 10' from Exxon which he can use at the present time. That gives him 25' width up 170'. At that point he has a 15' roadway, and he is allowing an additional 15' for a total of 30' available

in front of the other two parcels. Mr. Hintzman stated that he had no plans for parcel one or two. The buyer of parcel three will probably build apartments. Commissioner Swigert stated he sympathized with Mr. Hintzman's problem, but he did not feel that creating additional lots without the required roadway easements would be proper. Mr. Hintzman stated he tried to talk to Mr. Conrad to try to get a 5' easement and found that he had recently passed away. He did talk to his widow and son, and they stated they were not interested in contributing any portion of their property in case they wanted to build on the lower portion. Mr. Sorvaag stated that the property has been zoned Residential, High Density, and when it was established the road access was 25'. He indicated there would be a grandfather argument. Chairman Breuer stated he believed Mr. Hintzman would have to request a variance. Mr. Sorvaag stated that because of an underground tank he would only be able to get 10' from Exxon. Chairman Breuer asked him to try to get that and then request a variance. Mr. Sorvaag asked if a sidewalk would be required. Chairman Breuer stated the Commission would probably be inclined to curb it from property line to property line and restrict parking. He informed Mr. Hintzman that he would probably have to request a variance on both the width of the road and the sidewalks. Mr. Hintzman asked if being on a private roadway had anything to do with it. Commissioner Swigert said no. Mr. Sorvaag asked if, after a variance was approved, Mr. Hintzman wanted to put a 14-unit apartment complex on the property if the building permit would be approved. Mr. Ferg stated yes.

This matter was to be discussed further after Mr. Hintzman had talked with the owner of the Exxon Station.

2. Minor land partition request by Richard Timmons on Tax Lot 3900, Map 41-13-5BB, on Mendy Street.
Marshall Ferg stated that this tax lot is actually two parcels of land. The County Assessor combined them because the two parcels were under the same ownership. A minor partition is required to split them. Both lots have sufficient footage.

MOTION by Commissioner DeJarnett, seconded by Commissioner Hagen, to approve the minor land partition. Motion carried unanimously.

3. Minor land partition request by Richard Timmons on Tax Lot 4601, Map 41-13-5BB.
Marshall Ferg informed the Commission that this is a request to divide the tax lot into three parcels of land, each one meeting the requirements of the zoning ordinance. There is a 25' utility easement through parcel two and three to parcel one.

MOTION by Commissioner Swigert, seconded by Commissioner Hagen, to approve the minor land partition. Motion carried unanimously.

VII OTHER ITEMS:

1. Proposed Amendment to Article 7, Section 7.010(2),
Subdivision Ordinance No. 326, concerning right of way
width and street width for dead end streets. Set Public
Hearing date.

Mr. Ferg stated that this proposed amendment was created through the efforts of Mr. John Thorpe, a civil engineer, and he has asked the Commission to consider dead end streets with cul-de-sacs with lengths of 1) less than 350' 2) 350' to 450' 3) 450' to 600'. Our present subdivision ordinance allows dead end streets to extend beyond 400 feet only under extreme circumstances. The Commission approved a 50' right of way and a 34' street curb to curb. Mr. Ferg talked to Mr. Freeman, and he suggested that we take the 450' right of way and 36' street width. A precedent may have already been established by allowing a subdivision with a 50' right of way and a 34' street. He would suggest not allowing dead end streets with cul-de-sacs to extend beyond the 400' mark, but allow 5' sidewalks and 3' maintenance strips with 45' radius from the center of the cul-de-sac to the curb. Mr. Thorpe stated that he thought the new subdivision ordinance was pretty strong on streets. A 40' paved width street is adequate for even light commercial. In 1978 the City did extensive street work on Maple, Cedar, etc., with a 34' face to face. Mr. Thorpe stated his idea in working up the report was to reduce costs. A 40' street is not necessary except in extreme cases. A 34' street has been used and works well. The minimum 56' width right of way exceeds, in many cases, what is available in existing City streets. Chairman Breuer stated he was familiar with greenstrips and did not agree with the concept. Some of the older towns and subdivisions had greenstrips; some were kept up and others were not. Chairman Breuer also felt that in this area less land was available for greenstrips. Mr. Thorpe suggested as a more practical approach to pave the strip and leave tree wells. Mr. Thorpe offered the Commission any assistance he could give. Commissioner Swigert stated that if the Council settled on a 50' right of way, and then adjusted the street width to include the sidewalks but maintaining the 50' width, that would accommodate anything on a dead end street in Brookings. Mr. Thorpe noted that the City ordinance requires a 60' frontage, 70' on a corner lot. With that you would get approximately fourteen residences on a 360' dead end street. Fourteen residences do not generate much traffic. The primary concern would be to insure emergency vehicles could maneuver. If there were two 8' parking lanes and 16' down the middle, 32' of pavement would take care of it. Commissioner Gribble stated that if you looked at the County maps and the maps of Brookings, the County requires a 50' right of way. If the City is going to annex any property, the City is going to be running into 50' right of way. If there is a 52', 54' or 56' roadway requirement, where is it going to come from? Chairman Breuer stated that CCCOG came up with the recommendations after a traffic survey two years ago. The North Bank

Chetco, which gets a lot of traffic to and from Brookings, is a long way from the width requirements. Mr. Thorpe stated that the North Bank Chetco road is 24' wide. Chairman Breuer stated that, with the energy crunch, cars are getting smaller, and questioned the need for wider streets. Mr. Thorpe stated that he would be happy to assist the Commission if they wanted to draft something for a public hearing. He stated he would like to see the Commission hold a public hearing and then formulate a recommendation to the City Council. Marshall Ferg stated that the Council has to hold a public hearing on amending the ordinance. Chairman Breuer stated that the Council did not hold a public hearing when they drafted the ordinance, and felt that the Commission could hold a public hearing and get the feeling of the community and then make a recommendation to the City Council. He felt a public hearing would be in order. Commissioner DeJarnett asked what width was going to be presented at the public hearing.

MOTION by Commissioner Hagen, seconded by Commissioner DeJarnett, to have Marshall Ferg set a public hearing on a 350' length street, 50' wide, 34' curb to curb.

After discussion the motion was amended to 400' length street, 50' wide, 34' curb to curb. The motion carried unanimously.

Chairman Breuer instructed Mr. Ferg to get together with Mr. Thorpe to work out the particulars and set a public hearing. He also thanked Mr. Thorpe for his time and effort in preparing his presentation to the Commission.

Mr. Keusink asked what the requirements are at this time. Mr. Ferg stated that on minor streets and cul-de-sacs the requirement is 56' with a minimum face of curb to face of curb.

2. Amendment to Article 2, Section 2.060 (1) and Article 4, Section 4.030 of Subdivision Ordinance No. 325 concerning grading and clearing plan approvals. Set Public Hearing date.

Mr. Ferg referred the Commission to a memo that he had sent to Mr. Freeman concerning this problem. He felt there were some doubts in the subdivision as to what was actually meant. Article 2, Section 2.060, subsection 1, is somewhat vague and leaves some doubt as to what is included in the subdivision construction. He feels that the section should be rewritten to make it more specific. Mr. Ferg made the following recommendations:

- 1) That the subdivider shall not proceed with construction of the subdivision until after preliminary plat approval and after the City Council had approved the grading and clearing plans, streets and ways, storm sewers, water, sanitary sewers, and electrical supply and street lighting construction plans.

- 2) That the grading of street right of ways and lot grading construction of the subdivision construction be under the supervision of an Engineer or Geologist who is knowledgeable and skilled in the treatment of soils, soil stabilization and soil erosion. Consideration would be given to the existing terrain, cross slope and vegetation. Excessive grading of right of way on the lot areas or removal of large amounts of vegetation will not be permitted. Approval of the grading plan by the City Engineer and the City Council shall be given prior to any construction.

Commissioner Swigert asked if the City had an Engineer or Geologist. Mr. Ferg stated he felt it would be up to the builder to obtain the Geologist report and then it would be up to the City Engineer to approve the report. Commissioner Swigert stated that it was definitely needed, but that it should address not only subdivisions but also the one-lot owner. Marshall Ferg stated it might have to be covered in another ordinance. Chairman Breuer asked if any of the Commissioners had any objection to setting a public hearing on this matter. There were no objections. Chairman Breuer instructed Mr. Ferg to proceed with a public hearing.

3. ORS Chapter 92 concerning Subdivision and Partitions (Informational).

Mr. Ferg stated that many of the matters the Commission addresses are called minor land partitions when actually they are major land partitions. Any partition that requires a street is a major land partition. Mr. Ferg requested that each Commissioner read the report and offer recommendations. Chairman Breuer thanked Mr. Ferg for bringing it up to the Commission's attention, and stated they would read the report.

4. Building Permits.

Mr. Ferg reported that the building permits for the month of May amounted to 10; 3 single family dwelling; 1 duplex; 1 commercial addition; 2 residential additions; and 3 miscellaneous. The total valuation amounted to \$292,478.00. Permit fees totaled \$1,107.00, and plan check fees totaled \$367.50. There are no comparisons available for the same period last year because the City did not have a City Building Official and all permits were issued by the County.

5. Combined meeting of the City Council, Planning Commission and C.C.I. on Wednesday, June 4, 1980, in City Hall Council Chambers to review the Comprehensive Plan.

Chairman Breuer urged the audience to attend this special meeting and participate. It is something that the C.C.I., along with CCCOG, has spent a year working on. It is in compliance with LCDC. Hopefully it will be a package that LCDC will approve and we will not find ourselves in a position that areas outside the City limits are now finding themselves in. Vice-Chairman Brimm stated that anyone wishing to get one of the books that were put together are available at Marshall Ferg's office. Marshall Ferg stated that Mark Bean called him and, since the urban growth boundary has been

somewhat cut back from the original proposal, he asked that the Commission make a recommendation to the City Council to initiate discussion with the County as soon as possible. Chairman Breuer stated that possibly Marshall Ferg could simply present it to the Council at the June 4th meeting.

VIII COMMENTS:

1. Carl Larsen asked the Commission if there was an application to build a house on Buena Vista Loop by the Todd family. Mr. Ferg stated that several months ago the Todds presented a minor land partition to the Planning Commission. It was turned down. They are appealing that decision and it is set for a public hearing at the next Planning Commission. It will be on the agenda as a variance request. Mr. Larsen asked if it would be appropriate to get a neighborhood petition signed against the variance. Mr. Ferg told him that at least 10 days within the hearing date everybody within 250' of the property would be notified by letter and it will be published in the paper at least ten days before that meeting. At that time everybody will have an opportunity to comment.
2. James Conrad, of the Redwood Apartments, asked the Commission for clarification of Mr. Hintzman's problem. He asked if he were putting in a private residence would the existing road be adequate? Mr. Ferg stated that he had discussed the situation with the City Attorney. It was the opinion of the attorney that, regardless of what happened in the past, any current development comes under the present zoning ordinance. Under the attorney's instructions, he would have to refuse any building permits until the proper street width was obtained. Chairman Breuer stated that perhaps he could get together with Mr. Hintzman to work out a solution.
3. Dick Keusink told the Commission that he had spent a lot of time protesting the development of the Riviera Heights Subdivision. He said it was awfully nice to have a City official like Mr. Ferg really get out and try to do something.

IX ADJOURNMENT:

There being no further business to discuss, the meeting was adjourned at 8:48 p.m.


Chairman

ATTEST:


Secretary