

**MINUTES
BROOKINGS PLANNING COMMISSION
March 22, 2006**

The regular meeting of the Brookings Planning Commission was called to order by Chair Nishioka at 7:29 but due to technical difficulties began at 7:39 p.m. in the Council Chambers at the Brookings City Hall on the above date with the following Commission members and staff in attendance.

Commissioners Present:

Jim Collis	Randy Gorman
Rick Dentino	Ron Hedenskog
Bill Dundom	Bruce Nishioka
	Richard Yock

Staff Present:

Planning Director Bischoff, Deputy City Planner Snow, Don Wilcox, Director of Public Works, and Cathie Mahon, Secretary.

Other:

Approximately 8 participants in the audience

CHAIR ANNOUNCEMENTS

Chair opened the public hearing, stating File No. **ANX-1-06** was still open for testimony and continued from the previous night meeting.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 5-1 vote (Motion: Commissioner Dundom; Commissioners Collis, Dentino, Dundom, Gorman, and Nishioka voted in the affirmative; Commissioner Yock voted against the motion), the Planning will send a favorable recommendation to City Council, for File No. **ANX-1-06**, a request to annex 31.94 acres of land consisting of 7 tax lots; Assessor's Map 40-13-32B, Tax lots 1001, 1201, 1202, and 1300 and 40-13-32C, Tax Lots 211, 213, and 216; located on Old County Road; currently zoned County R-2 (Residential two); Gary Cooper for K&D Properties and Ron Hedenskog, applicants.

Attached to the recommendation for approval will be a suggestion from the Planning Commission that a condition of approval be:

- At the time of development that Old County Road will be brought to City and County Road Standards.

Before testimony for the public hearing began, Commissioner Hedenskog declared bias, due to being one of the applicants for the request, and left the bench.

The action was taken following questions and comments regarding the request from the following:

Jim Capp, Western Land Use Services, P. O. Box 2937 Harbor, OR 97415
Gary Cooper, representative for KD Properties, Inc. P. O. Box 5029 Brookings, OR 97415

The Chair read into the record:

- A letter from William & Martha Turner P. O. Box 7705 Brookings, OR 97415
- A memo from Lt. Bishop, City of Brookings Police Department

The applicants represented by Jim Capp, waived their right to seven (7) additional days in which to submit written testimony.

After the vote was taken, Commissioner Hedenskog re-entered the meeting at 8:31 p.m.

2. By a 7-0 vote (motion: Commissioner Hedenskog) the Planning Commission approved File No. **M3-4-06**, an application for a minor partition to divide a .43 acre parcel into two parcels; located at 735 Pioneer Rd; Assessor's Map 41-13-05BB, Tax Lot 1802; R-2 (Two-Family Residential) zone; Bart Kast, applicant and representative for Shelton Properties.

All seven commissioners declared ex parte due to a site visit. There was no challenge from the audience as to the jurisdiction of the Commission to hear the request.

The action was taken following questions and comments regarding the request from the following:

Bart Kast, applicant P. O. Box 6639 Brookings, OR 97415

The applicant waived their right to seven (7) additional days in which to submit written testimony.

3. By a 7-0 vote (Motion: Commissioner Gorman) the Planning Commission approved the Final ORDER and Findings of Fact for File No. **M3-4-06**.
4. By a 7-0 vote (Motion: Commissioner Collis) the Planning commission approved File No. **CUP-5-06**, a request for a conditional use permit to construct two triplexes on a .43 acre parcel; located at 735 Pioneer Street; Assessor's Map 41-13-05BB, Tax 1802; R-2 (Two-Family Residential) zone; Bart Kast, representative for the Shelton Street Properties LLC

All seven commissioners declared ex parte due to a site visit. There was no challenge from the audience as to the jurisdiction of the Commission to hear the request.

The action was taken following questions and comments regarding the request from the following:

Bart Kast, applicant P. O. Box 6639 Brookings, OR 97415

The applicant waived their right to seven (7) additional days in which to submit written testimony.

5. By a 7-0 vote (Motion: Commissioner Henskog) the Planning Commission approved the Final ORDER and Findings of Fact for File No. **CUP-5-06**.
6. By a 7-0 vote (motion: Commissioner Henskog) the Planning Commission will send to City Council a recommendation of approval for File No. **LDC-1-06**, an amendment to Section 80-Site Plan Approval, of the Land Development Code, City initiated.

Discussion ensued; each page was reviewed and commented on by the commissioners. Planner Snow took notes on the recommended changes which will be noted when the document is reviewed to the Land Development Code Committee before being sent to City Council. Changes recommended from the Planning Commission are in italics.

Section 80.060-Appeals

The applicant may appeal a decision of the site plan committee to the Planning Commission in the form prescribed by the City. Such appeals shall be filed with the City Manager or his designee within ~~five (5)~~ *fifteen (15)* days of the decision of the site plan committee.

Security and Secured Improvement Agreement Process

B. General Provisions

1. Security is accepted for the following public improvements: final paving, street lights, street signs, and miscellaneous above ground elements that do not impact the overall integrity of the project ~~and are less than 10% of the public improvement costs.~~ Public improvement costs are defined as the total value of all required improvements for a project. The applicant's engineer determines the cost of the required improvements. The City will review the applicant's engineer's estimate of the cost of the improvements and has the right to determine the true value.

2. The applicant must pay the City's actual processing costs. Actual costs will reflect and include all types of staff time and any consultant fees, including planning, engineering, public works, City administration and legal services, in accordance with the City's adopted fee schedule.

The Planning Commission suggests a legal opinion is needed to determine when the City can require peer review of materials submitted by the applicant.

D. Criteria for Security. Security may be deposited in lieu of the final installation and final acceptance of public improvements identified in Section 80.080 (B), General Provisions. The applicant shall meet all of the following criteria:

1. Has not forfeited a form of security requiring the City to complete a project within the last ~~five (5)~~ seven (7) years.

Section 80.090 Warranty of Public Improvements

A. When all public improvements have been inspected and accepted by the City, the applicant shall provide a one-year warranty bond in the amount equal to 10% of the value for the total public improvements for a period of one year. On hillside developments, with slopes greater than 15% or other hazards as identified in Section 100, the warranty bond shall be extended to 5 years, and the bond shall be for ~~a minimum of~~ 10% of the value of all public improvements. The warranty shall be in a form acceptable to the City.

COMMENTS by the PLANNING STAFF

- Planning Director Bischoff informed the Commission numerous sections of the Land Development Code are being reviewed by the Land Development Review Committee. Revised sections will be brought before the Commission throughout the year for their comments, followed by recommendations to City Council for final approval.
- A revised section of the Comprehensive Plan has been schedule for the May 16th Public Hearing.
- He also informed the Commission that HW3 withdrew their request for annexation-File No. **ANX-3-05**
- Planner Snow reminded the Commission about working on the survey to comply with Resolution No. 399 establishing the CCI (Committee for Citizens Involvement) and the requirement that the Commission create a survey for a periodic review of the planning process.

Resolution No. 399

Purpose.

The purpose of the Brookings' Citizens involvement program is to assure that citizens of the community have an opportunity to be meaningfully involved in all phases of the land use planning process, and to provide an open forum for the presentation and discussion of differing opinions and points of view.

COMMISSIONERS COMMENTS

None.

ADJOURNMENT:

With no further business before the Planning Commission, the meeting closed 10:32 p.m.

Respectfully submitted,



Bruce Nishioka, Chair

(approved at 5-2-06 meeting)