

**MINUTES  
BROOKINGS PLANNING COMMISSION  
REGULAR MEETING  
APRIL 7, 1992**

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.

Judi Krebs  
Jeff Holmes  
Ted Freeman, Jr.  
Clarence Branscomb  
John Herzog  
Dave Soiseth  
Earl Breuer

John Bischoff, Planning Director  
Holly Perin, Secretary

**MINUTES**

By a 6-0 vote, (Commissioner Breuer absent) (motion: Commissioner Herzog, second: Commissioner Soiseth), the Planning Commission approved the minutes of the March 3, 1992 Planning Commission regular meeting with the following correction on page 2 regarding the public hearing for file no. M3-3-92: "This action was taken following comments presented in favor of the request by the following person:

(a) Don Jaklewicz, South Bank Chetco, Brookings, OR  
The following persons spoke with questions or comments regarding the request:

- (a) Mr. Newman, 945 Marina Hts, Brookings, OR
- (b) Nancy Brendlinger, 925 Marina Hts, Brookings, OR

**THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS**

By a 6-0 vote, (Commissioner Breuer absent) (motion: Commissioner Branscomb, second: Commissioner Freeman) the Planning Commission approved a request for a minor partition on a 2.04+ acre parcel to create 2 lots of 1.01+ and 1.03+ acres, located on the west side of Dawson Road north of the intersection with Skyline Dr.; R-1-6 zone; submitted by Vito E. Antifora; represented by Shirley Beaman.

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

- (a) Shirley Beaman, 908 Easy St., Brookings, OR
- (b) Darrell Niemi, B&D Surveys, Harbor, OR

No one spoke in opposition of the request.

By a 6-0 vote, (Commissioner Breuer absent) (motion: Commissioner Soiseth, second: Commissioner Branscomb) the Planning Commission approved the Final ORDER and Findings of Fact Document for File No. M3-6-92.

By a unanimous vote, (motion: Commissioner Breuer, second: Commissioner Soiseth) the Planning Commission denied a request for a variance in the setback and building separation requirements of Section 28 Multifamily Residential (R-3) District, of the Land Development Code; 2.83 acre parcel located at the westerly end of Moore Street adjacent to the north side of the cul-de-sac; R-3 zone; submitted by Eddie L. Wilcher; represented by Del G. Storer.

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

- (a) Del Storer, 1303 Moore St., Brookings, OR
- (b) Eddie Wilcher
- (c) Dave White, 1303 Moore St., Brookings, OR
- (d) June Gustafson, 1303 Moore St., Brookings, OR

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

- (a) Manuel Cunha

The following persons spoke with comments against the request:

- (a) Frank Johnstone, 1236 Moore St., Brookings, OR
- (b) Cliff Ross, 1250 Moore St., Brookings, OR

Rebuttal was given by the following proponent:

- (a) Eddie Wilcher

Rebuttal was given by the following opponent:

- (a) Frank Johnstone, 1236 Moore St., Brookings, OR

By a unanimous vote, (motion: Commissioner Branscomb, second: Commissioner Breuer) the Planning Commission approved the denied Final ORDER and Findings of Fact Document for File No. VAR-1-92.

By a 6-1 vote: ayes: Commissioners Soiseth, Breuer, Krebs, Freeman, Branscomb, Herzog; nays: Commissioner Holmes (motion: Commissioner Freeman, second: Commissioner Breuer) the Planning Commission approved for recommendation to the City Council a request to annex a 10.81± acre parcel of land into the city limits,

located adjacent to the northerly city boundary at the end of Third Street; County R-2 zone; submitted by South Coast Lumber; represented by Woodi Davis.

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

(a) Woodi Davis, David Evans & Assoc., Portland, OR

(b) Peter Patten, David Evans & Assoc., Portland, OR

No one spoke in opposition of the request.

#### **UNSCHEDULED PUBLIC APPEARANCES**

None

#### **REPORT OF CITIZENS ADVISORY COMMITTEE**

None

#### **MESSAGES FROM THE CITY MANAGER**

None

**REPORT OF PLANNING DIRECTOR** (This item was taken out of the order)  
The Planning Director reported that the EDU count had not changed since the last meeting.

The Planning Director reported on the status of the UGB expansion. The basis of the report was that work on the expansion has essentially stopped because it became very clear that without additional wastewater treatment capacity it made very little sense to expand the UGB. The project had progressed to the point that the city and county staff was prepared to establish a suggested boundary for the new UGB. The two major landholders who were interested in developing property as soon as they were in the UGB had been contacted and asked if they wanted to help in the sewage treatment problem. Chairperson Krebs stated that she had asked the Planning Director to give a report on the expansion and if the letter sent to the two major land owners could be available to the Commission members and that the City Manager had indicated that he did not think it was appropriate at this time sense the city had not received an answer from either party as of yet. She said her concern was that the Commission should not get their information from the newspaper and that the letters did not represent a case where the highest bidder will determine where the UGB will go. Commissioner Breuer asked if the rest of the periodic review process is completed. The Planning Director said that staff was waiting for DLCD to let us know what the next step was and what is required by the new review system.

The Planning Director reported on the proposed Urban Reserve Rule and what staff perceived as what the impact on the city would be. He gave a brief back ground as to where the concept for the Urban Reserve had originated which was from the report completed for the UGB boundary study which was done for DLCD in 1990 and 1991. The

Planning Director explained the hierarchy of priorities for land suitable to be placed in the Urban Reserve Area and that Brookings was one of seven cities mandated to create such a boundary. He then went on to explain how the rule would impact the city based on the city and county staff's interpretation of this rule. The rule would essentially prevent the city from having the ability to expand the city limits in a manner that would provide vacant land for growth and would threaten the lily fields. He then explained what steps the city was taking to get the city dropped as one of the mandatory cities and what approach to be taken at the LCDC meeting on the 17th of April. Discussion and questions followed this report.

Chairperson Krebs asked the Planning Director in regard to a statement made earlier, if he has been getting notice of Minor partition with in the UGB; she said that the County Planning Director grants Minor Partitions and Variances administratively while the city holds a public hearing on these matters. The Planning Director responded that he generally does not get notice but the notice he mentioned was of a minor partition just outside of the boundary and that was because the county staff was aware that the city was interested in a road from Old County Rd. to the airport. Chairperson Krebs indicated that the Commission should have the opportunity to comment on minor partitions within the UGB.

Chairperson Krebs stated that she had talked earlier with the Planning Director about the information the Commission had received about the Railroad and Oak St. and Wharf St. area study and since it was not on the agenda the Commission could not take action to make a recommendation to the City Council and it would be slipped to may.

Chairperson Krebs introduced the City Council response to the Commission's annual report. The Planning Director stated that he had been asked to prepare the response and that what they saw was his response which the Council had adopted with some minor changes. Chairperson Krebs stated that she though that former chairman Freeman had done an excellent job of pulling the thoughts of all the commissioners together and presenting them to the Council. Chairperson Krebs asked if the Commissioners had any comments on the response, hearing none she stated that the EDU count did no good if it did not include Harbors connections. Her second comment was on the Hillside Development Standards Committee but since Commissioner Breuer had left this could wait until another meeting. She commented on follow up for conditions of approval of conditional use permits and subdivision and that it was not clear who would do the actually follow up. It was agreed that it was a staff function. On the issue of Commission Review of the proposed CC&Rs for subdivisions, she stated that she felt it was necessary for the Commission to review such items so that the neighboring property owners would be aware of what conditions were being placed on the project but the City Attorney had stated that this was not something the city wanted to do unless it had specifically asked for certain CC&Rs. The Planning Director explained what he saw as

a discrepancy as to how the Commission was viewing CC&Rs and Conditions of Approval and that the issues that were of concern by the Commission were actually conditions of approval and that these were applied by and monitored by the city.

Commissioner Holmes stated that there should be a list of potential development and that a new developer comes to town would should have something to indicate what is coming in the future. The Planning Director said that most developers would come to staff for this type of information and what future capacities were available. The discussion turned to EDUs and how they were counted .

#### **MESSAGES FROM THE MAYOR**

Chairperson Krebs stated that the Mayor wanted to know what the Commissions's opinion of the Hearing Procedures given to them for comment back in November. Discussion of the procedures and how they were implemented by different jurisdictions followed and included comments on the ambiguity of some of items. Major discussion items were:

1. Concern that anyone in the audience could ask that the record be held open until another meeting.
2. Whether the criteria to decide a case must be read in full during each public hearing or just reference to where they could be found.
3. Concern for the wording that said that no person could give repetitious testimony and how that may effect a hearing where several people have the same concern.
4. The statement that testimony had to speak to the criteria and that a person may very well bring up valid issues outside of the criteria which are applicable to a specific case.
5. Concern for the wording speaking to the order of the presentation since appeals are presented in a different order.

It was decided that the Commission would return to this item at the second May meeting (May 20th) and that the Planning Director would verbally present these concerns in hopes that the City Council would delay action on the resolution until the Commission responded formally.

#### **PROPOSITIONS AND REMARKS FROM COMMISSION MEMBERS**

Commissioner Freeman asked how the second building of the condominium project heard tonight got built without meeting the code setback requirements. The Planning Director said that the first two building were approved under the old ordinances and the building permit for the first building was issued at that time. The permit for the second building was issued after the new codes were adopted and the city had made a mistake when it issued this permit but that did not mean that we should do it twice.

Commissioner Holmes asked if the Planning Director had any information on what was happening on Stage 2A of the waste water treatment plant. Discussion followed.

Chairperson Krebs stated that on the kennel issue, the county was cutting funds for animal control and even if the city had a kennel ordinance the county could not help enforce it.

Chairperson Krebs asked what street improvements on Moore St. did the condominium project have to make? The Planning Director said that he did not know. Commissioner Freeman said that the put the cul-de-sac and part of the sidewalk. Discussion followed.

**ADJOURNMENT**

There being no further business before the Planning Commission, the meeting was adjourned at 10:20 p.m.

Respectfully submitted,

**BROOKINGS PLANNING COMMISSION**

  
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**Judi Krebs, Chairperson**