

MINUTES  
REGULAR PLANNING COMMISSION MEETING

SEPTEMBER 3, 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, 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. August 6, 1985 Regular Planning Commission Meeting

Vice Chairman Izett requested that the minutes be corrected on Page 6, Item VII B. to include the following statement, "After the Commission took action on the special request, Vice Chairman Izett turned the meeting back to Chairman Appel".

Vice Chairman Izett then made a MOTION, seconded by Commissioner Breuer, to approve the August 6, 1985 Regular Planning Commission meeting minutes as amended; MOTION carried unanimously.

B. August 1, 1985 Planning Commission Study Session

Commissioner Brimm made a MOTION, seconded by Vice Chairman Izett, to approve the August 1, 1985, Planning Commission Study Session minutes; MOTION carried with 3 ayes, 0 nays and 4 abstaining.

C. August 15, 1985 Planning Commission Study Session

Vice Chairman Izett made a MOTION, seconded by Commissioner Hagen, to approve the August 15, 1985 Planning Commission study session minutes; MOTION carried with 3 ayes, 0 nays and 4 abstaining.

IV. PLANNING COMMISSION CHAIRMAN ANNOUNCEMENTS

A. Development Code - Article VI

Chairman Appel stated that the Commission will have a study session on September 5, 1985, to complete review of Article VI. Chairman Appel requested that each Commission member attend the study session because staff would be giving an hour presentation on the basic development requirements being proposed in Article VI.

B. Public Hearing Procedures

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

V. PUBLIC HEARING - CONDITIONAL USE PERMIT

CU-6-84 SOUTHERN CURRY CEMETERY MAINTENANCE DISTRICT

Tax Lot 1800, Assessor's Parcel Map 40-13-31DD; property located at the North end of Seventh Street; request a Conditional Use Permit in a Residential Low Density Zone (R-LD) to allow construction of a storage and office building for the existing cemetery.

Chairman Appel declared the public hearing open and asked staff for the staff report. Mr. Rhodaback briefly explained the request for the proposed Conditional Use Permit, to allow construction of a storage and office building for the existing cemetery, located in an R-LD 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. There being no questions by Commission members, Chairman Appel asked for public testimony.

Mr. Charles Williams, 608 Meadow Lane, representing the Southern Curry Cemetery Maintenance District, explained the need for the storage and office building. Chairman Appel asked Mr. Williams if the two existing buildings would be removed. Mr. Williams indicated that one building was a water pump house and would remain and the other building would be removed. Mr. Williams stated that the Cemetery District is in serious need of a proper storage facility and office space to keep administrative records and an adequate place to do business with the general public.

Chairman Appel then asked for comments from any other proponents and there were none.

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

Commissioner Gunderson made a MOTION, seconded by Commissioner Brimm, to approve the request; MOTION carried unanimously.

VI. PUBLIC HEARING - VARIANCE

VAR-3-85 WILLIAM AND EVELYN DAVIES

Tax Lot 6200, Assessor's Parcel Map 41-13-5CD; property located at the Northeast corner of Hazel Street and Del Norte Lane; request Variance in a Residential Low Density Zone (R-LD) to allow required front yard setback to be reduced from 25 feet to 6 feet for construction of a proposed addition.

Chairman Appel declared the public hearing open and asked for the staff report. Mr. Rhodaback explained the request for the 6 foot front yard setback variance. The reduction in setback is necessary to accommodate a proposed kitchen addition and covered carport. Mr. Rhodaback also outlined the variance criteria and the 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.

Chairman Appel called for questions from the Commission members. Commissioner Breuer stated that he was under the opinion that the existing house was built 30 years ago and that the front yard setback must have received a variance. Mr. Rhodaback indicated that the City has only had a Zoning Ordinance for 15-20 years. Commissioner Breuer disagreed and stated that the Zoning Ordinance was amended in 1970. Commissioner Gunderson asked staff to clarify the location of the front property line to the edge of the street. Mr. Stuart stated that the existing asphalt surface was approximately 22-24 feet in width and that the distance between the asphalt edge and the property line would be 6-8 feet. The City Manager indicated that the right-of-way width was 40 feet on Hazel Street. Commissioner Breuer discussed the issue of setbacks in the residential zones and not in commercial zones. Commissioner Breuer felt that the reason for setbacks in the residential zones is for the purpose of creating open space, lawn areas and play areas for children. Commissioner Breuer also felt that if the Planning Commission wanted to change (proposed Development Code) some of the proposed setback requirements, that he would not be opposed. Commissioner Breuer stated that there was a need to maintain side yard setbacks to allow property owners to move trailers and boats into back yard areas.

Chairman Appel asked for public testimony. / Mr. William Davies, 250 Hazel Street, owner of the subject property, stated that the kitchen needed expansion and that a new two car carport would be built to replace an old single garage. Mr. Davies explained that the existing house was 12 feet within the required front yard setback area and therefore was nonconforming. Mr. Davies commented about two existing trees on Hazel Street and Del Norte Lane and

felt that there would not be a vision problem. Mrs. Evelyn Davies stated that the carport would be an overhead cover with two support posts being located within 6 feet of the front property line and would not create any vision clearance problem.

Mr. John Kling, (Kling Construction), 17244 S. Passley Road, builder for Mr. and Mrs. Davies, spoke in favor of the variance request.

Mr. Fred Hummel, 202 Alder Street, asked the Planning Commission why the garage could not be located toward the back of the property with access from Del Norte Lane. Mr. Kling indicated that Mr. and Mrs. Davies had originally wanted to use the back yard area, however there was not enough space between the existing tree and property line boundaries to allow safe movement to and from the property, on Del Norte Lane.

Vice Chairman Izett asked staff if there had been any verbal or written testimony given on this issue and Mr. Rhodaback said no.

There being no further comments or testimony, Chairman Appel closed the public hearing.

Commissioner Gunderson made a MOTION, seconded by Vice Chairman Izett, to approve the variance request; MOTION carried with 6 ayes and 1 nay.

## VII. MINOR PARTITION

### M3-3-85 AL CLEMENTS LUMBER COMPANY

Legal Description: Assessor's Parcel Map 41-13-5CC,  
Tax Lot 1600  
Number of Parcels: Two (2)  
Land Use Classification: Residential Low Density (R-LD)  
Comprehensive Plan Designation: Residential  
Location: Southeast corner of Oxford Street and Railroad  
Street  
Surveyor: B & D Survey, Ltd.

Chairman Appel asked for the 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. Chairman Appel advised the secretary that Commissioner Breuer had declared a possible "conflict of interest" and would not participate in the discussion. Commissioner Gunderson asked staff how many units would be built on the lots. Mr. Rhodaback stated that Parcel 1 would be used for construction of a duplex and Parcel 2 is already occupied by the Brookings Village duplex complex. Commissioner Draheim asked staff if access would be from Railroad for Parcel 1 and staff said yes.

Mr. Stuart explained to the Planning Commission that the streets within Parcel 2 are private streets. Mr. Stuart also stated that there was no plan to extend the private street to Railroad Street.

There being no further discussion, Chairman Appel called for a MOTION. Commissioner Hagen made a MOTION, seconded by Commissioner Brimm, to approve the minor partition; MOTION carried by a 6-0 unanimous vote.

VIII. OTHER SCHEDULED COMMISSION ACTION

A. ADOPTION OF LAND USE DECISION FINDINGS OF FACT DOCUMENTS

CU-5-85 CHURCH OF THE NAZARENE

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

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

Commissioner Draheim made a MOTION, seconded by Commissioner Brimm, to adopt the findings of fact document for M3-2-85; MOTION carried by a vote of 5 ayes and 1 abstaining.

B. CURRY COUNTY ZONE CHANGE REQUEST - (THOMAS HANSON - FILE Z-8509)  
URBANIZATION ISSUE

Chairman Appel asked Mr. Stuart to give the staff presentation. Mr. Stuart explained that the issue involved a zone change request from Residential R-2.5 to a Residential R-2 classification for property located South of the Winchuck River and East of U.S. Highway 101. The request was considered by the Curry County Planning Commission at their regular meeting of August 1, 1985. At that meeting, the County Planning Commission tabled the matter to allow time for further findings of fact regarding Goal 14 (Urbanization) and agency reviews. The City of Brookings was asked to review the request and make appropriate comments. Mr. Stuart explained to the Commission that Goal 14 - Urbanization, should provide for control of rural lands being urbanized outside of the Urban Growth Boundary. Mr. Stuart stated that the City is concerned about the increased pressures for changing rural land into urbanized areas. This continued type of change violates sound comprehensive planning principles and places a tremendous burden on the City and extension of urban utility systems. Mr. Stuart explained to the Commission members that any increased density would be directly related to the future need for urban services. After a short discussion, Commissioner Gunderson made a MOTION

recommending to the Curry County Planning Commission that the requested change was inappropriate at the present time. Commissioner Breuer seconded the MOTION; MOTION carried unanimously. The Planning Commission action was based on the following planning principles:

- (1) The County and City have acknowledged Comprehensive Plans which address the issue of urbanization, and
- (2) The City and County have an Urban Growth Area and Sphere of Influence Management Agreement to control urbanization and extension of urban services into rural areas; and,
- (3) The City has in the past and will continue to object to the urbanization of rural lands into urban densities that are not consistent with Statewide planning goals.


IX. BUSINESS FROM COMMISSION MEMBERS

Commissioner Gunderson asked Mr. Stuart when the City would begin the community revitalization program and Mr. Stuart stated that it would be the week of September 9, 1985.

X. ADJOURNMENT

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

Chairman Appel adjourned the meeting at 8:45 p.m.

  
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Leo Appel  
Chairman

ATTEST:

  
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Judy Pectol  
Recorder