

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY OF BROOKINGS
APRIL 25, 1978

COPY
ORIGINAL IN CITY
ATTORNEY'S OFFICE
9/22/89

CALL TO ORDER:

Meeting called to order at 7:35 p.m. by Chairman Earl Breuer.

INVOCATION:

In response to Chairman Breuer, Mr. Al Hooten gave the invocation.

ROLL CALL:

Those present at time of roll call were: Commissioners Jean Hagen, Mary Jane Brimm, Chet Thompson and William Robinson.

Staff present: Wendell Bartholomew, Building Official, Al R. Hooten, City Manager, and Cora Cooley, Secretary.

The Press was represented by Dick Keusink of the Brookings-Harbor Pilot.

Those arriving later were: B. Suzie James, Draftsperson and John Spicer, City Attorney.

APPROVAL OF MINUTES:

MOVED by Commissioner Robinson, seconded by Commissioner Hagen that minutes of March 28, 1978 meeting be approved. Carried unanimously.

WELCOME TO VISITORS:

Chairman welcomed those in audience (9) reminding them again that it is their participation that makes the serving on the Board as Commissioners worthwhile. His thanks for their being present was expressed.

PUBLIC HEARINGS: NONE.

LEGISLATIVE ACTION:

LOT SPLIT REQUESTS

1. LEE VAN DUZEE, TAX LOT 304, MAP 40-13-31C, AT END OF HAMPTON ROAD. (TABLED AT MARCH 28, 1978 MEETING.)

The Building Official announced that since the last Planning Commission meeting, Mr. Van Duzee had met with the City Council who agreed the lot split should be approved. Mr. Bartholomew then read from the City Council minutes, April 24, 1978, at which time they acted on request.

In response to Chairman, City Attorney Spicer said the "provisions" referred to in advising the Council would be the signing of a waiver of protest and the streets being 40 feet in width.

Building Official believed there was a stipulation that the street right of way, or easement for street, should continue to the terminal of the property, clear to the bottom of it. Putting the Eastaff and Van Duzee properties together, both right of ways should continue to the extremities of the property, to the South on Van Duzee's and to the East on Eastaff's. The 40' roadway easement should be to the end of the property so the road could be continued in the future, allowing access to other properties for development without any land locked properties. Mr. Bartholomew said he would like to have resubmitted drawings with the 40 foot right of ways put in. The same thing applies to property behind because Hampton Road has started, it should not die in the middle of a piece of property where we have some ownership that is willing to continue it.

Mr. Van Duzee addressed the Chairman and wanted to explain to the Commission why this came about to the City Council. After meeting with the City Attorney, it was suggested to Mr. Van Duzee that he retain his own attorney, then meet with the Council and find out what their reasoning was concerning Ordinance that Mr. Van Duzee did not understand. This, Mr. Van Duzee said, was why he met with the Council. There was no intent of bypassing the Commission.

Mr. Van Duzee went on to say there was nothing in the discussion the other day about extending the street. It was agreed to put in a 40 foot street. He agreed a street should go out to the South to the end.

Chairman believed objections at last meeting had been overcome. The questions were about the application of Ordinance No. 288 in this instance. Also referred to streets which must be put in according to City's grade and not to the property developer's grade because it has been said City has no jurisdiction until such time as the street is dedicated to the City, however, the City does not have to accept the deed to this property if it does not conform, does not meet their specifications and standards.

Although there is a sharp drop off at the East side of Eastaff property, Hampton Road could follow along the side. There was mention of the possibility of an extension of Hampton Road some day coming out at the cemetery.

Response was asked from audience.

Mr. Henry Kerr said he attended tonight with the intentions of asking exactly for what was discussed here so he was plenty satisfied if that street is extended as it is, both ways there and - it made him very happy because he had a problem on the other side that caused him a lot of grief and he would like to see this side of the creek taken care of before it gets too far along. What was said by the Commission was pleasing to him.

Commissioner Thompson MOVED that request for partition be granted with the 40 foot streets as discussed and put in to the elevations as prescribed by the City, also that corrected plats be furnished to the City. Seconded by Commissioner Hagen and carried unanimously.

2. ERIC EASTAFF, TAX LOT 303, 40-13-31C, AT END OF HAMPTON ROAD.

The Eastaff and Van Duzee properties are contiguous and they are dependent upon one another to perform the lot split.

MOTION by Commissioner Robinson that lot split request No. 2 by Eric Eastaff, at the end of Hampton Road, be approved with the same stipulations as specified for the Lee Van Duzee tax lot split. Motion seconded by Commissioner Hagen and carried unanimously.

3. MARVIN H. POPE, TAX LOT 2000, MAP 41-13-6AB, SOUTHEAST CORNER, 5TH STREET AND RANSOM AVENUE.

After discussion, Commissioner Brimm made MOTION that lot split request be approved if applicant is willing to sign waiver of protest. Seconded by Commissioner Thompson and carried unanimously.

4. AGNESS CAMPBELL, C/O TOM SHORT, TAX LOT 2400, MAP 41-13-6BA, SOUTHWEST CORNER RANSOM AVENUE AND 3RD STREET.

Commissioner Robinson made MOTION that lot split request be granted if applicant is willing to sign waiver of protest. Seconded by Commissioner Brimm and carried unanimously.

5. DANNY W. CARPENTER & HAROLD A. DETHLEFSEN, TAX LOT 1300, MAP 41-13-5BB, EAST SIDE OF PIONEER ROAD BETWEEN EASY AND HASSETT STREETS.

Building Official commented there was sufficient area for the lot split then queried Mr. Niemi, who was representing the proponents, re availability and accessibility of sewer on Parcel 2. Mr. Niemi said it would drain, with proper design, onto Pioneer and southward down to existing manholes. It will be extensive construction

or it will require extension of sewer system as it now exists on Pioneer Road.

During the discussion it was established that one parcel was approximately 6500 square feet, the other, 7000. County easement formerly in this area has been purchased. Property climbs sharply at the rear of Parcel 2 and the natural drainage is to the lower right hand corner. The property is in an RM zone with a 20' roadway easement access.

After much discussion about the 20' roadway easement to accommodate possibly four dwellings, and a street running through to Mendy and providing for drainage,

Commissioner Brimm MOVED that lot split requested by Danny W. Carpenter & Harold A. Dethlefsen be granted. Second by Commissioner Thompson and carried unanimously.

6. HENRY C. VESSEL, TAX LOT 1000, MAP 41-13-5BB, WEST SIDE PIONEER ROAD BETWEEN EASY AND HASSET STREETS.

In making his informational remarks to the Commission, Building Official Bartholomew doubted that anyone would be satisfied with a residential lot of this size, approximately 153' x 140' in an RM zone, unless he was going to build a "terrific" house, and in all probability the Commission would get another request for tax lot split.

He also stated that the 20' easement for access was adequate for a single lot. The length of access is approximately 200 feet, and for a single lot the sewer flow to main should be all right. No adverse on it. But, if there is more than one parcel then there is the matter of how many pipes do you run down, or should the City sewer be extended. Also, traffic congestion on the 20' easement.

Mr. Niemi was of the opinion the 20' easement should be acceptable to one parcel and if in the future the owner wanted to split the lot for multiple units, then would be the time for the City to take the prerogative and require additional easement to accommodate the structures planned.

The Building Official did not go along with this, he said that would be a dangerous thing to do, and the determination should be made at the time of original lot split.

After much discussion it was decided a 30' easement would be required.

MOTION by Commissioner Robinson, seconded by Commissioner Hagen that lot split requested by Henry C. Vessel be granted. Carried unanimously.

SUBDIVISION FINAL PLATS

7. BIRD ISLAND SUBIDIVISON, RANSOM AVENUE AND CHETCO AVENUE, JERRY N. ANDERSON, OWNER.

Building Official said construction prints and Bird Island Subdivision had been submitted again after withdrawing at last meeting because of not being quite prepared at that time. He believed that most of Council and Planning Commission's recommendations had been incorporated in the present plats.

Developer, engineer, and surveyor were present to answer questions.

Chairman Breuer recalled recommendation that sewer main be alongside street rather than along highway as shown on original plat.

Mr. Thorp, Engineer, responded this request had been accomplished and is in the development plan.

Chairman said there was some thought about the elevation of the street and asked if it had been taken care of to the City's satisfaction.

Thorp said that was a question he was not aware of. The street has been graded and sub-base placed there, shale. It still remains to have the street finally shaped and surfaced.

Building Official was asked for comment which was that the City was concerned about abutting property owners as to what is going to become of their banks which were created by this development. He questioned the responsibility, whether it was the property owners themselves to prevent erosion or protect the bank; or whether it's the developer's.

Chairman asked if street was to be put in with curb and gutter. Building Official said yes, and that he understood this will be a dedicated street.

Thorp stated it was easement but now the people who own the easement have signed a deed to the City of Brookings. This deed has not been recorded or accepted by the City yet. He had the original with him but had not had time to process it in order to get the City approval. The whole forty foot strip is to be deeded to the City. He had the deed which required acceptance.

Chairman then remarked that it becomes the City responsibility to make sure the abutting property owners are satisfied with the elevation of the street, in other words, it was as he said before, it is the City's responsibility to establish street grade, and just because somebody wants to dedicate a street doesn't mean we necessarily have to accept it.

Thorp said no, that is entirely correct. As far as the grading goes, the street was worked out by the owner, Mr. Anderson and as far as Thorp knows, with agreement by the abutting property owners.

Chairman said that's okay. In other words, if we have no complaints from abutting property owners and the City is happy with the grade and happy with the water lines and sewer lines, then there is nothing to keep us from approving the final plat.

Building Official asked that Commissioners look on Page 2 of the Utility Details. It does show a typical street section and he assumed this is the typical street section that is being proposed for all the streets, Homestead Road and View Court. Although he did see there was one exception on the Bird Island Subdivision, and he could understand it, in 40 foot streets the City has required that a five foot utility easement be established beyond the boundaries of the 40' right of way. This is indicated on one side of Homestead Road.

Thorp said in a previous commitment for 40 foot streets it was asked that the subdivider grant a five foot sidewalk and utility easement. In this case the adjacent property owners on the East were just asked to deed their easement over for a street right of way without knowledge on the part of the developer that the additional five feet was going to be requested. On Sheet 2 in the upper right hand corner it can be seen that a 32 foot street with a 3½ foot sidewalk on each side could be fitted into the 45 foot width without any problem. The City is asking a lot from the subdivider to ask him to put sidewalks on both sides. He was of the opinion that property owners on the East who were going to benefit by having the improved street and sidewalk should be asked to provide the sidewalk on the East side of the street along Homestead Road.

Discussion followed and the consensus of opinion was that sidewalk on West side of Homestead Road would be adequate, with curbs and gutters only on the East side of Homestead Road. Thorp said he was sure Mr. Anderson would go along with this as condition of approval.

Question by Darryl Niemi, Surveyor, "Is it not true that once a street is built, one side is improved and the other side is not and that will soon fall within an assessment district for complete improvements? Say the subdivider on this side of the block develops, builds the street full width, not just a half street which is sometimes allowed, that this becomes an assessment district to some extent and that the parties on the opposite side of the street wish that to be developed that it will be covered by those parties?"

Chairman said that was his understanding, however, in asking the Building Official if he was right, the Building Official said he would refrain from comment right now, because he actually did not know.

If requested by property owners, they would have to do the same as the subdivider - they would have to do it themselves, but there is no automatic assessment district, you do not force anything unless they are going to subdivide it, was the opinion of the City Attorney who was present.

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. Motion seconded by Commissioner Thompson and carried unanimously.

REPORT FROM BUILDING OFFICIAL:

We had four single family dwellings, one two family dwelling, several remodels in residentials, and for remodels or additions in commercials, a retaining wall that is not yet built, a sign that is and a fence that is also built. Six plumbing permits. The total valuation again was in excess of a quarter of a million dollars, \$254,660.00, the permit fees were \$1,093.00, surcharge \$43.00 making a total collected in building permits of \$1,136.00. With the plumbing permits it made a total collected of \$1266.00. It was pointed out this was month when we had considerable rainfall, and probably the last planning commission meeting was better organized because we had a little more time on it. With the coming of the good weather and the enthusiasm of the builders in this vicinity, don't be surprised if your next planning commission meeting is utter chaos. We did forget one item that should of been put on the agenda. The gentleman is in the audience and he might ask permission to speak on this matter.

The gentleman was in the audience, Mr. C. Dwight Allen. Building Official displayed map showing Mr. Allen's roadway easement and explained that as he understood, sometime ago when roadway easement was put in (40 foot road rather than 50 feet) it was designated as "Allen Way" and now he has an address of "200 Allen Way" but as far as the County goes, "Allen Way" is not a City street, therefore an address can't be off of a City street as far as registration for voting goes and Mr. Allen now does not have a street address. Mr. Allen said the name was "Allen Lane" and his water bill now comes to 200 Allen Lane. His registration in Gold Beach reads 225 Mill Beach Road.

It was pointed out by City Draftsperson James and Building Official that street numbers are assigned only to dedicated streets.

Page 8 - Minutes
Regular Planning Commission Meeting
City of Brookings
April 25, 1978

There was much discussion and suggestion that agreement be drawn up and this roadway be dedicated as a City street.

Chairman Breuer said the Commission was experiencing a "first", there was a City Attorney in attendance. He expressed the thanks of the Commission to City Attorney John Spicer who indicated he would probably attend again, if given a couple of days notice prior to meeting date.

ADJOURNMENT:

The Chairman adjourned the meeting at 9:10 p.m.
Meeting was taped and tape is in the Building Official's Office.

Earl M. Breuer
CHAIRMAN

ATTEST:

Chas. L. Peck
SECRETARY