

MINUTES
BROOKINGS PLANNING COMMISSION
REGULAR MEETING
March 5, 1991

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.

Ted Freeman, Jr.	John Bischoff, Planning Director
Judi Krebs	Holly Perin, Secretary
Jeff Holmes	
John Herzog	
Clarence Branscomb	
Earl Breuer	
Dave Soiseth	

MINUTES FOR APPROVAL

1. By a unanimous vote (motion: Commissioner Breuer, second: Commissioner Holmes) the Planning Commission approved the minutes of the Commission regular meeting of February 5, 1991 with the addition of Dave Soiseth's name to Commission members in attendance. Also, the paragraph "Further, the Commission directed staff to prepare the Final ORDER and Findings of Fact document containing conditions of approval to be presented to the Commission at the next regularly scheduled meeting" was struck from the minutes under the final plat approvals as it was inserted unnecessarily.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a unanimous vote (motion: Commissioner Krebs, second: Commissioner Breuer) the Planning Commission approved for recommendation to the City Council the Alternative B as proposed revised wording to Section 108 of the Land Development Code with the condition that both R-1 and R-2 zones require conditional use permits and Planning Commission approval.

This action was taken following comments in favor by the following person:

(a) John Bischoff, Planning Director, City of Brookings.

The following person spoke with questions or comments regarding the request:

(a) Christine Bozzone, PO Box 6604, Brookings, Oregon.

2. By a unanimous vote (motion: Commissioner Soiseth, second: Commissioner Breuer) the Planning Commission tabled a request for revised wording to Section 24 of the Land Development Code until the next regular meeting due to questions regarding this matter:

Can C, C & Rs of a newly created Subdivision restricted manufactured housing? Could existing C, C & Rs continue to restrict manufactured housing once the city passed an ordinance allowing such in given zones?

Can the city restrict manufactured housing on grounds of age?

Why was the R-2 Zone chosen to allow manufactured housing over other residential zones?

Is there sufficient land available in the R-2 Zone to accommodate manufactured housing?

Do the new requirements include overhang of the roof on manufactured housing?

This action was taken following comments in favor by the following persons:

- (a) Martin Kelly, KCRE radio, Crescent City, California.
- (b) Betty Bishop, Harbor, Oregon.

The following person spoke with questions or comments regarding the request:

- (a) David Scott, Brookings, Oregon; presented LCDC bulletin as an exhibit.
- (b) Christine Bozzone, PO Box 6604, Brookings, Oregon.

3. The application for a conditional use permit (CUP-1-91) for an auto wrecking yard on a 1.99± acre parcel located on the east side of Wharf Street approximately 280 feet south of Railroad Street in a C-5 zone, submitted by Phil and Olivia Abbott, was withdrawn by the applicants. The withdrawal was verified by Mr. Abbott who was present.

UNSCHEDULED PUBLIC APPEARANCES

REPORT OF CITIZENS ADVISORY COMMITTEE

The Planning Director reported that the CAC has not had a meeting recently and that an effort was needed to get more meetings and to increase attendance.

The Planning Director also reported that the Hillside Development Standards Committee has not met in some time, mainly due to the staff time involved in the recent sewer problems.

MESSAGES AND PAPERS FROM THE CITY MANAGER

MESSAGES AND PAPERS FROM THE MAYOR

Chairman Freeman introduced Resolution 501, a copy of which was handed to each Commissioner at the beginning of the meeting.

Commissioner Krebs said that this was a result of events which occurred in a different branch of government and that she felt that the Commission was not aware that the City Council had taken the action of adopting the Resolution. She also felt that there were certain actions which were acceptable and proper but the Resolution prevented Commissioners from representing those actions. She said that the Mayor indicated that he did not know that the Commission was not aware that the action was taken by the City Council and that was why it is in the form of a memorandum to the Commission.

Commissioner Holmes (?) asked if the City Attorney was asked about the constitutionality of the action? The Planning Director said that he was not aware of the action and did not know if the Attorney had been consulted.

A comment was made from the audience which was unintelligible on the tape.

Commissioner Soiseth said that he, as a realtor, had to fill out a financial statement each year while on the Commission. The other Commissioners said that they all had to fill out the form.

Commissioner Krebs said that she thinks that the Resolution was a result of actions of the County Planning Commission Chairman who, on certain cases, would excuse himself as a conflict of interest, step down and represent some other person or himself to the Commission.

The Commissioners discussed ethics and what did or did not constitute a violation of ethics and various situations where in their opinion they should be allowed to represent some other entity.

PROPOSITIONS AND REMARKS FROM COMMISSION MEMBERS

Commissioner Holmes asked if the Planning Director could fill them in on the latest information on the sewer problems. The Planning Director stated that there was nothing new at this point and that he thought that the City Council was going to have a special meeting to resolve the issue prior to March 11th.

Commissioner Krebs stated that in regard to the Wrecking Yard application, she was glad that it was withdrawn after the opponents packet was submitted and that the packet had more information in it on what was going on in our town and that when we do rezones we do not look at what the applicant has in mind for the property and now we can look at the packet to see what is going on in that part of town. She asked if the city could follow up on the idea of imposing conditions on rezones. She commented on the fact that it was pointed out that the property owner did not sign the application for the wrecking yard and that she understood that staff was working on a revised application form and that it would be helpful for the Commission to see the form so they would know what was required of the applicant and/or owner. She also asked if the city could do anything about the conditions on King St. The Planning Director said that the uses there were grandfathered in and was not sure what could be done to correct the situation. He discussed the proposed wrecking yard in relation to what was in the area and the fact that because it was a CUP, the Commission could effect a large amount of control on how the yard was maintained and operated.

Commissioner Krebs commented that she was concerned that in January the Commission could approve a 95 unit PUD and in February be told that there was a sewer capacity problem. She said that she realized that they (the Commission) could only act on the information given to them and that she was concerned about the state of communications between the City Council and Commission. The Planning Director said that he would discuss the issue with the City Manager.

Commissioner Herzog that, for instants, when we approved the South Coast Lumber Co. subdivision the question was asked of staff about the availability of water and sewer service and staff indicated that the service was available. The Planning Director stated that at that time it was staffs opinion that the capacity was there and in his opinion if the city had said a year ago that because of sewer service problems no new development could occur, the reaction of the development community would have been exactly the same. He went on to say that when the issue of sewer capacity and upgrade was initiated in 1986, based on the projected growth rate in the Comprehensive Plan, the city would need to expand the facility in 1993. Since then the rate of growth has increased considerably and it caught up with us sooner.

Commissioner Soiseth asked if the city was liable for the act of approving a project when the sewer capacity was not available. The Planning Director said he did not know. A brief discussions of moratoriums followed.

Commissioner Breuer stated that the county owned a piece of land on King Street and if they would take the initiative to clean their property up, maybe the other owners would follow.

Commissioner Krebs said that she was pleased with the comments and discussion taking place in the Commission and that this part of the meeting should be in the beginning so that the community could see and hear the interaction between the Commission members.

Commissioner Breuer stated that when the Cove project was approved he had said that the applicants presentation was one of the best ever presented to the Commission and if more of the applicants would hire a consultant to prepare their application the commission would have much more information to work with.

Commissioner Soiseth said that he had complaints about the arrows painted on Highway 101 at the Fifth Street intersection being misleading and confusing to motorists. The Planning Director said that staff was aware of the problem and although the city did not have jurisdiction on the highway, it was considering painting a third arrow turn lines on the road to direct traffic to the correct side of Fifth St.

Commissioner Holmes asked that, in regard to comments made earlier, if an person could file an application on another persons property. The Planning Director said that the owner must also sign the application if he is not the applicant. More discussion of wrecking yards followed.

Chairman Freeman reminded the Commission not to forget the training session for commissioners in Seaside and to let the Planning Director know if they wanted to attend.

Chairman Freeman announced that the Home Builders Association would have Hal Wilson, the County Sanitarian, as a speaker at their next meeting to discuss septic tanks use within the city. (The Planning Director's comments on this issue were not legible on the tape.) Discussion of the lot size for septic systems and various alternatives was discussed briefly.

REPORT OF THE PLANNING DIRECTOR

The Planning Director reported on questions asked by the Commission at a previous meeting:

Could two commissioners travel together to view a site for a project before the commission? The answer from the City Attorney was no, this was not appropriate.

The second question was whether the hearing procedure could be amended to allow for rebuttal by the opponents. The answer to this was yes it could be amended in that manner.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 9:13 p.m.

Respectfully submitted,

BROOKINGS PLANNING COMMISSION


Ted Freeman, Jr., Chairman