

MINUTES  
REGULAR PLANNING COMMISSION MEETING  
CITY OF BROOKINGS  
August 17, 1982

I. CALL TO ORDER

Chairman Breuer called the meeting to order.

II. ROLL CALL

Commission Members present: Chairman Earl Breuer; Commissioners Leo Appel, II, Mary Jane Brimm, Ralph DeJarnett, Jean Hagen, Joan Heavey, Dick Swigert. No members were absent.

Staff present: City Manager, Lynn Stuart; Recorder/Treasurer, Naomi Bradfield; Administrative Assistant, Georgia Shirilla; Building/Fire Safety Officer, Marshall Ferg.

III. WELCOME TO VISITORS

Chairman Breuer welcomed City Councilmen John Geraghty and Walt Lovejoy.

IV. APPROVAL OF MINUTES

A MOTION was made by Commissioner Heavey to approve the minutes of the July 20, 1982 Planning Commission Meeting. The motion, seconded by Commissioner Brimm, carried unanimously.

V. APPOINTMENTS

None.

VI. ANNOUNCEMENTS

None.

VII. PUBLIC HEARINGS

1. V-82-2 - Lot 4, Mardon Manor Subdivision - Grover and Shirley Miller

Chairman Breuer announced the public hearing. The Administrative Assistant read the revised Staff Report on the subject application. The applicants are asking for a reduction in the front yard setback requirements, from 25 feet to 15 feet. Changes to the Staff Report that was included in the packet are as follows:

1. Status of Ownership - Mr. and Mrs. Grover Miller have entered into an earnest money agreement to buy the lot from the owner, Don Horton.
2. Topography and Natural Features - Replace the second sentence to read as follows:

"The property slopes gently downward from Mardon Court dropping more steeply near the rear lot line."

Chairman Breuer explained the "burden of proof" requirement and outlined the procedures of the public hearing. Chairman Breuer asked for input from the proponents of the request. The applicant, Mrs. Grover Miller, introduced herself. She explained that since they put the earnest money on the property, they had reviewed many books and plans for a house plan that would fit the lot. The only plan they found, other than for a mountain cabin, was one that would only fit with a 15-foot, front yard setback. She described the topography of the lot, stating that the back of the lot drops steeply with the rear 20-foot dropping very steeply. She reported that the buildable portion of the lot ends about 30-feet from the rear lot line. Mrs. Miller described the easements that are located on easterly, westerly, and north-erly sides of the lot, adding that it appears that they will not be able to complete the purchase and build on the lot without the variance. Mrs. Miller described the house plan that they had found as having four levels, with the garage being on the street level. The plan calls for a daylight basement which is a half story down, the main level is a half-story above the garage with a loft over the garage. The house plan contains approximately 1800 sq. ft. Chairman Breuer asked for further input from proponents of the request. Don Horton introduced himself as the developer of the property. Mr. Horton explained that in most cases when a person sub-divides, at least one of the lots ends up being an irregular-shaped lot. Mr. Horton reported that the lot has enough sq. footage, but agreed with Mrs. Miller in that the lower portion of the lot is not useable due to the deep drop off. Mr. Horton stated that he has no objections to the variance request adding that he did not know how the Millers could build the kind of house they would like to build without receiving the variance. There being no further input from the proponents, Chairman Breuer asked if there was anyone that wanted to speak in opposition to the request.

Gail Forn, 620 Mardon Court, asked from what line the setback would be measured, edge of the curb or sidewalk? The City Manager responded that the setback is measured from the property line which, in this case, is close to the back edge of the sidewalk. Mrs. Forn asked what the front yard setback requirement is and was informed that it is 25 feet. Mrs. Miller asked if the property line was on the street side or the lot side of the sidewalk. Chairman Breuer and Don Horton answered that the property line is on the lot side of the sidewalk, close to the edge of the sidewalk.

Chairman Breuer asked for further input from the opponents.

Maxine Sloan stated that she bought her lot because there are setback regulations, adding that she doesn't think it looks right to have some of the houses closer to the sidewalk than others. She said she would have liked to have built her house closer but did not because of the regulations. She added that the variance would cause her view to be blocked and the street less attractive.

Chairman Breuer asked if the Millers would like to respond to the statements made by the people speaking in opposition to the request.

Mrs. Miller pointed out the location of the homes owned by Mrs. Forn and Mrs. Sloan and explained how the location of their house would not affect the others' view.

Commissioner DeJarnett asked if the row of trees are located on their lot or Stoker's property. Mrs. Miller answered that most, if not all, of the trees are on their lot. Commissioner Appel, II, asked Mrs. Miller about the location of the easements. She responded that there are three easements and they are located on the east, west and north sides of the lot. Commissioner Appel then asked about the distance of the drop-off. Mrs. Miller and Don Horton responded that it is about 25-30 feet. Commissioner Heavey asked if they plan to remove all of the trees and Mrs. Miller responded they will remove as few as possible adding that since they plan to build a solar house they will have to remove some of the trees. Commissioner Heavey asked if they will be using all of the lot and Mrs. Miller responded they cannot because of the drop-off. Commissioner Brimm asked Don Horton if the other lots would have the same problem and Mr. Horton responded that Lot 5 may have the same problem but the other lots level off. Mrs. Miller interjected that the lot's proximity to the cul-de-sac creates a different situation in that the house will not be out-of-line with a row of houses. Commissioner Breuer questioned if the easements were a part of the problem and Mrs. Miller responded that the existence of the easements causes them to lose five feet on the side but the main problem is the drop-off. Commissioner Brimm asked why the diagram showed the house being built on the easement and Mrs. Miller responded that at the time the application was submitted they were not aware of the easement and had not found a house plan that would fit the lot.

Commissioner Breuer asked Don Horton if the slope of the lot was too severe for a retaining wall. Mr. Horton responded that the cost of a wall that would be required would be prohibitive. Commissioner Heavey asked if the earnest money agreement was contingent on the variance and Mrs. Miller stated that it was not. Commissioner Swigert commented that the problem was common with subdivisions that include a cul-de-sac and that the City should consider changing its' requirements for this type of situation.

There being no further input, Chairman Breuer closed the hearing.

During deliberations, several questions were raised by the Commissioners.

Commissioner Brimm asked if the plan they showed was the one they plan to build. Mrs. Miller replied that she thought so because the plan fits the lot unlike so many other plans they looked at and the design is suitable to their needs. A question was raised regarding the width of the sidewalk and the City Manager stated, to the best of staff's recollection, that it is 5 feet. Chairman Breuer asked the Millers if they plan to build right away and Mrs. Miller responded no, but the decision on the variance will determine if they go ahead with the purchase or not. Chairman Breuer asked the City Manager if the variance went with the land if the Millers did not buy the lot. City Manager responded that if the Millers did not buy the property or build within a

year, the variance would terminate. Commissioner Heavey asked if the motion could stipulate a certain houseplan and Mrs. Miller explained how the house would be situated on the lot, adding that the front of the house not the garage would be the part of the total structure requiring the variance. Commissioner Heavey asked if the Staff Report needed to show that the variance was for the front corner of the house not the garage. Staff responded they will so note the application and Staff Report.

A MOTION was then made by Commissioner Heavey to grant the variance provided that the house plan that was shown be used. Commissioner Brimm seconded the motion and Chairman Breuer polled the Commissioners as follows:

Hagen - Yes  
Brimm - Yes  
Heavey - Yes  
Appel, II - Yes  
DeJarnett - Yes  
Swigert - Yes

The motion carried unanimously.

#### VIII. LEGISLATIVE ACTION

##### 1. Adoption of Findings - Z-82-3

Application Z-82-3 is for a zone change from Residential High-Density (R-HD) to Commercial-General (C-G) classification for T.L. 3800, Map 41-13-6DA. The lot, consisting of 5,000 sq. ft., is located at the corner of Pacific Avenue and Valley Street, one block off Chetco Avenue. Commissioner Heavey, a dissenting voter to the request, explained her vote of opposition, and referenced a letter she had submitted to the City Council. Commissioner Heavey explained that the lot is in a visible location and certain buildings and uses, i.e. a metal building for auto repair, would be undesirable. She added that her preference would be to leave the zoning as is and allow commercial use through the conditional-use procedures, which would maintain City control on certain uses that could be made of the property. Commissioner Brimm, the second dissenting voter, concurred with Commissioner Heavey's sentiments. Chairman Breuer directed Staff to forward the Commissioners' comments to the Council.

A MOTION was then made by Commissioner DeJarnett to adopt the Findings Document as the majority report. Commissioner Swigert, seconded the motion and the motion carried unanimously.

#### IX. OTHER ACTION

##### 1. Conditional-Use Permits:

###### A. Review

Staff reported on research that they have done on the status of conditional-use permits and business license holders in relation to City ordinances. Several questions resulting from the review were explained. Following discussion, Chairman Breuer appointed an Ad Hoc Committee for the purpose of addressing these questions. The Ad Hoc Committee consists of Commissioners Swigert, Appel Jr., Heavey and staff.

B. Brookings Harbor Christian Church

Staff reported that the Brookings Harbor Christian Church had submitted plans for expansion of its existing building located at 777 5th Street which was constructed under CU-78-3. Staff explained that the plans that were reviewed in 1978 by the Commission included plans for expansion in the future although some modifications to the original plans have been made. In addition, the conditional-use permit was granted with the stipulation that the drainage problem be resolved. Staff reported that the drainage issue was not resolved and explained that staff was seeking direction as to issuing a building permit and/or holding a second public hearing, on the conditional-use permit.

Following a brief discussion, Mr. Jim Dale from the Church addressed the Commission. He explained that it was his understanding that resolution of the drainage problem and installation of the fire hydrant were not requirements of the first phase of construction, the existing building, but would be needed as a part of the second-story construction plans. Doug Stinson, also from the Church, concurred with Mr. Dale's recollection of past actions. Also from the audience, Bob Peterson, who lives across the street from the Church, stated that he was not in agreement with Messrs. Dale and Stinson and explained how his property has been affected. Mike Stinson addressed some of the issues that had been raised as follows:

1. Barbara Lane - Dedicated for public use but not to the City.
2. Drain Water - Enough elevation to drain water north across Ransom, noting the 24" culvert that crosses 5th Street.
3. Fire Hydrant - No problem.

Following further discussion, a MOTION was made by Commissioner Brimm to the effect that Brookings Harbor Christian Church is to work with City staff and resolve the drainage problem and the five items listed in the August 6, 1982 letter to Mr. Stinson from the City prior to any further building. The motion was seconded by Commissioner Appel Jr. and carried unanimously. Chairman Breuer asked Staff to keep the Commission informed.

C. CDS Financial Services

Staff reported that Mr. Chip Stebbins, owner and conditional-use permittee (CU-82-2) of Stebbins Sales and Service, has established a second business at his residence, located at 412 Fir Street, known as CDS Financial Services. Staff was seeking direction as to the requirement of holding a public hearing on the new business. Mr. Stebbins was in the audience and described his business operations, explaining why CDS Financial Services was established. He explained that he had obtained a City Business License for CDS and described his subsequent course of action under the belief that City requirements had been met.

Following a discussion about the business, City's zoning ordinances and the business license that was incorrectly issued, a MOTION was made by Commissioner Heavey to have the City Manager send a letter to Mr. Stebbins advising him that the business license for CDS Financial Services was issued in error and will be held in abeyance until a public hearing is held for CDS Financial Services. The motion was seconded by Commissioner Appel Jr. and carried unanimously.

2. Densities vs. Land Partitions

The City Manager informed the Commission that several questions have been raised regarding City policies relating to land partitions and the various zone districts. The Commission agreed that the above-appointed Ad Hoc Committee should address the questions that have been raised.

3. Public Notice NPPPL-NR-82-011 - Jetty Extension and Channel Deepening

Staff described the subject, proposed Corps of Engineers/Port of Brookings project. The Chetco River proposal includes extending the "north" jetty 750 feet and the "south" jetty 1,250 and deepening the channel and boat basin from 14' to 16' MLLW. Jetty rock would be brought in by truck or barge. There followed a discussion related to the comments and concerns expressed by the City Council, Commissioners and Staff including impacts to City roads, public utilities/rights-of-way and private property if the heavy jetty rock is trucked to the site. Staff was to write a letter to the Corps about the City's concerns.

4. Building Permits - July 1982 with 5-year Comparison

Staff summarized the Building Permit Report for July, 1982.

X. ADJOURNMENT

Chairman Breuer adjourned the meeting.

  
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Chairman Earl Breuer

ATTEST:

  
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Naomi Bradfield, City Recorder