

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY OF BROOKINGS
JUNE 27, 1978

CALL TO ORDER:

Meeting called to order at 7:30 p.m. by Chairman Earl Breuer.

INVOCATION:

By Chairman Breuer.

Due to certain circumstances, Building Official Bartholomew asked Chairman if Larry Larson's request for lot split could be the first item on the agenda.

APPROVAL OF MINUTES:

MOTION by Commissioner Brimm, seconded by Commissioner Hagen that minutes of May 23, 1978 meeting be approved as presented. Motion carried unanimously.

WELCOME TO VISITORS:

The audience, which numbered over thirty, was welcomed by the Chairman.

LEGISLATIVE ACTION:

In response to special request, the following item was acted upon first.

4. REQUEST BY LAWRENCE L. LARSEN, TAX LOT 1500, MAP 41-13-5BB, PIONEER ROAD.

A long lot along Pioneer Road, access of 20 feet back to one lot which seems to be ample. It has sufficient acreage in it, according to Building Official Bartholomew. He also brought to the attention of the Commissioners that it is the ongoing proposal for sometime in the future of being able to provide drainage and roadway in the center of the big wide lot. He referred to map on wall showing two proposed roads from Mendy Street to Hassett or to Old County Road. Larsen's lot would be involved in this proposed roadway to the extent of 10 feet on the South and 4 feet on the North, forming a wedge. He recommended the Commissioners consider requesting the possibility of a dedication of an easement for future roadway purposes along Easterly portion of this lot split.

Larsen, in response to query as to giving City an easement for proposed roadway, said he had no objections to Proposal No. 2 (from Mendy Street through to Hassett Street) and was all for giving the City easement required for the proposed 40 foot street.

After discussion, Commissioner McVay MOVED that lot split request by Lawrence Larsen be accepted with stipulation that this easement will be coming henceforth. Seconded

by Commissioner Brimm and carried unanimously.

The Chairman greeted City Attorney John Spicer on his arrival at the meeting, and also representative Fran Grossman of the Brookings-Harbor Pilot.

PUBLIC HEARINGS:

1. STAR OF THE SEA CHURCH APPLICATION FOR CONDITIONAL USE PERMIT TO BUILD CHURCH ON TAX LOT 400, MAP 41-13-5B, OLD COUNTY ROAD NEAR PIPELINE ROAD.

Property zoned Residential High in which a permitted conditional use is a church. No written response for or against this request received by the Building Official.

Emmett Patten presented sketch of property and the location of church which will be fairly close to Pipeline Road on the East and Old County Road on the North. The Church will cost approximately \$300,000.

Commissioner McVay made MOTION that application for conditional use be granted. Seconded by Commissioner Thompson and carried unanimously.

Re-application for conditional use not necessary for a non-profit organization. Renewed automatically if no complaints received.

2. JOHN R. DECK APPLICATION FOR ZONE AND COMPREHENSIVE PLAN CHANGE FROM RM TO CG ON TAX LOT 2000, MAP 41-13-6BD, OFF CHETCO AVENUE ADJOINING BROOKINGS SUPPLY COMPANY.

Mr. Deck stated he wished the zone change for this property adjoining his current business, Brookings Supply Company, so it would all be zoned the same and he could make some long term planning for its use.

Chairman Breuer said the first thing to consider is a hearing for a comprehensive plan change and there are certain things that Mr. Deck will have to set forth, in other words, the burden of proof, in asking for this comprehensive plan change rests upon the applicant.

The applicant was given sheet entitled "Finding of Facts" with pertinent questions thereon which he was asked to apply to his request and furnish answers to the Commission.

A lengthy discussion followed regarding plans Mr. Deck had for the development of property. His plans are in the formation stage right now and the only possibility at the present time was that he would like to store mobile homes at this location on a temporary basis.

One objection to commercial zone adjoining residential zone was heard from Dick Purdue who lives on Easy Manor

Drive.

The possibility of a landscaped buffer zone on Deck's property to protect adjoining residential area was discussed.

Also, 40 foot access to property, possible location. Several possibilities were discussed.

The City Attorney cited certain specific questions that must be answered by an applicant for comprehensive plan change before the Commission can act on request. Mr. Deck was asked to supply answers to these questions at the next Planning Commission meeting.

3. CUSTOM LEASES REQUEST FOR REHEARING ON ZONE CHANGE REQUEST AND HEARING ON COMPREHENSIVE PLAN CHANGE FROM RH TO CG, TAX LOT 500, MAP 41-13-6CA, FIFIELD STREET.

The Building Official stated this is rehearing, this application was heard before the Commissioners at one time. At that time the proposal was to rezone the entire piece of Tax Lot 500. The Commissioners turned that down, it was appealed to the Council, and since that time the Council has sent it back because the proponents changed the amount of area of that particular tax lot that they want rezoned. It was scheduled for hearing at the last meeting and because the proponents were out of town, it was set for this date.

Murray Palmer presented applicant's plans to the Commission stating the amended request covered only the back portion in the zone change; the front portion, fronting on Fifield Street, would be excluded from the zone change and would remain RH.

He indicated on the plans where proposed buildings would be located. Access at this time is from the rear of McKay's Market, which could be closed off in the future, however, the applicants do own 150 foot frontage on Mill Beach Road where there is now a 25 foot entrance. In Response to query by Building Official, Palmer said there was enough land for a 40 foot street off Mill Beach Road.

After lengthy discussion, Chairman announced that Commission was ready to hear from the opponents.

Speaker asked Chairman "Did I understand you to say that you had discussed this with Mr. Murray's partner?"

Chairman responded, "He asked me if I would give it serious consideration."

Speaker, "I hope you realize that this is illegal to do so and I would like this to be recorded."

Building Official, "What is your name, sir?"

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Response, "Charles Rosendale."

Rosendale: "I further want to object,"

Chairman: "I don't think there was anything illegal about his partner asking me to give it serious consideration."

Rosendale: "I won't get into that sir, I'm just saying it's illegal for you to discuss this with the proponent."

Chairman: "It wasn't discussed, he merely asked me and I told him we would consider it, which we are doing."

Rosendale: "Okeh. I'm going to object to this proceeding because the City of Brookings doesn't have a procedure ordinance as required by the Oregon Revised Statutes, Section 227.170, which is the reason I wanted to say this to begin with. And I consider anything - any consideration made after this to be illegal. And, if you want to pursue this further, I have other things to say."

Chairman: "Is there anyone else in the audience that is opposed to this?"

Speaker: "I am."

Chairman: "Would you state your name, please?"

Speaker: "Pauline Kimble. I own the lot right next to it."

Chairman: "Would you still be opposed to it if we asked for a lot split there."

Kimble: "Yes, I think so. If his only idea is putting a road there and taking land off of his lot as access to that back part - I don't know of any other street running through -"

Chairman: "I would object to a road through there. In other words, if we were to grant this I think one of the things we probably are going to request is that they put an easement through from Mill Beach, in other words to serve the whole area in there. Because if they don't they are going to end up with chaos and congestion."

There was further discussion regarding drainage, sewer, and surrounding zoning.

In response to call for motion by Chairman,

Commissioner McVay MOVED that Commission go for the change.

Motion died for lack of a second.

Commissioner Renn then MOVED that we table this until he comes in with confirmation request, one for a zone change for this outlying area, including the reason for it - what are you going to do with it; and a lot split, split off this 118 foot lot, and a easement of at least 25 feet

to this newly zoned property.

There was discussion regarding the 25 foot easement and it was concluded that nothing less than 40 feet should be approved.

Speaker from audience said there is not adequate drainage there and if he builds there, the City will have an awful water problem on these other properties. Already there is a water problem from the Kawasaki Building. It was his opinion that this problem should be looked into and if the comprehensive change is made, it should be necessary to put adequate drainage system in, culverts, or whatever it takes.

A new motion was then made by Commissioner Renn who MOVED that we table this request until such time as the proponent submits a revised plan including an easement for drainage to Fifield Street from this property, and simultaneously a request for a lot split so this smaller lot facing Fifield Street would be separate from the original and provide for a 40 foot easement from Mill Beach Street to this subject property.

The proponent then asked if it was going to be a requirement that he show every piece of business he intends to locate on that property. He has only one firm commitment now to build an office for a logging company. Commissioner McVay didn't think he should be required to show everything that goes on there, that should be a man's choice. He is sure what he is going to do on one part of it.

Charles Rosendale then stated he would like to say one thing against this. "There is a specification they have to show a need, is one of the qualifications for this zone change, and just to buy a piece of residential property and get the Planning Commission to change it to commercial so he can double his money over night is not a legitimate reason. I think everybody on this Planning Commission realizes what he is doing."

The Chairman then asked if there was a second to the motion and it was seconded by Commissioner Thompson.

There was more discussion regarding contents of the motion. Opponents Rosendale and Kimble again reiterated their objection because a need had not been shown, and the noise of present business on property being a nuisance, and commercial zone coming into residential area.

The Chairman called for a roll call vote:

Commissioner McVay	Aye
Commissioner Hagen	Aye
Commissioner Brimm	Aye
Commissioner Renn	Aye
Commissioner Thompson	Aye

Motion carried.

LEGISLATIVE ACTION:

MINOR PARTITION REQUESTS

1. REQUEST BY PEGGY GOULD, TAX LOT 1900, MAP 41-13-8BB, END OF TANBARK ROAD. PRESENTED BY KEN WARTHEN, BROKER.

Building Official described land as being originally, in two lots on the original subdivision; it was then combined into one lot under one ownership. The lot to be split off is equal to the original lot. The present owners dwelling is approximately 65 feet from the proposed lot split; the other parcel has sewer available, the water is questionable. The area is being served by 2" water line and there are a lot of houses on it. A study of water availability would be required. No other objections as far as staff is concerned.

After further discussion, Commissioner McVay MOVED that lot split be granted. Seconded by Commissioner Hagen and carried unanimously.

2. REQUEST BY HENRY KERR, TAX LOT 900, MAP 40-13-31C, JUST BEYOND END OF PARADISE LANE.

Mr. Kerr owns all of Tax Lot 900 and is proposing to split off a piece of property that has adequate acreage for a legal lot that does lie at the end of Paradise cul-de-sac and is served by a 10 foot easement, utility easement only, for water and sewer; it has an access road of 40 feet coming from Ransom Avenue, served by a 20 foot easement to the single parcel of land which he proposes to split off. City has no objections to this particular lot split according to Building Official Bartholomew.

MOVED by Commissioner Renn, seconded by Commissioner Thompson that lot split application be granted. Carried unanimously.

3. REQUEST BY FLETCHER & DEBBIE GARDNER, TAX LOT 4200, MAP 41-13-5BB, PIONEER ROAD.

Large piece of property which is long and narrow and enters into the future road that City hopes sometime to establish. There is adequate property for three lots in this particular piece which is 100 feet wide and 413 feet long with a 25 foot easement.

After discussion it was MOVED by Commissioner Renn that application be accepted provided that 40 foot recorded easement be established at East side of Parcel 3. Seconded by Commissioner Hagen and carried unanimously.

4. SEE FIRST ITEM UNDER LEGISLATIVE ACTION.
5. REQUEST BY C. M. "BUD" CROSS, TAX LOT 1600, MAP 41-13-6AD, FERN AVENUE BETWEEN PACIFIC AVENUE AND EASY STREET.

Building Official explained this is a split of a parcel originally split some time ago and now applicant wants to split a legal lot off the back portion of it, providing there is adequate access. Property zoned so duplex can

be built on it and there is enough land for it. Currently the people who live in Parcel 1 and Parcel 2 do not really use the 10 foot easement (as shown on map), they are now trespassing over on the Church of Latter Day Saints property, they come out at the corner. If they would ever fence that we could have a problem as far as getting in and out of this property on a 10 foot easement. Sewer goes down there, water goes down there, it is staff's recommendation, we looked at it and we would have to get Bud's approval, but staff recommends that a minimum 20 foot easement be allotted for access to back property across property that Bud now lives on. Bud said it was his understanding that the church was to give half of the land for street.

After discussion regarding access, it was MOVED by Commissioner McVay, seconded by Commissioner Brimm, that application be approved with the proviso that an additional 10 feet be added to the existing easement. Carried unanimously.

BUILDING REPORT:

Building Official Bartholomew reported a good month again last month. Two single family dwellings and two commercial buildings, two commercial remodels, two residential remodels and one garage and a fence. The total came up to \$221,776.00 in valuation, we can't quite make the quarter of a million but we get close every month. Fees collected, including 12 plumbing permits, totaled \$1,258.00 plus the \$50.32 that the governor gets from us, making a total collected, \$1,308.32.

The Building Official had two other matters to bring before the Commission.

1. A request for lot split that was brought in after agenda was prepared. No particular problems on it. It is a parcel of land that Mr. Jack Wheeler owns down Memory Lane and Cove Road. He now wants to split that piece up into three parcels, one where his manufacturing building is; two, the vacant land, and three, where he is building Taco Ole.

At the request of the Commission this item will be on next month's agenda.

2. Ross Jones, owner and subdivider of Highland Subdivision in audience. Originally the Commission approved the Highland Subdivision in toto as a full blown subdivision. He finds that because of reasons, bonding mainly, he is unable to do the whole thing at once, He would like to do it into Highland Subdivision, then bring it into future additions.

Original plans remain unchanged. Plan presented consists

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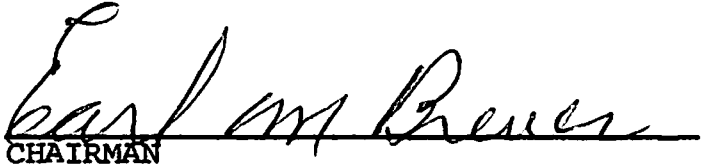
of first phase consisting of 18 lots on Midland Way.
Other phases will be added in future to make up
original 36 lot subdivision.

Commission reviewed, discussed, approved, and the
Chairman placed his signature on Phase I of the
Highland Subdivision.


ADJOURNMENT:

Chairman Breuer adjourned the meeting at 9:23 p.m.

The meeting was tape recorded and is on file in the
office of the Building Official.


CHAIRMAN

ATTEST:


SECRETARY