

MINUTES  
BROOKINGS PLANNING COMMISSION  
REGULAR MEETING  
DECEMBER 5, 1989

The regular meeting of the Brookings Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Brookings City Hall on the above date with the following Commission members and staff in attendance.

Mary Jane Brim	Richard Kahanek, City Manager
Judi Krebs	Nancy Corrigan, Secretary
Earl Breuer	
David Soiseth	
Jeff Holmes	
Ted Freeman Jr.	

Planning Commissioner John Herzog was absent.

**MINUTES FOR APPROVAL**

The Planning Commission did not approve the minutes of the Commission regular meeting of November 14, 1989. These minutes were tabled until the next regular meeting so that the following corrections could be made.

page 2. #1, Add ...The Planning Commission's approval requires the applicant to sign a deferred improvement agreement for the property to be partitioned. Such agreement is to be null and void at the time the applicant provides improvements to meet city standards.

page 3, paragraph 1, Change to: Commissioner Jeff Holmes asked questions regarding if any one has checked to see if property owners will be able to receive building permits before water & sewer are available in the Driftwood Shores area.

**FINAL ORDERS AND FINDINGS OF FACT**

1. By a vote of 5-0 (motion: Commissioner Brimm, second: Commissioner Breuer, Chairman Freeman abstained), the Planning Commission adopted the Final ORDER and Findings of Fact Document in the matter of Planning Commission action on the application of a minor partition of a 6,232 square foot parcel of property generally located on the north side of Hemlock, west of Fern Street and Hemlock Street intersection (identified as Tax Lot 6800, Assessor's Parcel map No. 41-13-6DA) within the C-3 (Central Commercial) zoning district submitted by Leo Appel II. (File No. M3-13-89)

2. By a vote of 5-0 (motion: Commissioner Soiseth, second: Commissioner Krebs, Chairman Freeman abstained), the Planning Commission adopted the Final ORDER and Findings of Fact Document in the matter of Planning Commission action on the application of a variance of twenty (20) inches to the front yard setback requirements of the (R-2) Two Family Residential zoning district regulations for a 6,750 square foot lot located at 1336 Heather Lane (identified as Tax Lot 1404 Assessor's Parcel Map No. 41-13-6BB; Lot 6 Heather Lane Subdivision) submitted by S. John Zia (File No. VAR-1-89).

#### THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION

1. With Commissioner Mary Jane Brimm declaring a conflict of interest and stepping into the audience, Chairman Freeman introduced item M3-14-89, a request for a minor partition of a 19.34 acre parcel into tow lots (one approximately 2.46 acres, the other 16.88 acres) on Marina Heights Road approximately 850 feet east of the intersection with Brookings County Road submitted by Melody E. Bateman.

Interim City Manager Richard Kahanek briefly detailed the staff report prepared by the Interim Planning Director. Commissioners were directed to code section 176.080 (B) identifying the steps necessary to overcome specific disadvantages of topography. Reference was then made to code section 100.030 which addresses standards for slope density. Slopes on the 2.46 acre site range from 20%-40%. Due to the steepness of the site, the manager concluded that section 100.030 would require a site study by a registered geologist or soils engineer. Discussion also ensued on slope easements, road right-of-way and waterline extensions, map inconsistencies, and the moving of right-of-ways to accommodate certain easements.

Chairman Freeman then introduced Mr. Don Jaklewicz, the applicant's representative who spoke against the need for an engineered site study. Mr Jaklewicz noted that the applicant was not asking for a home site nor were they asking to build a home or any road construction, but rather just a minor partition so that someone else could decide if they wished to build. He stated that he believed the Commission had the cart before the horse since all he wanted was a simple partition and that did not require a registered geologist to study the slope. The applicant's representative further observed that the road right-of-way was a 50 foot easement for the first 100 feet and 40 feet for the balance. It was in that portion that a garage had previously been built without a building permit, but that the owner was in the audience and had agreed to move the garage out of the right-of-way.

Additional discussion continued on the water main, the drain fields and the permit already issued by the Environmental Sanitation Department, and availability of an existing geology study made several years ago.

At the conclusion of discussion, Commissioner Judi Krebs moved to table the application until the next meeting in order to determine the intent of the Land Building Code and what its application is; to learn more about the 50 foot right-of-way and the possibility of moving an easement; and to answer the question of the water main extension, its availability to the remaining parcel and at whose cost. Commission Earl Breuer added to the motion a requirement for a site study by a registered geologist. Motion was seconded and adopted on a roll call vote.

2. By an unanimous vote (motion: Commissioner Krebs, second: Commissioner Breuer), the Commission tabled until the next regular meeting the County Referral request for a conditional use permit to allow a 12-space mobile home park in a R-3 zone generally located on Olsen Lane just south of Nelson Lane (identified as Assessor's Map No. 41-13-9CA, Tax Lot 701) within the UGB of the City of Brookings submitted by Jack & Barbara Nelson (County File No. C-8927 due to incomplete information.

#### MESSAGES AND PAPERS FROM THE CITY MANAGER

Interim City Manager Richard Kahanek announced that the December 6, 1989 meeting of the County Commissioners and City Council was cancelled. Also he announced that there would be a special City Council meeting on December 7, 1989 regarding the buying of the bonds for the wastewater outfall facility.

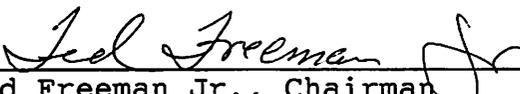
Mr. Kahanek also presented to the Planning Commission a code interpretation where in case of damage by an act of God, any of the city staff would be able to administratively issue permits to replace that which was destroyed. This would speed the process and save the Planning Commission considerable time for more pressing issues. The Planning Commission rejected the use of code interpretation by city staff.

Finally, Mr. Kahanek announced that the new Planning Director, Mr. John Bischoff would be in the City Planning Department by December 26, 1989.

There being no further business before the Planning Commission, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

**BROOKINGS PLANNING COMMISSION**

  
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Ted Freeman Jr., Chairman