

MINUTES
REGULAR PLANNING COMMISSION MEETING
May 7, 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 Jean Hagen, Mary Jane Brimm, Earl Breuer, Lonny Draheim, Elgin Gunderson

Staff Present: Planning Director Chuck Rhodaback, Executive Secretary Donna Van Nest

III. APPROVAL OF MINUTES

April 2, 1985 Regular Planning Commission Meeting Minutes

There was a MOTION by Vice Chairman Izett, seconded by Commissioner Hagen, to approve the April 2, 1985 Regular Planning Commission Meeting Minutes; MOTION carried with six ayes and zero nays.

Commissioner Draheim arrived just after the vote.

IV. PLANNING COMMISSION CHAIRMAN ANNOUNCEMENTS

A. Status Report on Proposed Closure of Curry County Beach Areas to Off-Road Vehicles (ORV)

Chairman Appel informed the Commission that the ORV task force had completed their review work, with recommended solutions to Curry County Planning Commission. Chairman Appel indicated that the City of Brookings would not be involved in the final planning process because the beach areas being considered are located in the central and northerly portions of Curry County.

B. Status Report on Proposed Development Code.

Chairman Appel stated that the proposed Development Code study sessions have begun, with the first meeting being held on May 2, 1985. Chairman Appel extended an invitation to the general public to attend the study sessions.

C. Chairman Appel briefed the audience on the format of the meeting.

V. MINOR PARTITIONM3-1-85 E.L. & Alice E. Ross

Legal Description	Assessor's Parcel Map 41-13-6BB, Tax Lot 600
Number of Parcels	Three (3)
Land Use Classification	Residential Low Density (R-LD)
Comprehensive Plan Designation	Residential
Location	1328 Homestead Road
Surveyor	B & D Surveys, Ltd.

Chairman Appel asked Mr. Rhodaback, Planning Director, 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 denied.

Commissioner Breuer asked the staff about reference being made to 20 feet of frontage access on Parkview Drive for property located to the North of the land being proposed for partitioning. Mr. Rhodaback explained that at the present time, there was a 20 foot strip of land that could provide for future access to Parkview Drive. Commissioner Breuer stated that the property owner, Mr. Henry Kerr, also has additional access frontage on U.S. Highway 101 and Parkview Drive. Commissioner Gunderson asked staff to explain again how the 20 feet of frontage access related to the subject property. Mr. Rhodaback indicated that the 20 feet of access was important from the standpoint identifying locations and potential frontage access for future streets to serve the entire planning area. Commissioner Breuer asked the staff to explain the reasons for recommending denial of the request. Mr. Rhodaback stated that there were several reasons for recommending denial, which involved the lack of adequate and required lot frontage on a street, and the Comprehensive Plan policies specifically address the need for the City to establish a street network in conjunction with partitioning or subdividing of large parcels of land. Additional discussion occurred between Commissioner Breuer and staff, with reference to the 40 foot access easement proposed to serve the new lots and the need to provide access to Mr. Kerr's property. Commissioner Breuer felt that the 40 foot easement could allow temporary access, with expansion to a City right-of-way width in the future. Commissioner Gunderson asked staff what the normal City street width was and Mr. Rhodaback stated that it was 50 feet of right-of-way, with 36 feet of asphalt.

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Commissioner Izett asked staff if the minor partition access easement problem could be resolved by the owner dedicating 50 feet of right-of-way instead of using 40 foot of easement. Mr. Rhodaback stated that the dedication of right-of-way could be a solution; however, it would require the involvement of the adjoining property owners (Haines and Kent). Mr. Karl Johnson, agent for the property owner, Seashore Realty, 1201 Chetco Ave., stated that the minor partition had been submitted in error in that they only wanted to request the partitioning of the parcel into two (2) lots, not three (3). Mr. Johnson further stated that all the property owner wants to do is sell some property to an adjoining property owner for storage and garden space. Mr. Johnson indicated that the proposed minor partition layout conforms to the configuration of a future major subdivision plat and that the owner would not want to build on the lots until the issue of a major subdivision plat, future streets and extension of utilities had been resolved. Commissioner Gunderson suggested that the property owner consider a property lease agreement arrangement with the individual that desires additional land area. Mr. Johnson indicated that they had not thought of the idea, but that it could be a possibility. Commissioner Draheim asked staff about the placement of a cul-de-sac at the property line between the Ross and Kerr properties and how it would affect the size of proposed parcel one (1). Mr. Rhodaback stated that if a cul-de-sac were to be placed at that location it could be off-set to maintain the same lot size. Mr. Rhodaback also suggested to the Commission that there was a more serious need to locate a through street on the Ross property versus the use of a cul-de-sac.

There being no further discussion, Chairman Appel call for a MOTION. Commissioner Breuer made a MOTION to approve the minor partition. Commissioner Draheim seconded the MOTION; MOTION was denied by a vote of three ayes, (Commissioners Draheim, Hagen and Breuer), and four nays (Commissioners Gunderson, Brimm, Vice Chairman Izett and Chairman Appel).

VI. OTHER SCHEDULED COMMISSION ACTION

A. Department of the Interior's Proposed Coastal Barrier Designations.

Planning Director Chuck Rhodaback gave a staff report on the issue. Mr. Rhodaback explained that the Department of the Interior is presently reviewing a proposed plan to amend the Coastal Barrier Resources Act, adopted by Congress in 1982, to include specific Coastal Barrier Designations along the Pacific coastline, as part of the National Coastal Barrier Resources System. The mouth of the Chetco River and adjacent area has been selected as one of the proposed Coastal Barrier Designations. Mr. Rhodaback indicated that the purpose of the Act is to minimize federal financial support of new development on undeveloped coastal barriers, in order to avoid

development in hazardous areas and to protect associated habitat areas. Mr. Rhodaback explained that the Secretary of the Interior has requested that the Governor of each affected state submit comments to the Secretary, to be included in a report to Congress on the Coastal Barrier issue. Governor Atiyeh has asked that DLCDC coordinate preparation of Oregon's response. As part of the review process, the affected cities, counties, ports and state agencies have been requested by DLCDC to consider the issue and make appropriate comments and recommendations.

The staff suggested that the Planning Commission recommend to the City Council that the City strongly support the fact that the acknowledged Comprehensive Plan provides adequate protection for coastal barrier resources and appropriate development without additional federal controls.

There being no discussion by the Commission, Chairman Appel asked for a MOTION. Commissioner Breuer made a MOTION to recommend to the City Council that the City strongly support the fact that the acknowledged Comprehensive Plan provides adequate protection for coastal barrier resources and appropriate development without the need for additional federal control. Commissioner Brimm seconded the MOTION; MOTION carried unanimously.

VII. BUSINESS FROM MEMBERS OF THE PUBLIC.

A. Special Request by Mr. Bob Humes for Interpretation of Front Yard Setback Requirement for Lot 10A (Tax Lot 319), Replat of Zwagg Rock Acres Subdivision

Chairman Appel asked the staff to explain the special request to the Planning Commission. Mr. Rhodaback stated that the issue involves the clarification of what constitutes a front yard, and front yard setback requirements. The subject lot, Lot 10A - Replat of Zwagg Rock Acres Subdivision, has access by way of a 25 foot private road, which extends South from Sandy Lane, and therefore doesn't have direct frontage on a public street. Mr. Rhodaback also indicated that the standard setback requirements for the front yard were 25 feet, side yard 5 feet and rear yard 15 feet. Also, due to the bluff along the South property line, combined with required setbacks, it has been determined that there would not be enough buildable land area on the platted lot. Because of these issues, the staff recommended that the special request be returned to staff for processing as a setback variance. Commissioner Gunderson asked staff if they had discussed the variance process with the buyer and staff said yes. Commissioner Breuer asked staff what amount of front yard variance would be requested. Mr. Rhodaback stated that the owner wouldn't know until more detailed information was gathered.

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Sandy Coons, James Realty, Inc., P.O. Box 6615, Brookings, spoke in favor of the need for a variance and explained the problems involved with building on the lot. Sandy Coons indicated that the front yard setback may have to be reduced by 20 feet in order to provide enough buildable land area. Commissioner Brimm asked staff if the private road met the street frontage requirements for a lot front yard and staff stated that the interpretation of the Ordinance is that the lot front yard is the yard closest to the street frontage. Chairman Appel asked staff to read into the record the Ordinance provisions that address the front yard setback requirements. After additional discussion by Commission members, Commissioner Draheim declared a "conflict of interest" in the pending matter. Chairman Appel asked staff if there needed to be a formal MOTION and staff said yes. Chairman Appel then asked for a MOTION on the matter.

Commissioner Gunderson made a MOTION authorizing the Chairman to call a special public hearing during the month of May, to review the variance issue if the applicant submits a request. Commissioner Breuer seconded the MOTION; MOTION carried unanimously.

VIII. BUSINESS FROM COMMISSION MEMBERS

Chairman Appel announced that the Planning Commission will hold their next Development Code study session on May 16, 1985 at 7:00 p.m. in the City Hall Council Chambers. Chairman Appel encouraged the general public to attend.

IX. ADJOURNMENT

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

Chairman Appel adjourned the meeting at 8:40 p.m.



Leo Appel II, Chairman

ATTEST:



Judy Pectol, Recorder