

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY OF BROOKINGS
OCTOBER 24, 1978

CALL TO ORDER:

Chairman Breuer called the meeting to order at 7:35 p.m.

INVOCATION:

At the invitation of Chairman Breuer, a member of the audience, Rev. Van Aswegen, gave the invocation.

ROLL CALL:

Those members answering the roll call were: Commissioners Jean Hagen, Mary Jane Brimm, Archie McVay, Chet Thompson and William Robinson.

The Chairman acknowledged and introduced to the audience City Manager Frank Freeman, Building Official Wendell Bartholomew, Engineering Aide B. Suzie James, City Attorney John Spicer and his associate, Hugh Downer, Richard Keusink, owner and publisher of the Pilot newspaper and Cora Cooley, Secretary.

WELCOME TO VISITORS:

The audience, which numbered approximately 40 persons, was welcomed by Chairman Breuer who reminded them that their presence and participation makes a city like this function and although we may not always see eye to eye, we may not always agree, but working together and expressing ourselves, he felt that's what brought Brookings to this point in time and if we will continue to participate we will continue to move forward.

APPROVAL OF MINUTES:

MOVED by Commissioner Robinson, seconded by Commissioner Brimm, that minutes of September 26, 1978 meeting be approved. Carried unanimously.

PUBLIC HEARINGS:

1. APPLICATION FOR CONDITIONAL USE PERMIT, CU-78-5 FOR HOME OCCUPATION BY PAT CROPPER (PEGGY MORY, AGENT) FOR AN ARTIST'S STUDIO AT 1362 CHETCO AVENUE, TAX LOT 1000, MAP 41-13-6BB, ZONED RM.

Building Official: Mr. Chairman, I have here the application for the conditional use permit signed by Pat Cropper. We have here the certification that notices were mailed to those people who were within 250 feet of the property. Fee has been paid, all the papers are in order. I think probably Pat will be represented by another party here, is that true? I also have here a notation I made in the office. I received, on the 18th of this month, a telephone call from Phil Bischof. I see Phil is here, but he did say - he called - he was talking about the conditional use permit and he had no objections. I would give this to you for your record. The proponents have been given

the document we call the "Method of Conducting a Public Hearing", I think they are probably prepared, so with your pleasure I'll turn it back to you.

Chairman Breuer then called on representative Peggy Mory who was prepared with the answers to the questions in the "Burden of Proof" section of city resolution. She informed the Commission applicant was qualified to teach macrame and driftwood art and it is her desire to continue in these crafts if granted the conditional use for an artist's studio.

No objections were received by mail, nor were any voiced at the hearing.

The Chairman asked if Pat Cropper was aware that a conditional use is granted for one year only and comes before the Commission for renewal or rejection each year. According to Peggy Mory, she was aware of this procedure.

MOVED by Commissioner McVay, seconded by Commissioner Robinson, that conditional use permit to operate artist's studio in home at 1362 Chetco Avenue be granted. Motion carried unanimously.

2. APPLICATION FOR ZONE AND COMPREHENSIVE PLAN CHANGE FROM RL TO CT ZONE BY SOUTH COAST LUMBER COMPANY ON LOTS 12 AND 13 OF PACIFIC CIRCLE SUBDIVISION, AKA TAX LOT 1400, MAP 41-13-6BC LOCATED ON NORTH CHETCO AVENUE NEAR INTERSECTION OF EASY STREET TO PERMIT CONSTRUCTION OF MOTEL ON PROPERTY.

Chairman: One of the provisions of the comprehensive plan and zone change is that we have written data in front of us. At this time we don't. Are the proponents of this present?

In response Mr. Ron Fallert, representing South Coast Lumber Company, handed the Commissioners a letter.

Chairman: This hearing will follow a procedure in which the proponents, and their representatives, will submit their reasons for wanting this comprehensive plan and zone change and then they will be open to be questioned by the opponents of this particular change. At this time I would ask if there is anyone in the audience who feels that any member of this Commission is not okay to sit and hear this evidence and then pass judgment on it. If there is no objection we will proceed with the hearing.

Chairman then called on representative of proponent, Ron Fallert, who read letter prepared for Commissioners, copy of which is made a part of these minutes.

Chairman: Before turning it open for questioning to anyone who might be opposing this, I would point out that there are some very definite things that you should have complied with here and apparently, written or verbal, you have not. In other words, the burden of proof of why you

want this comprehensive plan and zone change is strictly upon you and there are certain things you have to prove to this particular body why this particular parcel of land is more suited than some other parcel of land. I understood from Wendell that he had given you this in detail. So, actually, you should have given us then in detailed procedure, and also before this audience, a detailed reason, or reasons, why this particular property and not some other piece of property in the Brookings-Harbor area could also do the job. Because with the burden of proof upon you, then, like in a debate or anything else, you have to present all the evidence that you can. It is not just a general outline which is about what you've done here so far.

To clarify for proponent, Chairman read burden of proof questions that are to be answered then stated it did not appear as though sufficient evidence was presented to proceed with the hearing. Commissioner McVay responded he felt there were all kinds of reasons in letter, also item is a very necessary, needed facility in the City of Brookings and applicant is financially capable.

Chairman then reminded Commissioner McVay that not only one zone change was being jumped, but actually two and there happens to be another piece of property, according to Chairman, in the City of Brookings that is zoned to handle such a situation.

The hearing was then opened to the opponents. Those heard were: F. A. Arrell, mail-o-gram from E. M. Booth was read, Doug Simmons, Barbara Warthen, Don Gibbs, Buddy Hayes and Rev. Van Aswegen.

There was concern about the devaluation of residential property described as "quiet, protected, and one of the most beautiful residential sites on the coast"; a CT zone adjoining an RL zone; increase in traffic; 24 hour activity; loss of privacy; adequacy of sewer and water mains to serve commercial development; street intersecting with Crissey Circle; lack of drawing showing how developers plan to place structures on property; loss of ocean view and vandalism.

Mr. Fallert stated that only a small portion of the land in the proposed development is involved in the zone and comprehensive plan change and it is not the intent of the proponents to do anything that would be to the detriment of the surrounding area. It is not a land grab thing - the development will be a proper development and would be beneficial to the entire community. He said that South Coast Lumber had owned this property for 25 years and felt this was the development for it. When approached about the possibility of expanding in the direction of business area, he said South Coast would not be interested

in acquiring property adjoining their land to the southeast and he doubted very much if the developers would go for such an acquisition. If the zone and comprehensive plan change applied for was not granted, the developers would probably lose interest and look elsewhere because, in his opinion, the minimum land area had to include the two lots for which change had been applied for.

Those speaking on behalf of the zone and comprehensive plan change were Ralph Cheney, Joe Sabia and Patricia Cate.

Mr. Cheney expressed the opinion that such a development is needed in the City, would enhance and benefit the area greatly. He urged the Commission to make a decision to grant request before this opportunity too would slip away, just as the shopping center did. Or, if the Commission did not wish to make decision, why not just turn the whole thing over to the Council? Chairman Breuer reminded Mr. Cheney the Commission makes a recommendation to the Council, and it is the Council that has the final authority.

Joe Sabia, in following up an exchange between Commissioner Robinson and Ralph Cheney concerning acreage required for such a development, said he did not believe the acreage involved was excessive inasmuch as five acres were required for parking only at the Port of Brookings. He also was of the opinion an acceptable buffer zone could be worked out which would be satisfactory to all concerned.

Patricia Cate thought more time should be given to making a decision. Although she was in business and would benefit by such a complex, she also had concerns about how it would affect her residence in Crissey Circle.

After much discussion, the Chairman stated the Commission would hold this over while Ron Fallert attempts to get an artist's conception from the interested developers and comes back to next month's meeting with drawing.

LEGISLATIVE ACTION:

MINOR LAND PARTITIONS

1. BERGE JENSEN - TAX LOT 1100, MAP 41-13-6BA, LOCATED 258 FEET NORTH OF RANSOM AVENUE OPPOSITE SECOND STREET.

Building Official: Mr. Chairman, you have before you the maps that were provided by the proponent, Borge; you have the descriptions of the property. I have here a letter or statement by people who are here that live on the property. (Letter by C. A. Lockwood, copy of which is made a part of these minutes, was read by Building Official). You have probably seen the property. Staff does have some reservations about some of these things. I don't know whether this is the proper time to bring it up or whether you want to hear from Borge first, or I'll

bring up the objections first with comments and then we can address them later, would that be appropriate? Chairman Breuer said to go ahead and bring them up.

The property, according to descriptions here, has an 8 foot deeded road with access through to easement for access and utilities on a parcel of land owned by Mr. Jensen. It makes a total width of 20 feet. As proposed here, I don't know exactly how the people of lot A have right of way to their property. There seems to be no turn around except on private property. There is no mention of the description of the turn around. It is a little mystifying to me exactly what the access to the property is. The sewer line is a 6", the property is approximately 400 feet long. This looks like it is a subdivision without going through the means of subdividing property. It looks like a cul de sac, I think it should be treated as a cul de sac. In observation, there is quite a drainage ditch that goes approximately between lot A and lot B that takes a lot out - and that's a pun! A lot out of one of those lots, I don't know which one it is exactly - there weren't any stakes up that I could observe. There is an existing building on lot A now that looks like it belongs to people that live on lot C. Looks like it's crowding the whole piece of property quite strenuously to put two more lots in there. The ownership of the road, the ownership of the sewer, the right of the City to put water services down that road, has not been designated. It probably should be designated as a public street, improved and deeded to the City so that we would have a right to maintain the sewer and maintain the water down there.

Quite a lengthy discussion ensued in which the width of the access was an item; the legality or illegality of 6" sewer line to serve additional lots; the lack of a recorded description of the cul de sac turn around provided for according to Mr. Jensen; possibility of 30 foot access being granted and brought up to standard, then becoming a street deeded to the City.

Mr. Jensen said he would be willing to accept lot split providing for one lot instead of two, whereupon,

Commissioner McVay made MOTION that one lot be granted instead of two. Motion seconded by Commissioner Thompson. Carried unanimously.

2. JIM OCHS - TAX LOT 4500, MAP 41-13-5BB, CORNER OF EASY STREET AND PIONEER ROAD.

Building Official: You have the map before you on this particular one. The only question Staff had relative to this was the proximity of the line, what would be the back lot line of Parcel 2, where the existing house is, the new line and the existing house. There is no

dimension there and I was wondering if Mr. Thorp could answer that question as to what that distance is. Because in creating the lot, this line that is behind the house becomes the back lot line and we are required to have a 15 foot setback there. I was hoping that that is there, I don't know, it may be - I can't see it.

Mr. Thorp said it is intended to be - to meet the minimum requirements of the city and it is actually as drawn, there is only a 12 foot setback....

After discussion, Mr. Thorp said there was space to allow for the 15 foot setback. Building Official said sewer, water, streets, everything is available and the only objection Staff had was the setback.

MOVED by Commissioner Brimm, seconded by Commissioner Hagen that lot split be granted subject to minimum requirements for setbacks. Carried unanimously.

3. JOE SABIA - TAX LOT 4700, MAP 41-13-6CB, IN FIRST BLOCK SOUTH OF MATTHEWS TRACT, NEAR ARNOLD LANE AND BARCLAY LN.

Building Official: Mr. Chairman, here again you have the map before you. There are some objections from Staff on this and some reservations. First, the existing house is being served by a sewer that runs, to the best of our knowledge, to the south to a sewer that is on the area marked "Street", there's a sewer down there. There is no provision for realigning or easement for that house sewer for the existing house. The minimum requirements, as far as this lot split goes are there - I think it is poorly designed. It looks to me as if it would be better to ask for an exception for variance as far as lot sizes and get that thing squared off rather than have the little dog leg - the panhandle - go up there creating two panhandle lots. It doesn't look really good. But the two things, the one thing that worries me is the sewer line from the existing house and the water line to the existing house. I believe it comes from Arnold Lane across private property and gets there. I could be wrong, but it's the way we believe it goes now.

After discussion regarding an easement for sewer and water lines and squaring of lots,

MOVED by Commissioner McVay, seconded by Commissioner Robinson, that lot split be granted contingent upon squaring up the property, giving less than the minimum lot size, and providing an easement for the sewer. Motion carried by unanimous vote.

REPORT BY BUILDING OFFICIAL:

Mr. Chairman, you have before you, in your packets, my report. A good month, \$356,043.00 worth of permits. The weather is holding and we are still doing great.

OTHER MATTERS:

Chairman recognized one of our "esteemed" councilmen present, Mr. Dwight Allen.

Chairman then responded to request by Building Official that a couple of gentlemen in audience be heard.

Wally Ransom was recognized and was concerned about the Bird Island Subdivision development. He said the subdivider had promised sidewalks across street from subdivision but now he is backing out and putting sidewalks on his side. Mr. Ransom said he asked for a retaining wall on part of his property but he won't do that. It seemed like, to Mr. Ransom, that he didn't give them a drawing of his plan, but just went ahead and did it. Also, subdivider told Mr. Ransom he was going to go down two feet in front of his house, but right now is down five and one-half feet. Mr. Ransom said subdivider made verbal agreement with him to put sidewalk and retaining wall in front of his place.

Chairman said the Commission wondered why, when they were considering this subdivision, none of the residents in the neighborhood were present. The Commission had no part in the verbal commitments made, and they would have to stand on the motion that was made April 25, 1978:

MOTION by Commissioner Robinson that we go ahead with the final plat of Bird Island Subdivision with sidewalks on the subdivision side and curbs and gutters on the other (East) side. Seconded by Commissioner Thompson and carried unanimously.

Phil Bischof, another resident across the street from Bird Island, said that subdivider did tell both he and Mr. Ransom that he was going to put sidewalks on both sides. Then later, changed sidewalks on subdivision side because that was the requirement of the Planning Commission. Mr. Bischof said that would be fine up to his property, then to cross the street and put sidewalks on his side, which they are doing. Mr. Bischof had no gripe, he was getting what he wanted, but he was substantiating what Mr. Ransom had said.

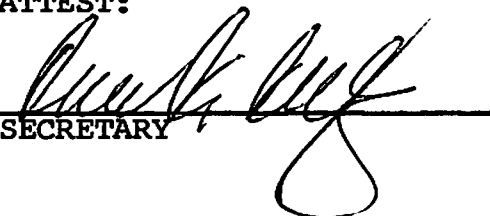
ADJOURNMENT:

Chairman adjourned meeting at 9:50 p.m. This meeting on tape and is on file in the Building Official's office.



CHAIRMAN

ATTEST:



SECRETARY

Planning Commission
City of Brookings

Commission Members:

In support of our request of a zone and comprehensive plan change on Lots 12 and 13 of Pacific Circle Subdivision as recorded in Plat Book 1, Page 20, Official Records of Curry County; also described as Tax Lot 1400, Maps 41-13-GBC, we offer the following testimony:

South Coast Lumber Company owns approximately 6.15 acres of ocean and highway U.S. 101 fronting property. Serving this property is an existing 12" water line and sewer line, making development relatively easy. The zoning, as it now exists, divides the property into approximately 4.65 acres zoned as commercial tourist and approximately 1.5 acres zoned as residential low density. We are requesting the 1.5 acres presently zoned as residential low density be changed to Commercial Tourist for the following reasons:

It is our intent to develop this property in conjunction with a large, regional motel-restaurant chain. This development would include a motel, restaurant, lounge and convention center. Possibly at a later date some condominiums.

The economic impact to the Brookings area would be to create a year around influx of various convention groups to help stabilize the winter time economy. The motel-restaurant chain has a sales organization which solicits conventions and group meetings. At present, there are few facilities with this ability between Coos Bay and Eureka.

The addition of this facility would create more alternatives for dining and local functions with a unique ocean view. This development should also enhance local real estate values and create additional revenue for local businesses.

It is our belief that this development can be constructed in such a manner as to not disturb local residents. Various landscape techniques can be employed to isolate the complex from local residents.

It is our hope that the Commission will pass this request as it will effect the outcome of this project.

Sincerely,



Ron Fallert
South Coast Lumber Co.

1144 Ransom Ave.
Brookings, Or 97415
10/24/78.

Planning Commission
City of Brookings

Gentlemen;

We understand that Borge and Ellin Jensen have before you a request for a lot split and while we have no objection to this split per se, there are some things pertinent to the area that should be considered.

First, when we purchased our home at 1144 Ransom, which isn't really on Ransom we were not advised that our so-called street is not a part of the City system, the maintenance of which, according to Al Hooten was the Jensen's responsibility. This was a gravelled road and the excessive dust generated by traffic on the street forced us, at our own expense, to oil this area, we had it graded and oiled it ourselves.

Second, we are told that the sewer line, which already has three residences to service, is a 6 inch line, which may result in a larger line being required. This means that the street will have to be dug up again and we will be back where ~~where~~ we were before. We are also 150 ft. from the water meter, which means that the line from the meter is not the City's responsibility. In some discussions with Mr. Jensen he has told us that the sewer maintenance from the main on Ransom Ave. is his, however, our concern is in the area of what happens if he sells the property, or at some future date disclaims responsibility?

Prior to this split being granted certainly some protective covenant should be attached designating exactly who has responsibility, not only under present ownership, but in the future as well.

Yours truly


C.A. Lockwood


Elfrieda Lockwood