

MINUTES
BROOKINGS PLANNING COMMISSION
REGULAR MEETING
JANUARY 2, 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.

Mary Jane Brim
Judi Krebs
Jeff Holmes
Ted Freeman Jr.
John Herzog

Richard Kahanek, City Manager
John Bischoff, Planning Director
Nancy Corrigan, Secretary

Planning Commissioners Earl Breuer and David Soiseth were absent.

MINUTES FOR APPROVAL

By a vote of 4 - 0 (motion: Commissioner Krebs, second: Commissioner Brimm, and John Herzog abstaining) the Planning Commission approved the minutes of the Commission regular meeting of November 5, 1989 with the correction of adding Ted Freeman Jr.'s name to the Commission members in attendance.

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 re-introduced item M3-14-89, a request for a minor partition of a 19.34 acre parcel into two 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, Don Jaklewicz, applicants representative.

Mr. Kahanek explained that the case had been tabled at the last meeting to gain more information on four issues - to determine the intent of the land use code; to learn more about the 50 foot right of way and the possibility of moving an easement; to answer the question of the water main extension, its availability to the remaining parcel and at whose cost; and the requirement for a geological study. Mr. Kahanek cited section 100.010 of the Land Development Code as the justification for geological study. The geologists report has been submitted and does meet the intent of the request. Mr. Kahanek then reiterated the improvement requirements for Marina Heights Road and for the 50 foot easement.

Don Jaklewicz, the applicants representative, explained the existing 50 foot and 40 foot easement, indicating that they added 10 feet to the 40 foot section to create a 50 foot width over the entire length in the event that a road was need to provide access for the larger parcel. Mr Jaklewicz then discussed the position of the existing water lines. In response a question from the Commission as to who would pay for future extensions, Mr. Jaklewicz explained that they had an agreement with the potential buyer with the understanding that he would be responsible for his share of the costs if a water line was ever required in the 50 foot easement. Mr. Jaklewicz then explained that there were four one inch water lines in the easement at this time providing service to the houses to the north of the subject lot.

Mr. Kahanek stated that the new Planning Director, John Bischoff has expressed concern that the slopes required for construction of the road along the northerly boundary would potentially interfere with the drainage fields for the septic system designated by the County Sanitarian.

Mr. Jaklewicz stated that they did not want to put in a road and that a road would not interfere with the drainage field.

Mr. Kahanek stated that since there were no Metes and Bounds on the sanitarians map and if the easement was not to become a road, then the drain field would not be affected and the question was mute. Access to the larger parcel could be taken from Marina Heights Road and a house could be placed on the smaller parcel.

Commissioner Krebs asked why there was not an exhibit showing potential streets and lot lines as required by the ordinance when lots of greater than twice the required minimum allowed by the zoning were created. Mr. Jaklewicz responded that, at the request of the previous planner, he placed the dotted line on the exhibit as what he thought to be the best location of a future road through the larger parcel and it was only a suggestion. Mr. Kahanek called attention to item 2E of the petition submitted by the adjacent property owners asking if the long standing policy of developers paying for the cost of street improvements is now changing?

Mr. Kahanek said that the Commission must decide in their minds whether or not this partition is tantamount to the beginning of a subdivision. If the easements is to remain as only an easement to remain as only an easement to serve the four houses that is fine. Once you have drawn in a dotted line showing how the easement can be connected to Old County Road, then there is a question which give some validity to the questions raised by the adjacent property owners.

Mrs. Nancy Brendlinger stated that there are several areas where the information provided is incorrect. The first being that the application asks if there is an address use on the property and is answered no but Mrs. Brimm does live on the property. Mrs. Brendlinger displayed an overhead exhibit showing the water mains in Marina Heights Road and showing the entire property. The area on the application is 2.46 acres where the application should have indicated the entire 19.24 acres and that the property is adjacent to both Marina Heights Road and Old County Road, not just Marina Heights. The application indicates that the property is zoned R-1 which is not correct because part of the larger parcel is zoned for mobil home park. None of the one inch water lines serving the homes are located in the 50 foot easement. The packet should show metes and bounds for both parcels since they are creating two lots. The geologist report covers only the 2 acre parcel and it was her understanding that the report was to include the entire 19 acre parcel. Mrs. Brendlinger also stated that the packet did not contain information indicating potential future improvements such as drainage water mains power poles etc. as required by the Land Development Code. If we drop roads at this time, in the future, if the two parcels are in different ownership, if someone wants to subdivide the larger parcel, they would have to buy the easement from the owner of the 2 acre parcel to provide access from that point. If the City wants to create a 50 foot road the application is no longer a minor partition it is a major partition.

Mrs. Brendlinger went on to say that if the City creates the road along the easement, the 2 acre parcel then will not front on an existing water main and thus would not be eligible for city water, by ordinance, unless the owner extends an 8 inch water line into the new road at a cost of over \$20,000. If the easement was left as an easement then the property would front on the 8 inch line and a future house would be eligible for water.

The Commission asked whether a water main could be placed through the easement, if it was left as an easement? Mrs. Brendlinger stated that she thought the city would have to stipulate at this time that we wanted that ability and it would be best to check with the city Engineering Technician on that. Sewer also for that matter.

Mrs. Brendlinger said that if a road was created it would require the easement to be lowered 8 to 12 feet and with slope easements there is no way of telling where the road would actually be located without some engineering and that she was puzzled that staff would require a road with slope easements, not knowing where it would actually be located. If an LID were formed the price would be compared to the Ransom Road LID which is \$89 per running foot. Mrs. Brendlinger then discussed the conflicting alignment of the easement at its junction with Marina Heights Road as shown on the different maps in the December and January Commission Packets. These are issues that must be straightened out even if the case is tabled again.

At the request of Chairman Freeman, Mr. Kahanek read the staff recommendation as stated on the written staff report. He then explained that the ORS allows the City to ask for a road in a minor partition and that the Commission must decide how much concern it (the Commission) will have for a future buyer of the 2.46 acre parcel. Mr. Kahanek then reiterated the Commissions options.

Chairman Freeman then asked what the Commission needed to do to resolve the situation. Mr. Bischoff responded that if the Commission did want a road, then they should ask for center line profile and cross sections of the road and associated slopes and table the case until next month. Mr. Kahanek suggested that the drainage field be located more precisely.

Commissioner Krebs asked Mr. Jaklewicz if they were aware of the cost involved in placing an 8 inch water main in the 50 foot easement? Mr. Jaklewicz replied that it would not pertain to this because they are not planning to dedicate the easement to the city. Mr. Freeman asked if they (the applicant) were aware of the recommendations of staff - 25 foot dedication along Marina Heights Road and 50 feet along the easement? Mr. Jaklewicz replied that yes they were aware and had no problem with the requirement for 25 feet on Marina Heights Road but had never intended to dedicate the 50 foot easement - that was staffs idea and that he (staff) was probably not aware of the problems involved.

Dick Wilson spoke stating that he owned the garage that was in the easement and that it would be removed. he then asked if the applicant would be required to sign a Deferred Improvement Agreement to improve Marina Heights Road all the way to Old County Road. Mr. Kahanek stated that that was the intent. Mr. Wilson said that his only other concern was that if the 50 foot easement became a road and was lowered.

Dudley Munz stated that he owned Parcel 304. The water lines are not in the easement and that if the road was put in and thus cut down he would not be able to get up his driveway.

There being no more comments, Commissioner Krebs moved that the case be tabled until the Planning Director, the applicant and the City Engineer understand the ordinance as to whether it is a major or a minor (partition) and that there are no surprises to the applicant. By unanimous vote the item was continued to the next meeting.

2. By an unanimous vote (motion: Commissioner Krebs, second: Commissioner Herzog), the Commission removed from the agenda until a possible later date 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.

3. By a unanimous vote (motion: Commissioner Krebs, second: Commissioner Herzog) the Commission gave no recommendation due to lack of information and participation of the applicant for a request for a Comprehensive plan change from residential to commercial and a zone change from R-2 to Light Commercial (C-1) for property generally located .04 miles from intersection with US 101 and North Bank Chetco River Road (identified as Map No. 41-13-5A; Tax Lot 1700) within the UGB of the city of Brookings submitted by John and Janet Crawford.

Commissioner Krebs was appointed to work with city and county planners on future county referral items for criteria that is needed by the city Planning Commission.

4. By a unanimous vote (motion: Commissioner Herzog, second: Commissioner Brimm) the Commission granted a request for a change of condition #3 in Final ORDER and Finding of Fact Document for a minor partition submitted by Russ Miller, applicant, Charles Simpson, applicant's representative (File No. M3-8-89). Staff recommendation is to change from the following: ...the existing 65 foot wide, north-south easement commonly referred to as Marine Drive,... to the following: ...the existing 50 foot wide, north-south easement commonly referred to Marine Drive ...

At the request of Mr. Larry Anderson and approval of the Commission, Agenda Item No. 7.6 was heard before Agenda Item No. 7.5.

5. By a unanimous vote (motion: Commissioner Krebs, second: Commissioner Holmes) the Commission denied a request for a minor partition of a parcel of land to be divide into 2 lots located on west side of 3rd Street approximately halfway between Ransom & Easy Streets submitted by C.P. Bennett due to the lot not meeting requirements for minimum lot depth according to the Land Development Code.

Mr. Kahanek pointed out that the ordinance would not allow the requested partition. Based on the information Commissioner Krebs motioned that the application be denied (amended by John Herzog to refund \$50.00 to the applicant) seconded by Commissioner Holms.


6. By a unanimous vote (motion: Commissioner Brimm, second Commissioner Herzog) the Commission granted approval to Harris Beach PUD, Larry Anderson, applicant to proceed with construction drawings subject to staff approval.

7. By a unanimous vote (motion: Commissioner Herzog, second: Commissioner Brimm) the Commission decided to table until the next meeting the election of officers due to the absence of Commissioners Breuer and Soiseth.

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

Respectfully submitted,

BROOKINGS PLANNING COMMISSION



Ted Freeman Jr., Chairman