

MINUTES

REGULAR PLANNING COMMISSION MEETING

AUGUST 6, 1985
7:00 p.m.

I. CALL TO ORDER

Chairman Appel called the meeting to order at 7:00 p.m.

II. ROLL CALL

Commission Members Present: Chairman Leo Appel II, Vice Chairman Jim Izett, Commissioners Earl Breuer, Mary Jane Brimm, Lonny Draheim, Elgin Gunderson

Commission Members Absent: Commissioner Jean Hagen

Staff Present: City Manager Lynn Stuart, Planning Director Chuck Rhodaback, Engineering Technician Leo Lightle, Executive Secretary Donna Van Nest

III. APPROVAL OF MINUTES

A. July 2, 1985 Regular Planning Commission Meeting

Commissioner Brimm made a MOTION, seconded by Commissioner Draheim, to approve the July 2, 1985 Regular Planning Commission meeting minutes.

There was a request by Vice Chairman Izett to correct the minutes on page 6, item VII. A. Land Area, to read "9,861 square feet"

The corrected MOTION carried with 4 ayes, 0 nays and 2 abstaining.

B. July 11, 1985 Planning Commission Study Session

Vice Chairman Izett made a MOTION, seconded by Commissioner Draheim, to approve the July 11, 1985 Planning Commission Study Session minutes; MOTION carried with 4 ayes, 0 nays and 2 abstaining.

C. July 25, 1985 Planning Commission Study Session

Vice Chairman Izett made a MOTION, seconded by Commissioner Breuer, to approve the July 25, 1985 Planning Commission Study Session minutes; MOTION carried with 5 ayes, 0 nays and 1 abstaining.

IV. PLANNING COMMISSION CHAIRMAN ANNOUNCEMENTS

A. Report on Downtown Revitalization Program

Chairman Appel reported to the Commission members that the "Operation Bootstrap" program would be held at the Elk's Lodge on August 12, 1985 at 7:30 p.m., and encouraged each member to attend.

IV. PLANNING COMMISSION CHAIRMAN ANNOUNCEMENTS (CONTINUED)

B. Development Code - Article V

Chairman Appel stated that the Commission had completed review of Article V, "Zoning Districts", and that Article VI would be reviewed by the Commission on August 15, 1985, at 7:00 p.m.

C. Public Hearing Procedures

Chairman Appel briefed the audience on the public hearing format of the meeting.

V. PUBLIC HEARING - CONDITIONAL USE PERMIT

CU-5-85 CHURCH OF THE NAZARENE (Oregon Pacific District)

Tax Lot 1200, Assessor's Parcel Map 41-13-6CB; property located at 1136 Fifield Street; request Conditional Use Permit in a Residential High Density Zone (R-HD) to allow use of mobile unit for additional temporary church classroom space.

Chairman Appel declared the public hearing open and asked for the staff report. Mr. Rhodaback, Planning Director, briefly explained the request for the proposed Conditional Use Permit, to allow use of a mobile unit for additional temporary church classroom space in an R-HD residential area. Mr. Rhodaback also read into the record the Conditional Use Permit criteria and preliminary findings to be considered by the Planning Commission in the decision making process. The staff, based on the criteria and preliminary findings, recommended to the Planning Commission that the request be approved.

Commissioner Gunderson asked staff if the request involved several mobile units or just one unit. Mr. Rhodaback stated that only one 24' x 55' mobile unit would be used. Commissioner Gunderson also asked staff if the mobile units were built to Code requirements, and staff explained that the units were manufactured in accordance with State Uniform Codes that specifically address the mobile unit type construction. There being no further questions by Commission members, Chairman Appel asked for public testimony.

Mr. David E. Shankle, 1233 Iris Street, and representing the church, explained the need for the mobile classroom unit and future church expansion program. Mr. Shankle indicated that the church congregation is growing and also changing from the standpoint of a younger age group, which increases the need for additional classroom space. Mr. Shankle stated that the church proposed to use the mobile unit for a period of 12 to 18 months. Commission members and Mr. Shankle discussed the period of time needed for the mobile unit classroom space and Commissioner Gunderson suggested that 24 months would be more appropriate than the 12 months allowed by the Zoning Ordinance. Chairman Appel asked staff if the Commission could extend the Conditional Use Permit time limit to 24 months and the staff stated that it could be done.

V. PUBLIC HEARING - CONDITIONAL USE PERMIT (CONTINUED)

CU-5-85 CHURCH OF THE NAZARENE

Chairman Appel then asked for comments from any other proponents. Mr. Ned O. Fuller, 1115 Fifield Street, spoke in favor of the request, stating that the church was a good neighborhood and that they were pleased that the church was growing.

Chairman Appel then asked for comments from opponents, and there being no further testimony, the public hearing was closed.

Commissioner Breuer made a MOTION, seconded by Commissioner Brimm, to approve the request; MOTION carried unanimously. The Commission action was subject to the condition that the request be granted for a 24 month period of time.

VI. MINOR PARTITION

M3-2-85 SAMUEL J. & CARMEN E. WELCH

Legal Description: Assessor's Parcel Map 41-13-32CC;
Tax Lot 800

Number of Parcels: Two (2)

Land Use Classification: Residential Low Density (R-LD)

Comprehensive Plan Designation: Residential

Location: Northwest corner of Hasset Street and Pioneer Road

Surveyor: Donald Cormack, R.L.S.

Chairman Appel asked Mr. Rhodaback to give a staff report. Mr. Rhodaback briefly explained the proposed minor partition and outlined the land use decision criteria that needed to be addressed by the Planning Commission by reading the entire report into the record. Based on preliminary review of the findings, the staff recommended to the Planning Commission that the request be approved, subject to two conditions: (1) The property owner shall dedicate 25 feet of the existing road easement to the City as public right-of-way. The dedication shall extend the full length of the property ownership and existing easement; and, (2) The subject parcels shall be served with City water prior to the City issuing any building permits for development. Commissioner Gunderson asked staff to identify the present location of the water service line for the area. The staff stated that a 10 inch water main was located on Hasset Street, which fronts the subject property. Chairman Appel asked Mr. Lightle, Engineering Technician, to explain the size of water line proposed to serve the property and adjacent area. Mr. Lightle stated that a 6 inch line would serve the area. City Manager Lynn Stuart explained that each property owner in the area would share in the cost of extending the water line.

VI. MINOR PARTITION (CONTINUED)

M3-2-85 SAMUEL J. & CARMEN E. WELCH

Mr. Samuel J. Welch, 8278 Rogue River Highway, Grants Pass, owner of the property, stated that he wished to partition the property into two (2) residential lots for future single family residential development. Mr. Welch felt that water service should be extended to the property, and that each adjoining property owner should share in the cost. Mr. Welch also had no objections to the dedication of the existing road easement to public right-of-way. Mr. Welch stated that he did not realize that the present 50 feet of access was a road easement and not dedicated right-of-way. Mr. Welch expressed concern about development of an existing lot fronting on Hassett Street and whether or not the lot could be served by the existing 10 inch water line, and Mr. Stuart indicated that water service would be available. Commissioner Gunderson asked the staff if enough land was available to dedicate a full 50 feet of right-of-way. The staff indicated that the existing 50 foot road easement would be dedicated to the public, as right-of-way. Commissioner Brimm asked Mr. Stuart if the water line extension project could be bancrofted and Mr. Stuart indicated that it could be a possibility at some future time.

There being no further discussion, Chairman Appel called for a MOTION. Commissioner Gunderson made a MOTION to approve the minor partition subject to the conditions as outlined by staff. Commissioner Breuer seconded the MOTION; MOTION was approved by a 6-0 unanimous vote.

VII. OTHER SCHEDULED COMMISSION ACTION

A. Planning Commission Action Clarification for Minor Partition Request by Donald Hintzman.

Planning Director Chuck Rhodaback gave a staff report based on events and an accounting of the Planning Commission's review and action taken on a minor partition submitted by Mr. Donald Hintzman on April 22, 1980. Mr. Rhodaback explained that the Commission, during initial review, discussed the need for additional road easement width to provide adequate access to the property. The Commission tabled the item to allow time for Mr. Hintzman to contact Exxon to determine whether or not additional land could be obtained to widen the road easement. On May 27, 1980, the Planning Commission continued their review of the minor partition request. Mr. Hintzman indicated to the Commission that he would only be able to obtain an additional 10 feet of land from Exxon. It was determined by the Commission that the original 25 foot road easement and the additional 10 feet, for a total of 35 feet, would require a variance. The Planning Commission suggested again that Mr. Hintzman talk to Exxon about obtaining additional land. On July 15, 1980, Mr. Hintzman filed a variance request to reduce the road easement width from the required 50 feet to 35 feet, due to the fact that all Mr. Hintzman could obtain from Exxon was an additional 10 feet.

VII. OTHER SCHEDULED COMMISSION ACTION (CONTINUED)

A. Planning Commission Action Clarification for Minor Partition Request by Donald Hintzman (continued)

The Planning Commission recommended, by unanimous vote, that the variance be approved and that their recommendation be forwarded to the City Council for their action. On August 26, 1980, the City Council considered the road easement variance and at that time granted approval.

Based on prior events, the staff suggested to the Planning Commission that a decision needed to be made as to whether or not the minor partition should be approved. Commissioner Gunderson asked staff about emergency vehicle access and staff indicated that the property would have 35 feet of roadway with a 35 foot square turnaround area for emergency vehicles. Commissioner Brimm asked Mr. Stuart if parking could be restricted on the access road and Mr. Stuart stated that it could be made a part of the Commission's action. Vice Chairman Izett asked Mr. Stuart to clarify the City's policy on restricting on-street parking. Mr. Stuart explained that the City Council is responsible for parking problems; however, the Commission may also deal with the issue as part of a land use decision.

There being no further discussion on the issue, Chairman Appel called for a MOTION. Commissioner Breuer made a MOTION to approve to minor partition subject to the following conditions: (1) The 35 foot road easement shall be improved with a 35 foot asphalt surface; and, (2) The road easement shall be restricted from vehicular parking; and, (3) The 35 foot square area, designated as an emergency vehicle turnaround zone, shall be improved with an asphalt surface and maintained. Commissioner Brimm seconded the MOTION; MOTION was approved by a 6-0 unanimous vote.

B. Planning Commission Interpretation of Zoning Ordinance to Allow Car Wash in Commercial General Zone.

Chairman Appel began discussion by declaring a "conflict of interest". Commissioner Gunderson also declared a "conflict of interest". Chairman Appel officially turned the meeting over to Vice Chairman Izett. Both Chairman Appel and Commissioner Gunderson removed themselves from the bench.

Mr. Rhodaback gave a staff report on the issue. Mr. Rhodaback explained that the issue was being submitted to the Planning Commission by the staff, for the purpose of interpreting allowable uses in the Commercial General (C-G) zoning district. The specific issue involves a proposal to locate a carwash facility on property adjacent to Spruce Street, which is currently zoned Commercial General (C-G). The current provisions of the Zoning Ordinance prohibit a carwash, but does permit service stations. The proposed facility would consist of a one-story building with one stall for recreational vehicles, three stalls for cars, and one stall for drive-thru washing.

B. Planning Commission Interpretation of Zoning Ordinance to Allow Carwash in Commercial General Zone. (Continued)

The staff indicated that the Planning Commission could allow the carwash by interpretation under the provisions of Section 11.070 of the City Zoning Ordinance. The staff suggested that a more acceptable approach would be to consider amending the Zoning Ordinance to allow a carwash in the C-G zone, as a permitted use. Vice Chairman Izett asked staff to explain the Zoning Ordinance amendment process. The staff indicated that the process would involve the Department of Land Conservation and Development, Planning Commission and the City Council, to include public hearings and adoption of an Ordinance amendment. Vice Chairman Izett stated that the proposed Development Code would allow a carwash as a permitted use. Commissioner Brimm made a MOTION to allow the carwash in the G-G zone under the interpretation of Section 11.070 of the Zoning Ordinance; also, subject to the Planning Commission initiating an amendment to the Zoning Ordinance to allow a carwash as a permitted use in the C-G zone. Commissioner Breuer seconded the MOTION; MOTION was approved by a 4-0 unanimous vote.

C. U.S. Corps of Engineers Public Notice of Application for Gravel Removal Permit on Chetco River (Thomas M. McKenzie)

Chairman Appel asked staff for a report. Mr. Rhodaback stated that the applicant, Thomas M. McKenzie, had submitted an application to the U.S. Corps of Engineers for a permit to allow commercial dredging of approximately 50,000 cubic yards of gravel annually over a three year period of time. The subject property is located approximately 2.3 miles up the South Bank of the Chetco River.

Even though the removal site is located outside the Urban Growth Boundary and Area of Mutual Interest and is completely under the jurisdictional control of Curry County, the City of Brookings still has the responsibility of reviewing the pending application.

The staff suggested that the Division of State Lands form be completed, with appropriate comments and that the Curry County Conditional Use Permit process, under the provisions of the Chetco River Estuary Resources Zone, be monitored for approval.

The Commission members expressed concern about the location of dredging as it related to the City water intake facility. Commissioner Gunderson expressed some concern about the fish resource and how it could be impacted by gravel dredging. Mr. William Cunningham, 325 Mill Beach Road, expressed concern about possible impact on the City water intake facility. Mrs. William Cunningham, 325 Mill Beach Road, also expressed concern about the City water intake facility. Vice Chairman Izett made a MOTION to direct staff to complete the U.S. Corps of Engineers form subject to certain statements being included about the City water intake facility and compliance with Comprehensive Plan policies. Commissioner Brimm seconded the MOTION; MOTION was approved by a vote of 5 ayes and 1 nay.

VII. OTHER SCHEDULED COMMISSION ACTION (CONTINUED)

D. Adoption of Land Use Decision Findings of Fact Documents

CU-3-85 BUCKEYE GAS PRODUCTS CO. (dba Doxol Propane)

Commissioner Draheim made a MOTION, seconded by Vice Chairman Izett, to adopt the findings of fact document for CU-3-85; MOTION carried unanimously, 6-0.

CU-4-85 USDA - FOREST SERVICE

Commissioner Brimm made a MOTION, seconded by Commissioner Draheim, to adopt the findings of fact document for CU-4-85; MOTION carried with 4 ayes, 1 nay and 1 abstaining.

VAR-2-85 ALBERT & MYRTLE SELIG

Commissioner Gunderson made a MOTION, seconded by Vice Chairman Izett, to adopt the findings of fact document for VAR-2-85; MOTION carried by a vote of 5 ayes and 1 abstaining.

A-1-85 GEORGE C. & CORRINE C. LANGLEY

Commissioner Gunderson made a MOTION, seconded by Commissioner Draheim, to adopt the findings of fact document for A-1-85; MOTION carried by a vote of 5 ayes and 1 abstaining.

VIII. BUSINESS FROM MEMBERS OF THE PUBLIC

A. Request by William E. and Evelyn Davies for Special Public Hearing to Consider Front Yard Setback Variance

Chairman Appel asked Mr. Davies, 250 Hazel St., to explain the issue to the Commission. Mr. Davies indicated that they wished to construct an addition to their home and had proceeded to remove an old garage and begin placing the footings for the addition. They measured the required front yard setback at 25 feet. Mr. Davies stated that the problem is that they inadvertently measured the 25 feet from the existing Hazel Street asphalt edge, which was not the front property line. The City Manager and Building Inspector checked the problem and suggested that a front yard variance request be submitted for consideration by the Planning Commission. Due to the condition of the house, weather and time, Mr. Davies felt that the Commission might consider holding a special public hearing, prior to the regular scheduled meeting on September 3, 1985. Chairman Appel asked staff to elaborate on the issue. Mr. Rhodaback explained in more detail, the location of the house with reference to the streets, setbacks and property lines. Mr. Rhodaback also stated that the house is non-conforming from the standpoint of the present requirement of 25 foot front yard setback. Mr. Stuart indicated that he had advised Mr. and Mrs. Davies to file the variance

VIII. BUSINESS FROM MEMBERS OF THE PUBLIC (CONTINUED)

A. Request by William E. and Evelyn Davies for Special Public Hearing to Consider Front Yard Setback Variance

request in July, which would have allowed ample time to meet the August 6, 1985 meeting deadline, but Mr. and Mrs. Davies failed to do so. Commissioner Breuer made a MOTION to deny the request for a special hearing, based on testimony given. Commissioner Gunderson seconded the MOTION; MOTION was approved by a 4-2 vote, with 4 ayes and 2 nays.

IX. ADJOURNMENT

Vice Chairman Izett made a MOTION, seconded by Commissioner Breuer, to adjourn the meeting; MOTION carried unanimously.

Chairman Appel adjourned the meeting at 9:08 p.m.



Leo Appel
Chairman

ATTEST:



Judy Pectol
Recorder