

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY OF BROOKINGS
August 18, 1981

I. CALL TO ORDER

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

II. ROLL CALL

Members present were: Chairman Earl Breuer; Commissioners Ralph DeJarnett, Blain Gribble, Richard Swigert and Mary Jane Brimm.

Staff members present were: City Manager Lynn Stuart, Building Official Marshall Ferg and secretary Praecilla Pruitt.

III. APPROVAL OF MINUTES

MOTION by Commissioner Brimm, seconded by Commissioner DeJarnett that the minutes of the July 21, 1981 meeting be approved. Motion carried unanimously.

IV. WELCOME TO VISITORS

Chairman Breuer welcomed an audience of approximately 50 people.

V. PUBLIC HEARING

1. Variance request by Stefan and Emma C. Lenk on Tax Lot 2800, Map 41-13-5CD.

Marshall Ferg reported that this was a request to reduce the side-yard setback from 10' to 3' on 312 Maple Street for the purpose of constructing a garage. The neighboring house was 10' behind the Lenk property and 2' from the property line. The Fire Chief had advised against the variance request because of fire safety. Commissioner Gribble questioned if the garage could be built on the other end of the house. Mr. Lenk stated that there was no way to get to it and would be on the bedroom end of the house. Commissioner Brimm questioned Mr. Lenk about constructing a carport and Mr. Lenk stated there was no way to do it. Commissioner Swigert questioned if there were any State Codes that Mr. Lenk would need to address. Mr. Ferg explained that he would have 3' between the property line and the building, and any overhang within the 3' side yard or any building under the 3' side yard would require 1-hour fire walls and also fire protection to the eaves and roof within that 3'. Chairman Breuer questioned if there was an existing garage and Mr. Lenk explained that there was a garage smaller than his vehicle. Chairman Breuer felt that we should take into consideration the fire protection. He asked for the proponents to speak in favor of the request and no one responded. He then asked for any opponents to speak against the request and no one responded. He then requested that a motion be made:

MOTION by Commissioner Brimm, seconded by Commissioner Swigert that we reject the variance request by Stefan and Emma C. Lenk on Tax Lot 2800, Map 41-13-5CD because of fire protection and upon the recommendation of the Fire Chief. The Commissioners were polled with the following results: Commissioner Brimm, "yes"; Commissioner DeJarnett, "yes"; Commissioner Gribble, "no"; Commissioner Swigert, "no"; and Chairman Breuer, "yes". The motion carried.

2. Zone Change and Comprehensive Plan Amendment review on Tax Lots 8100, 8302 and a portion of 8310.

Chairman Breuer requested staff presentation.

The City Manager briefed the Planning Commission on the requested zone change from R-L to R-H outlining the previous meetings and the content of the previous meetings. The purpose of this evening's Planning Commission meeting was to review all of this input and the "Do Pass" recommendation forwarded to the City Council at the June 16, 1981 meeting. Mr. Stuart outlined the proponents/opponents input up to this meeting and indicated that the purpose of this meeting is to review the requested zoning change.

Chairman Breuer pointed out that the Planning Commission meeting has been properly advertised and noticed. He also indicated that the meetings have been held in accordance with City Resolution No. 213 and read the minutes of the July 28, 1981 Planning Commission Hearing. He then requested opponents to the request. Testimony was given as follows:

Mr. Paul Jenkins, 221 Musser Street, presented 37 additional letters of opposition, making a total of 179 letters. He spoke primarily in opposition to high-density zoning in that area of the community.

Mr. Bob Corrigan, 223 Del Norte Lane, discussed the impact of high-density zoning in the City of Brookings.

Mr. Gilbert Gray, 263 Del Norte, spoke in opposition to the impact of condominiums in that area.

Mr. Alex Combs spoke in opposition to high density.

Mr. Nelson Currier, of 273 Del Norte, discussed the impact of this development on water and sewer systems.

Mr. Tom Farmer, of Paradise Lane, spoke in opposition to condominiums and in favor of retaining low-density development.

Mr. Fred Hummel, 201 Alder Street, spoke in favor of high-density, but not in this area of town.

Chairman Breuer then requested input from the proponents.

Ms. Gisela Joy made a presentation at which time she submitted petitions containing an unknown number of signatures and read letters of support into the record. She reiterated supporting documentation that had been presented at previous meetings.

Mr. Bud Jones, representing the developer, indicated that while 179 letters of opposition had been presented that did not necessarily reflect the feelings of the entire population of the City of Brookings.

Mr. John Thorpe, Civil Engineer, discussed the physical barrier of the river and the slope which was intended to contain the project and discussed the existing 6-inch water main which has been installed by the developer and the impact of this project on the City's wastewater treatment facility.

Mr. Ed Riley, Architect/Engineer, representing the developer, spoke to the LCDC mandates of growth inside the City, the positive costs benefit of high density development and the structure of homeowners' associations. Mr. Riley mentioned the Supreme Court ruling which indicates having existing high-density zoning in the City is not justifiable reasoning for denying this type of zoning request. Mr. Riley agreed to send a copy of this decision to the Planning Commission for their review.

Chairman Breuer asked if there was any additional input from the audience.

C.J. Brown made a presentation to the Planning Commission indicating that this type of development was providing employment for the young people of the community and urged its passage.

Chairman Breuer requested the City Manager to outline the options available. They are:

1. Leave the "Do Pass" recommendation stand.
2. If any questions are left unanswered, refer back to City staff for further study.
3. Modify or recommend denial of the application.

Commissioner Swigert stated that he had heard no testimony that would negate any of the Findings of Fact as they were originally presented and made the MOTION that the "De Pass" recommendation would be forwarded to the City Council. There was a second by Commissioner Brimm. Roll call vote; motion carried unanimously.

3. Harris Beach PUD Road Right-of-Way Update - Oral Presentation

The City Manager stated that the tentative plan approval by the Commission was based on the resolution of the 40' right-of-way on the north boundary line of the Harris Beach PUD. Previously, the City staff felt that the parcels of land north of the project be allowed to maintain legal access in the form of a dedicated right-of-way. Mr. Anderson had requested that the 40' right-of-way, which is owned by the County, be abandoned. The City staff's position was to consider abandonment of the existing right-of-way and a new right-of-way be dedicated prior to abandonment to insure that access to these properties would be retained. Mr. Anderson had contacted all the property owners on the north boundary, and only Mr. Hewitt objected. All the remaining property owners agreed that they would dedicate a small portion, and Mr. Anderson agreed to dedicate the remainder of the required 56' dedication. Since Mr. Hewitt did not agree, the City went before the County Commissioners to request that the abandonment does not take place until such time that the dedication right-of-way is satisfied. The final decision was not made because the meeting was cancelled. Mr. Hewitt is now requesting annexation to the City and is awaiting a legal description to take the necessary steps. The 40' dedication is being included as a part of the entire over-all plan that Mr. Anderson has prepared. That 40' was excluded; and therefore, there is a possibility that the City Limit line may be to the south of the 40' right-of-way rather than the north. It may be that annexation would have to be addressed for the 40' strip. A legal opinion was needed from the City Attorney to establish the City Limit line.

The City Manager also mentioned the need of establishing an annexation policy. Chairman Breuer suggested that this matter be placed on some future agenda. The City Manager stated that he desired to present a list of people that are requesting annexation so the Commission could give the Staff some guidance.

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VI. OTHER ACTION

Building permits for July 1981

Marshall Ferg reported that there were a total of 14 permits issued with a total of \$217,198.

VII. ADJOURNMENT

The meeting was adjourned at 9:36 p.m.

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

Chairman Earl Breuer

ATTEST:

Secretary