

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY OF BROOKINGS
March 6, 1984
7:30 p.m.

I. CALL TO ORDER

Chairman Brimm called the meeting to order at 7:30 p.m.

II. ROLL CALL

Commission Members Present: Chairman Mary Jane Brimm, Commissioners Leo Appel, Joan Heavey, Jean Hagen, Richard Swigert.

Commission Members Absent: Vice-Chairman Earl Breuer, Commissioner Lonny Draheim.

Staff Present: City Manager Lynn Stuart, Acting Planning Director George Lavics, Engineering Technician Leo Lightle, Executive Secretary Donna Van Nest.

III. APPROVAL OF MINUTES

There was a motion made by Commissioner Appel and seconded by Commissioner Swigert to approve the February 7, 1984, Regular Planning Commission meeting minutes. The motion was carried unanimously.

IV. SCHEDULED COMMISSION ACTIONS

A. AMENDMENTS

- (1) Review of Planning Commission Rezone Recommendation of December 6, 1983. [Item VI. (C)]

Chairman Brimm turned the floor to City Manager Lynn Stuart who gave a brief explanation of the subject review.

City Manager Lynn Stuart explained that the City Council had returned a recommendation to the Planning Commission for review on a previous recommendation of a zone change covering four private ownerships and State owned shorelands immediately adjacent to Agnew properties. The zoning change requested a change from Residential Medium Density to Residential High Density. The original recommendation of the Planning Commission was to leave the subject area as Residential Medium Density.

City Manager Lynn Stuart explained that the City Council had brought up the question of possible legal litigation on this subject property due to a possibility of inverse "spot zoning".

Mr. Stuart explained that the City Council had requested that the Planning Commission review the recommendation and resubmit their recommendation to the City Council for a final decision.

Mr. Fred Hummel, 202 Alder St., expressed concern that this parcel of land has been before the Planning Commission three times and the first time it was not a part of the package that City staff had presented; that it was a request from an individual property owner to have his land rezoned only because the adjacent land was being presented for rezone, not that they wanted it to be.

Commissioner Swigert clarified this matter. There was a problem with notification of the property owners. South Coast was left out in the notifications. The other people were involved initially.

Mr. Hummel expressed concern that there had not been sufficient time given to this particular parcel of land by the Planning Commission.

Chairman Brimm told Mr. Hummel that this was only to be a recommendation to the City Council and she was sure that the City Council would do as they see fit with it.

Commissioner Appel asked if this was an opportunity for the public for additional input.

Chairman Brimm stated that this is not a rehearing, but is for a reconsideration due to the possibility of "spot zoning", and she did not feel as though there was a reason for additional testimony.

Mr. Bill Cunningham, 325 Mill Beach Road, indicated that the map in question was a misrepresentation, and was in error, and that in fact if the parcel was rezoned high density, that it would be wrapping around low density.

City Manager Lynn Stuart said that the City staff had attempted to bring a more detailed map to the Planning Commission than had been available at the last meeting, and that to the best of his information this map was correct. Mr. Stuart pointed out that the request before the Commission was not to redefine boundaries but only to decide if the Commission wished to leave the original recommendation stand or change the recommendation to Residential High Density.

Mr. Stuart pointed out that the map in question is not the official zoning map of the City of Brookings, but is a representation that the adjoining properties are zoned Residential High Density.

Mr. John Courtakon, resident of Tax Lot 313 in the parcel in question, testified that if the entire Mill Beach area was going to be zoned Residential High Density, he did not feel that the portion in question should be left at Residential Medium Density.

Mr. Stuart clarified another point, that the City Council in the review of all of these requests, has considered all the issues and their plan was to accept the Planning Commission's recommendation, had it not been for this one legal question.

Mr. Fred Hummel indicated that he felt that the City Council had not discussed this matter and he was still waiting for them to do so. He also expressed concern that the map shown at this meeting was not the same map that was shown when the Planning Commission voted on the 28-acre parcel, and he did not feel that the map was accurate.

Mr. Stuart pointed out that the specific boundaries will be defined is by the ordinance that is adopted by the City Council.

James Cole, Sandy Lane, expressed his opposition to the possible zone change from Residential Medium Density to Residential High Density.

Jean Cunningham asked Mr. Stuart what he meant by his comment that a legal question could be raised by landowners, that they could go to a course of action.

Mr. Stuart answered that the question that has been raised is that the parcels of land that were being discussed were specifically excluded from a legislative action before the Planning Commission and the City Council. That specific exclusion was due to the fact that there might be a potential legal challenge to the decision and recommendation that the Planning Commission made to the City Council. Mr. Stuart pointed out the the City Council was not pressuring the Planning Commission in any way.

Jean Cunningham asked if there would still be the potential of legal litigation because of the wrap around of low density properties.

Commissioner Appel commented that he had heard a couple of people mention that the residential piece of property that was being considered would wrap around the Residential Low Density. Mr. Appel commented that he was looking at a map and could see Manufacturing General on one part of it and Residential Mobile Home joining another part of it and Residential High Density on part of it. Commissioner Appel commented that he could not agree with the comment of the wrap around of the low density, because wrapping around meant completely encircling and according to the map, that was not true.

Chairman Brimm asked the Commission to reconsider their recommendation at this time.

Commissioner Heavey expressed her concern that the vast zone change did not adhere to goals 1 and 2 as to revisions of the plan; that revisions be made with the aid of pertinent agencies such as the citizens involvement group to assist and evaluate revisions of the inventory. Commissioner Heavey expressed her opinion that she felt that each of the property owners in question should come before the Planning Commission separately.

Commissioner Swigert commented that he felt that these property owners really had come before the Planning Commission, either in person or by letter. Commissioner Swigert indicated that he would like to make this change contingent on the approval of the Agnew property.

Mr. Stuart commented that the City Council has not finally passed on the Agnew property, but that it has been considered and it could be possible that this decision could be based on the Agnew property outcome.

Neil Amundsen, Agnew Enterprises, commented that he did not feel that the decision on this matter should be based on any contingencies of the Agnew property.

Commissioner Hagen made a motion to change the recommendation to the City Council to Residential High Density, and Commissioner Swigert seconded the motion.

Mr. ~~Hummel~~^{FRED} Hummel again expressed his concerns that a different map was used in each meeting, to show the boundaries of the property in question.

The Planning Commission members were polled on the motion on the floor and the motion carried by a four to one vote; Commissioner Heavey dissenting.

IV. SCHEDULED COMMISSION ACTIONS

B. OTHER ACTION

- (1) Curry County Rezone Application in the Brookings Urban Growth Boundary

Acting Planning Director George Lavios presented a proposal to rezone a parcel of land at Benham Lane and Wenbourne Lane, in Harbor. The request was for a Curry County Comprehensive Plan amendment from residential to commercial land use, and for a zone change from Residential-2 to Commercial-1. The parcel in question is 3.67 acres and is identified as tax lot 5600, map 41-13-9BC, Curry County Official Records. The purpose of the rezone is to allow the establishment of a recreational park, fish market and cold storage facility. Mr. Lavios described the surrounding areas as all being zoned residential, except on the North side of Benham Lane and more or less to the West of the subject parcel where there is a C-1 zone, but it is vertically 30 to 40 feet below the residential subject parcel. He described the existing C-1 zone as not being visible from the subject property and developed as a mixture of permanent mobile homes and transient travel trailers. Mr. Lavios explained that the staff recommendation to the Planning Commission was for a denial of the request, because it would constitute a classic "spot zoning" request.

Ruth Wahl, representative of Mrs. Lucas and the Wenbourne family, presented letters from citizens who feel there is a need for a recreational vehicle park in the subject area.

Darrel Niemi, surveyor, presented maps describing the proposed recreational vehicle park with 18 full hook-up stalls and 24 detachable units.

Helen Wenbourne, owner of the property in question, explained that she could see the other C-1 zoning from her property. She also stated that she had talked with other residents in her neighborhood and they were not opposed to the recreational vehicle park.

Commissioner Appel expressed concern over the zone change due to the fact that the Commission had not heard testimony from any of the neighbors in the area. Mr. Stuart explained that since this parcel of land is in the county and the Curry County Planning Commission would be the body who would receive testimony and input from the neighboring property owners; that the reason the matter is before the Brookings Planning Commission is that it is inside the Urban Growth Boundary of Brookings.

Darrel Niemi suggested that the Planning Commission might agree to the zone change providing that all of the questions are resolved at the county hearings.

Helen Wenbourne explained that this project would not be completed in the near future; that possibly only six spaces would be completed in the next couple of years and the total project might not be completed for ten to fifteen years.

Ms. Wahl pointed out that although the Commission has discussed a possible planning technicality as far as "spot zoning" she felt that there was a need for this type of facility and the property in question could best fit that need.

Commissioner Heavey made a motion to deny the request for a Curry County Rezone Application in Brookings Urban Growth Boundary, Item VI. D (1). Commissioner Appel seconded the motion. The motion was carried unanimously.

V. APPOINTMENTS

Chairman Brimm appointed an Ad-Hoc committee consisting of Commissioner Heavey, Commissioner Swigert and Commissioner Appel, concerning two positions on the Planning Commission coming up for reappointment.

VI. STAFF REPORT

A. BUILDING PERMIT REPORT FOR FEBRUARY, 1984

Mr. Stuart presented the Building Report information.

VII. ADJOURNMENT

Chairman Brimm adjourned the meeting at 9:10 p.m.

ATTEST:

Naomi Bradfield
NAOMI BRADFELD, CITY RECORDER

Mary Jane Brimm
CHAIRMAN MARY JANE BRIMM