

MINUTES
BROOKINGS PLANNING COMMISSION
REGULAR MEETING
September 4, 1990

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.

Earl Breuer, Chairman
Mary Jane Brimm
Judi Krebs
Jeff Holmes
Dave Soiseth

John Bischoff, Planning Director
Holly Perin, Secretary

Commissioner Herzog was absent; Commissioner Freeman arrived at 7:03 p.m.

MINUTES FOR APPROVAL

1. By a unanimous vote (motion: Commissioner Krebs, second Commissioner Brimm) the Planning Commission approved, with the addition of Commissioner Brimm's name (page three, paragraph five, third sentence), the minutes of the Commission regular meeting of August 7, 1990.

2. By a unanimous vote (motion: Commissioner Brimm, second Commissioner Freeman) the Planning Commission approved the minutes of the Commission special meeting of August 22, 1990.

FINAL ORDERS AND FINDINGS OF FACT

1. By a unanimous vote (motion: Commissioner Freeman, second: Commissioner Soiseth) the Planning Commission adopted the Final ORDER and Findings of Fact Document in the matter of Planning Commission action on the application for a minor partition of a 1.6 acre parcel located in the north west corner of Seventh Street and Hassett Street in an R-1-6 zone submitted by Elizabeth Alexander. (File No. M3-7-90)

2. By a unanimous vote (motion: Commissioner Krebs, second: Commissioner Holmes) the Planning Commission adopted the Final ORDER and Findings of Fact Document in the matter of Planning Commission action on the application for a minor partition of a 13,627 sq. ft. parcel located in the south east corner of Third Street and Ransom Avenue in an R-1-6 zone, submitted by Bob and Betty Carter. (File No. M3-6-90)

THE PLANNING COMMISSION ALSO TOOK THE FOLLOWING ACTION

1. File No. Adapp-2-90, the appeal of Administrative Decision of teh Planning Director that a 1.01 acre parcel, located north of Easy Street approximately 275 feet east of Third Street in an R-1-6 zone cannot be divided based on the provision of the Land Development code, was dropped by the applicant, Alice Pierson.

The following item was not on the agenda:

2. By a unanimous vote (motion: Commissioner Krebs, second Commissioner Brimm) the Planning Commission approved changes to File No. SUB-2-90 (Cypress Cove development), Conditions of Approval Nos. 13 and 53 as described in the Staff Report.

The Planning Director introduced a request for changes to the conditions of approval of SUB-2-90 (Cypress Cove) which was made after the agenda had been distributed and does not require a public hearing. The first change was to Condition 13 to allow the berm around the wastewater treatment plant to be built at a later phase of the project and that the applicant was willing to post a bond to insure that the berm was built even if the project should stall prior to the designated construction of the berm.

The second request was to the wording of Condition 53 and the requirement that the wastewater treatment plant be noted on the Public Notice which is required to be issued with condominium sales. The applicant had changed the method of sale of the units and that the new method did not require the Public Notice. The applicant was requesting that the city accept a disclosure statement signed by the buyer to the effect that they are aware of the treatment facility.

The Planning Director reported that he had checked with the City Attorney about these changes and the attorney had indicated that the intended purpose would be accomplished by both requested changes and he had no problem with them.

The Commission approved changes to Condition 13 to change the wording to allow for the posting of a bond for the construction of the berm and that the berm be completed prior to the completion of Phase 1-C or 1-D whichever is earlier and that the bond agreement must be approved by the City Attorney.

The Commission approved changes to Condition 53 to change the wording to allow for a disclosure statement to be signed by each buyer and that the wording of the disclosure statement must be approved by the City Attorney.

PROPOSITIONS AND REMARKS FROM COMMISSION MEMBERS

Commissioner Holmes stated that he had talked to Leo Lightle (Community Development Director) about the roads in the Drift Wood Shores area and apparently the city has no plans about what the roads are going to be like and what will happen when people want to build. He went on to say that Mr. Lightle indicated that we got this from the county but actually the county had approved 40 foot roads except for one 20 foot road. Commissioner Holmes said he thought that the roads should be put in before People started to build because with the terrain like that you must know where driveways must go and if there is fill where that must go. Right now the roads are 13 feet wide and gravel.

The Planning Director stated that he thought the roads in Drift Wood Shores were private roads. Commissioner Holmes stated that the summery impact statement says that indicated that the streets in Oregon Drift Wood Shores are "public streets not owned by the county" and that they are streets dedicated to the public but not accepted by the county leaving all maintenance up to the property owners. The Planning Director pointed out that this is how private streets are created -by offering them for dedication but not accepted by the jurisdiction. Commissioner Holmes asked how this related to what the city requires you to do. The Planning Director replied that the Land Development Code requires private roads to be constructed to city standards and that the Code allows narrower roads if the Planning Commission finds that they are safe and that this is how we might have to go in this area. There are other problems that are related, there are some very large lots with small frontages that cannot be developed to their fullest potential without more roads. Commissioner Holmes asked if we should be looking at Oregon Drift Wood Shores, like Mr. Lightle said, "to engineer roads is expensive" but it could create more of a mess if we let houses be built without roads. There are 45 lots with seven houses and two under construction. The Planning Director pointed out that we require Deferred Improvement Agreement for each new residential building permit and when we have 51% of the street under a DIF we can proceed with a Local Improvement District to construct streets. The Director said that he felt that some of these issues should have been considered prior to the annexations and the city does not have funds to build roads. Commissioner Holmes said that his concern for the DIF is that if you sign a document agreeing to do something you should know what it is that you will be asked to do and it seems that in this area it isn't known what must be done. Building a 40 foot road in some of those places may cost hundreds of thousands of dollars. The Planning Director said that he did not think that the city would place that type of assessment on individual residents. There is a Town Meeting on Thursday and that these questions may be best asked there. The Planning Director stated that the city staff was aware

of the conditions in the Oregon Driftwood Shores. Commissioner Holmes asked if we are under any liability if, for example a fire truck could not get to the area. The Planning Director said that may be and it was a question for the City Attorney. Chairman Breuer commented that there were a number of areas in the county with similar conditions that the city may annex in the future.

Commissioner Krebs asked if the city did not have to do a total infrastructure plan before the area came into the city and are they not paying for sewer and water. That before they come in are we not supposed to have a plan showing what they are going to get and what they will need in the way of roads and even if it is twenty years down the pike; Somebody in the city should know not only the time frame but what the overall plan is. Commissioner Holmes said you (Commissioner Krebs) are right but the city is not doing it because it costs money.

Chairman Breuer stated that the city still must develop hillside development standards now that the summer is over and that such standards may answer some of Commissioner Holmes questions.

Commissioner Krebs pointed out that at the last meeting she had mentioned that the November regular meeting date is on the 6th which is also election day and if anyone had given any thought to moving the date of the meeting? It was decided to hold the meeting on Wednesday November 7th.

Commissioner Krebs stated that at the July meeting she asked for information on the Easy Street project and that they were going to wait until the presentation at the City Council meeting but from the Planning Commission side she does not know what they are doing on Easy Street. The Planning Director said that the only thing presented at the City Council meeting was one exhibit of a street cross section and very little information. Commissioner Krebs said that the point of her comment was that the Commission was approving divisions of land and subdivisions and we are the last to know what is going on street wise. The Planning Director stated that staff is asking for needed right-of-way along these streets when a land division is made and that he would talk to the Community Development Director about the plans for Easy St. Commissioner Krebs stated that even a mail out like what was done for the commission of Fifth St. would help.

Commissioner Soiseth stated that a person had talked to him about the possibility of someone getting hit in the crosswalks on Chetco Avenue and then there was the article in the paper about two people getting hit on Chetco. He said that he did not know what the answer was but there should be some way to protect people in the crosswalks. The Commission discussed the traffic situation on Chetco in the downtown and in town in general. No conclusions were made.

PLANNING DIRECTOR'S REPORT

The Planning Director introduced a list of eight areas within the Land Development Code which he recommends changes as follows:

1. Changes to the advertising and public notice requirements due to changes in the state law.
2. Section 108 Dwelling Groups. Changes are required to the discussion of densities allowed in each zone under the provisions of the Dwelling Group Section. Related to this is the fact that the ordinance does not have a maximum density allowed in the city nor a minimum dwelling size.
3. The Land Development Code allow sand and gravel extraction operations in all of the residential zones with a conditional use permit. This does not appear to be compatible with residential uses.
4. Front yard fencing - There is no height limit to front or back yard fencing except within 20 feet from an street intersection corner. This effectively would allow a six, eight or even higher fence in the front yard. Most jurisdiction provide for some height limitation on both front yard (usually 42" or 48") and back yards (usually 6 feet).
5. Wording changes to Section 4 Development Permits and Section 80 Site Plan Committee.
6. Section 132.060 Access. This section requires that a lot must abut a dedicated public right-of-way but does not require access to be taken from the right-of-way and allows secondary access to be used instead. This leads to situations demonstrated in the Miller Minor partition on Marina Heights Drive where access to one of the lots will undoubtedly be from a 300 foot easement across three other lots. The City Manager and staff have concluded that it may be desirable to change the Code to require that access be taken from the abutting public right-of-way.

At this point the Planning Director informed the Commission that the City Engineer had accepted the driveway access to lot A of the Miller Partition and the road access to the nine acre parcel adjacent to the north. Staff had therefore dropped all opposition to the appeal and the City Council approved the Partition.

Commissioner Krebs asked if we requiring that any driveway onto a city street have a facilities permit or at least approved by the City Engineer. The Planning director replied "yes".

7. Section 12 Establishment of Zoning Districts and Zoning Map. Section 172 (Should have said Section 20) has lot width and area requirements for R-1-6, R-1-8, R-1-10, and R-1-12, but Section 12 does not address these designations nor does it describe how they are established. There are two areas in the R-1 zone designated R-1-10 and R-1-8. The Planning Director asked how these designations were established? Did that developer ask for the designation? Or did the staff apply the designation because of the lot size? Did this require a change of zone application with the required public hearing? The Planning Director suggested that we consider the zoning map and determine if certain areas should be designated for certain sizes for future development and place those designations on the map now.

Subsection 12.040 of Section 12 describes how to determine where the zoning line actually falls. The last two sentences state "If a district boundary divides a lot into two (2) or more districts, the entire lot shall be placed in the district that accounts for the greater area of the lot by the adjustment of the district boundary, provided that the boundary adjustment is for a distance of less than 20 feet. If an adjustment of more that 20 feet is required, the change in the district boundary shall be treated as an amendment." The last part of this section appears to penalize the property owner by requiring a zone change to move a zone line that is arbitrarily drawn 21 or more feet from a property line.

8. There are at least seven definitions that should be added to the Code as follows:

1. Building Permit - The definitions section does not make a distinction between "development permit" and "building permit"
2. Development - What constitutes development? Is it the division of land or is it the actual construction of a building or road. Both can have impacts and therefore should be defined.
3. Development Permit - See no. 1 Building Permit, above.
4. Expansion of use - Relates to changes made to Section 4.070 in January or February of this year. The Codes needs to define Expansion of use to interpret Section 4.070.

5. Alteration - Code should define.
6. Addition - Code should define.
7. Bed and Breakfast - The Code should define what a bed and breakfast facility is, the maximum number of rooms allowed, etc.

The Planning Director said that the Commission needs to establish a Citizens Advisory Committee to review the Periodic Review materials.

Commissioner Holmes suggested that the Land Development Code be searched on the word processor to insure that the terms are used as defined and are consistent throughout.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 8:08 p.m.

Respectfully submitted,

BROOKINGS PLANNING COMMISSION


Earl Breuer, Chairman