

MINUTES

PLANNING COMMISSION STUDY SESSION

MAY 2, 1985

7:00 p.m.

PROPOSED DEVELOPMENT CODE - FIRST DRAFT - ARTICLE I - INTRODUCTORY PROVISIONS:

COMMISSION MEMBERS PRESENT: Chairman Leo Appel II, Vice Chairman Jim Izett, Commissioners Jean Hagen, Mary Jane Brimm, Earl Breuer, Lonny Draheim, Elgin Gunderson

STAFF PRESENT: City Manager Lynn Stuart, Planning Director Chuck Rhodaback

Chairman Appel began the study session at 7:00 p.m. by reviewing the meeting schedule outline that was handed out to each Planning Commission member. Chairman Appel indicated that it was important for the Commission to maintain a productive format and that each proposed draft Article and Section would be discussed with a general concensus by the Commission being achieved.

Chairman Appel asked the staff to briefly review major issues included in the 22 proposed draft Development Code Articles. Mr. Rhodaback explained that some of the more important changes involved public hearing procedures, expansion of zoning districts, detailed landscaping and off-street parking standards, Development Permit concept, annexation and vacation procedures, expanded on-site development standards, Special Purpose Districts, mobile homes, site plan review, home occupations, street naming and addressing, signs and definitions. Following an overview by staff, Chairman Appel asked the Commission members if they had any questions about Sections 1.010, 1.020 and 1.030. Commissioner Gunderson asked staff why the subdivision of land was being addressed under scope and compliance (Section 1.030). Staff said it was necessary because the Code also includes subdivision provisions. Additional discussion followed with reference to the need for underground utility versus above ground utility systems. The staff indicated that the Code includes provisions for underground utilities. Chairman Appel asked staff if Section 1.030 (2) followed existing appeal procedures as referenced by Article IV and staff stated that it did. Chairman Appel suggested that each Article be numbered by Roman numerals so that the Code is consistent. Commissioner Gunderson expressed some confusion about Section 1.010 and what Title 10 represented. Staff explained that Title 10 was the Section of the City of Brookings Municipal Code that dealt with the present city zoning and subdivision ordinances. Chairman Appel wanted to know who would be responsible for the five (5) working day response, (Section 1.040 (3)) if the Planning Director was absent. The City Manager stated that it would be his responsibility to see that the matter was taken care of. Commissioner Gunderson suggested that Section 1.040 (4) use "calendar" or "working days" not both. Commissioner Gunderson also suggested that the Development Code include a flow chart to illustrate the administrative appeal process. The City Manager expressed concern

with Section 1.040 (5) and suggested that interpretations "may", (not "shall") be based upon (a), (b), (c) and (d) considerations. The Planning Commission felt that Section 1.050 didn't need to be changed. Chairman Appel questioned the term "review body" and who that was intended to be under Section 1.060 (5). The staff explained that the term "review body" meant the staff, Planning Commission or City Council. The Commission suggested that the term "review body" be defined in the Definition Article.

Commissioner Gunderson also suggested that the Development Code include a flow chart explaining the public hearing process. Chairman Appel questioned 24 months under Section 1.060 (6). Following some discussion, the Commission suggested that the time limit be changed to 12 months. Commissioner Izett questioned the use of the word "vigorously" under Section 1.060 (7). The Commission felt that a more appropriate word would be "actively". Chairman Appel asked the staff to explain Section 1.060 (9). Mr. Rhodaback stated that the intent of Subsection (9) was to require the Planning Director to review each building plan for compliance with applicable Development Code standards and to sign off on the Building Permit to ensure compliance. The Commissioners discussed the requirement and directed the staff to rewrite the subsection to include the City Engineer and bring back to the Commission for consideration at the next study session on May 16th. The Planning Commission felt that there was no need to change Sections 1.070 and 1.080. Commissioner Gunderson asked staff to clarify Section 1.090 and the general non-conforming use provisions. Mr. Rhodaback explained that the purpose of the provisions were to allow the property owner to replace a non-conforming use, if destroyed by an act of God. Due to the fact that the owner had absolutely no control then he/she should be allowed to replace the use. Commissioner Gunderson felt that if the City allowed replacement of non-conforming uses then the general non-conforming use problems would continue and could increase. There followed a lengthy discussion about non-conforming uses and the need for applicable provisions. It was the consensus of the Commission that Section 1.090 be eliminated.

Chairman Appel asked staff about the numbers and percentages proposed under Section 1.100 (3) (c) and how they were arrived at. Mr. Rhodaback indicated that the figures represented provisions used in other communities and staff experience of non-conforming uses.

The Planning Commission felt that Sections 1.100 and 1.110 should not be changed. Commissioner Gunderson expressed some concern about non-conforming lot sizes under Section 1.120 and Commission discussion followed with reference to lot sizes, uses and utility improvement requirements. It was the consensus of the Commission that the staff be directed to rewrite a draft proposal addressing the need for a time frame to be used in phasing out a non-conforming use, which would be reviewed at the May 16, 1985 study session.

Planning Commission Study Session  
May 2, 1985  
Page 3

Chairman Appel adjourned the study session at 9:00 p.m.

  
\_\_\_\_\_  
Leo Appel II, Chairman

ATTEST:

  
\_\_\_\_\_  
Judy Pectol, Recorder