

MINUTES  
REGULAR PLANNING COMMISSION MEETING

January 7, 1986  
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, Lonny Draheim, Jean Hagen, Mary Jane Brimm, Elgin Gunderson.

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

Media Present: Marge Barrett

III. APPROVAL OF MINUTES

December 3, 1985 Regular Planning Commission Meeting

Vice chairman Izett made a MOTION, seconded by Commissioner Breuer, to approve the December 3, 1985 Regular Planning Commission Meeting Minutes; MOTION carried with 6 ayes and 1 abstaining.

IV. PLANNING COMMISSION CHAIRMAN ANNOUNCEMENTS

Chairman Appel welcomed those attending the meeting and went over the public hearing procedures to be followed.

V. ITEMS REFERRED BY CURRY COUNTY PLANNING COMMISSION

A. Comprehensive Plan Amendment-Zone Change Request Located Within the Brookings Urban Growth Boundary Area (Robert and Edna Wilcox-CP85061/Z8511)

Mr. Rhodaback gave a report, stating that when this issue was considered at the December 3, 1985 meeting, the Brookings Planning Commission voted to recommend to Curry County that the request be denied based on the fact that the County failed to provide supportive facts. The County on December 5, 1985 reviewed the Brookings Planning Commission's recommendation and tabled the request until December 19, 1985. Upon review of the request, the staff would recommend denial, based on the fact that the applicant has not submitted sufficient findings of

fact to support their request.

Commissioner Gunderson asked if there was any information on the number of units, age of the people that will be in the units, whether or not they will be taking care of themselves, or if this will be a complete nursing facility. Commissioner Gunderson pointed out the danger of such a facility on a State Highway.

Vice Chairman Izett asked if the information provided in the agenda packet was all that was supplied by the applicant.

Mr. Rhodaback stated that the applicant was requested through the County to supply additional information.

Ray Passley stated that they had provided all the information to the County in November. Mr. Passley pointed out the various zoning of the property in the vicinity. Mr. Passley asked who consisted of "staff" in the City.

Mr. Rhodaback stated that the "staff" consists of himself and a City employee who works with the Parks and Recreation program during the Spring and Summer, and the Planning Department during the Fall and Winter.

Mr. Passley stated that the property owners had no say when the Comprehensive Plan was set-up, and that their only way to appeal the zoning was to ask for a zone change.

Glenda Western, representing the clinics for Curry Health Care Systems, stated that they had provided everything that was asked for by the County. She stated that being located on Highway 101 would be convenient for a three-physician clinic with the living area being located behind the clinic. Mrs. Western said the facility would be a senior citizen retirement area, and would be more cost effective to be located close to the existing emergency room in Harbor.

Dick Wilson stated that he felt this facility would be a good asset to the community. Mr. Wilson asked if it was possible to change the zoning with the condition that it be used only for this facility.

Commissioner Gunderson asked if there was a requirement to have a certificate of need, and if they were talking about private patients only.

Mrs. Western stated that there was no requirement to have a certificate of need. Mrs. Western also said that the people who would live in this facility would be people who could take care of themselves, or at least were mobile.

Commissioner Brimm stated that there were 58 acres of commercial land available, and wanted to know if they were unable to find anything else, other than the one piece.

Mrs. Western stated that they did look at other pieces, but chose the Harbor property because of the close location to the existing emergency room. She also stated that no other property was cost-effective because of the fill needed. They looked for a parcel that was 4-5 acres, with an option for more, which is available on this property.

Chairman Appel stated that the burden of proof was on the applicant as far as the City was concerned.

Ron Spencer asked if the issue of what was done with the property would be considered at a later date.

Commissioner Breuer stated that in order to change a zone in the Comprehensive Plan, you have to demonstrate the need for this.

Chairman Appel stated that the reason behind it was that someone could appeal the decision, and facts would be necessary to back up the decision. He emphasized that all the City was doing was making a recommendation to the County Planning Commission.

Vice Chairman Izett asked Mr. Rhodaback if he had changed his mind after hearing the testimony tonight.

Mr. Rhodaback stated that he was being put in an awkward position. He stated that there is a set process and criteria that puts the burden of proof on the applicant. Mr. Rhodaback stated that on the standpoint of the application, the change is not justified.

Commissioner Gunderson made a MOTION, seconded by Vice Chairman Izett to table the consideration until the next meeting for more information.

Commissioner Breuer asked how this will affect the County.

Mr. Rhodaback stated that the County Planning Commission will meet January 16, 1986, but they have indicated that they will not take any further action until the City has offered a recommendation to them.

Chairman Appel called for a vote on the MOTION, to table the proposal; MOTION carried unanimously.

B. Conditional Use Permit Located Within the Brookings Urban Growth Boundary Area (Albert K. Hall-C8526) Request for Woodworking Shop as Home Occupation in a Single Family Residential (R-1) Zone

Mr. Rhodaback stated that Mr. Hall had to leave the meeting, but left some additional information to be presented. He has notified all of the adjoining property owners and they have no objection. He has indicated that there is a deed restriction clause that he will handle and he realized it is his responsibility. He has received full agreement and permission from the person holding the deed to the property. The application is for a home-occupation which requires a conditional-use permit by the County and City. The property is right on the line of the Urban Growth Boundary. The applicant wants to do woodworking in his basement which is a completely enclosed area. The staff would recommend that the use be allowed.

Commissioner Breuer asked if it would cause any additional traffic on an already narrow and congested road.

Mr. Rhodaback stated that this would be used as a working base only, with no walk-in or drive-in traffic.

Vice Chairman Izett asked if this would apply to this person or if the permit would go with the residence.

Mr. Rhodaback stated that the Conditional - Use is given only for the applicant.

Commissioner Brimm added that the Planning Commission can revoke this permit at any time if problems arise.

Commissioner Breuer made a MOTION, seconded by Commissioner Brimm to make a recommendation to the County to approve the Conditional-Use-Permit; MOTION carried unanimously.

C. Minor Partition Request Located Within The Urban Growth Boundary Area (Pete Smart-P8527)

Mr. Rhodaback gave a report on the proposed Minor Partition. Staff would recommend that the Minor Partition be approved subject to the condition that the proposed 50 foot road easement be dedicated to the public as right-of-way.

Commissioner Gunderson asked what the easement connects to, and if it is a through street.

Mr. Rhodaback stated that the easement connects to Tuttle Lane on the downhill side, and it is not a through street.

Commissioner Gunderson asked about the school buses and fire engines and accessibility.

Mr. Rhodaback stated that there is a steep slope problem, plus a problem with control over the easement.

Commissioner Gunderson asked if they should include a condition for a turn around for emergency vehicles.

Pete Smart addressed the 50 foot right-of-way which he felt was a permanent situation. He stated that he just paved a 16 foot road up to those lots. He stated that it was a dead end, but that there was enough room to turn around.

Commissioner Brimm asked if there would be any problem with dedicating that 50 foot easement.

Mr. Smart said he would have no problem with that, but the other property owners would have to be contacted.

Commissioner Gunderson asked if the County engineer had approved the road.

Mr. Smart stated the County engineer had been there and approved it.

Commissioner Gunderson made a MOTION, seconded by Commissioner Hagen to make a recommendation to the

County Planning Commission to accept the Minor Partition; MOTION carried unanimously.

VI. OTHER SCHEDULED COMMISSION ACTION

A. Planning Commission Interpretation of Zoning Ordinance to Allow a Crematory in a Residential High Density (R-HD) Zone by Conditional Use Permit (Paul F. Litty)

Mr. Rhodaback gave a staff report, recommending to the Planning Commission that a strong consideration be given to amending the zoning ordinance to all mortuaries either as a permitted use in some zones, or allow mortuaries in a residential zone by conditional use permit, also accessory facilities to a mortuary by a conditional use permit.

Chairman Appel asked if the basic issue was to decide if it was necessary to hold a public hearing on this issue.

Mr. Rhodaback stated that there were basically two options available. One is addressing the provisions of the zoning ordinance which allows the Planning Commission to interpret similar type uses within zones. The second option is the formal process of going through a public hearing to amend the zoning ordinance.

Paul Litty stated that there was a need for a crematory. At the present time it is necessary to go to Coos Bay or Grants Pass.

Chairman Appel asked if it took any special regulations or licenses to operate a crematory.

Mr. Litty said that the State comes down to inspect the unit, and that they are also regulated by the air quality board.

Chairman Appel stated that the ordinance doesn't specifically say it is allowed.

Commissioner Breuer asked Mr. Rhodaback if he had talked to John Coutrakon about this issue.

Mr. Rhodaback stated that he had not talked to Mr. Coutrakon.

Tom Hull from Grants Pass addressed the Planning Commission and explained the process that they

went through in Grants Pass. Mr. Hull described the unit in his operation that will be the same unit Mr. Litty is proposing to put in.

Commissioner Gunderson questioned the affect a crematory might have on property values. He stated that he felt there should be a public hearing to let the people that are immediately affected have something to say.

Mr. Hull stated that the crematory being adjacent to the funeral home was preferred for the reason of transporting cases, and that it would be more economical.

Commissioner Brimm stated that she felt a change in the ordinance would be in order, and then the people in the area would have imput.

Mr. Litty said he had talked to the people in the area, and there were no objections. He stated that whether it be a mortuary or crematory, the functions are the same.

Commissioner Breuer suggested the city attorney be consulted to get his opinion on the issue.

Commissioner Brimm made a MOTION, seconded by Commissioner Breuer to approve a crematory in a Residential-High Density zone with the stipulation that it is approved by the city attorney; MOTION carried with 5 ayes and 2 naves.

B. Adoption of Land Use Decision Findings of Fact Document

M3-5-85 Wilson's Distributing Service, Inc.

Commissioner Gunderson made a MOTION, seconded by Vice Chairman Izett, to approve the Findings of Fact Document for M3-5-85; MOTION carried unanimously.

VII. ADJOURNMENT

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

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Chairman Appel adjourned the meeting at 9:05 P.M.



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Leo Appel II, Chairman

ATTEST:



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Judy Pectol, Recorder Treasurer