

**MINUTES**  
**BROOKINGS PLANNING COMMISSION**

November 3, 2009

The regular meeting of the Brookings Planning Commission was called to order by Chair Markham at 7:00 in the Council Chambers at the Brookings City Hall on the above date with the following Commission members and staff in attendance.

*Commissioners Present:*

Steve Bismarck	Hedda Markham
Ken Bryan	Cheryl McMahan
Randy Gorman	Jerry Wulkowicz
Kelly McClain	

*Staff Present:*

Planning Director Dianne Morris, Senior Planner Donna Colby-Hanks and Secretary Alex Carr-Frederick

*Other:* Approximately 12 participants, no member of the press

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

The Chair announced at 7:06 pm that the public hearing regarding File No. **MC-1-09** A request to modify 2 conditions of approval (# 10 & #16) of SUB-1-05. Applicant: Ross Walton Location: 329 Spruce Drive, Brookings, OR Assessors Map Number: 41-13-05CA Tax Lots 1600,1300,6100,6101,6120,6180,6190. A personal interest was declared by Commissioner McClain, he is a broker in the real estate firm that lists Mr. Waltons' properties, so the Commissioner recused himself. No other exparte contact, personal bias, personal interest, conflicts or objections were declared by the Commission. There was no challenge from the audience as to the jurisdiction of the Commission to hear these requests

Director Morris reviewed the staff report. The two conditions of approval the applicant was seeking to change were 10, a condition requiring that the existing well on the property be closed and 16 a condition requiring any docks or stairways to the river be owned by the Homeowners Association, and not owned by the private property owners. Commissioner Bismarck was concerned that the Planning Commission would be overstepping it's authority by authorizing the 'use' of a well. Director Morris reiterated that all dwellings within the subdivision will be required to be hooked up to City water, and that these decisions in the past, decisions allowing the use of private water for purposes other than servicing homes within the City limits, have been approved. The specified insertion of a protective backflow device at the new dwellings water meter satisfied Commissioner Gorman's concerns regarding any risk to the City's water supply. Regarding the ownership of any docks or stairs to the river, Mr. Walton explained that as the developments plans evolved, the idea of providing a common access to the river was scrapped. Being as there will be no common area where a dock might possibly be built, the provision requiring said docks to be owned by the HOA is no longer applicable. The public portion of the hearing closed at 7:25 pm. With minimal discussion, Commissioner Bryan moved to approve File No. MC-1-09. Commissioner Wulkowicz seconded and the motion carried 6-0. A motion was then made by Chair Markham (Second: Commissioner Bryan) to approve the Final Order for File No. MC-1-09. Motion carried 6-0.

The Chair opened the public hearing regarding File No. **SUB-2-09** a request for preliminary approval to subdivide the 3.11 acre located east of 4<sup>th</sup> Street between Easy & Ransom Street; Map 41-13-06AB, tax lot 1200; into 14 R2 zoned residential lots, to be served by a public Street, Nora Lane. No exparte contact, personal bias, personal interest, conflicts or objections were declared by the Commission. There was no challenge from the audience as to the jurisdiction of the Commission to hear these requests.

Director Morris reviewed the staff report. There was concern over the fact that Nora Street would 'dead end' at the juncture with Clair Lane without any turnaround bulb. Director Morris explained that special circumstances including the location of the wetlands, existing drainage problems on the property and the fact that the street will go through once Clair Lane is expanded to full street width, convinced the Fire Chief to waive the typical street standards required by City code. Applicant Kurt Kessler, PO Box 6335 Brookings OR 97415

addressed questions from the Planning Commission regarding slope, wetlands and various lot access points. The 3 steeply sloped lots will be required to abide by, the City's Hazardous Building and Hillside Development Chapter 17.100. Sam Vahey 97 Tanbark Circle Brookings, OR expressed concern over the fill materials on lots 1-3. Janet Jolley of 935 Ransom Ave. Brookings, OR was concerned about Lillybrooke I being responsible for maintenance of the storm drainage system. Director Morris explained that CC&R's from a previous subdivision were outside the City's pervue and any issues regarding CC&R's needed to be addressed with the appropriate Homeowners association. Patrick Dodgen of Barbra Lane, Brookings OR spoke about the original zoning change and the problem of weak rooted trees in wetland areas. His concern over trees that had fallen onto his property need to be addressed as a civil matter between the two property owners. With Commissioner McMahan making a motion and Commissioner Bismarck seconding it, the PC voted 6-1 (Commissioner Gorman voting Nay) to approve File No. SUB-2-09. Commissioner McMahan then made a motion to approve the Final Order for File No. SUB-2-09, Commissioner Bismarck seconded, and the motion passed 6-1. (Commissioner Gorman voted Nay)

The Chair opened the public legislative hearing in the matter of File No. **LDC-14-09** a proposed amendment to Chapter 17.70, Master Plan Development District of the Brookings Municipal Code (BMC), City initiated. No exparte contact, personal bias, personal interest, conflicts or objections were declared by the Commission. There was no challenge from the audience as to the jurisdiction of the Commission to hear these requests.

Sr. Planner Colby-Hanks requested that the hearing be continued until the December 1, 2009 Planning Commission meeting as the Final Draft of Chapter 17.70 had been delayed, awaiting the City Attorney's comments. Chair Markham made a motion, Commissioner Bismarck seconded it, and by a unanimous vote, the hearing was postponed until December 1, 2009 at 7:00 pm.

### **APPROVAL of MINUTES**

By a 6-0 vote (motion: Commissioner McMahan Second Chair Markham) the PC approved the minutes of the October 6, 2009 PC meeting. Commissioner McMahan abstained as she was not present at the October meeting.

### **COMMENTS by the PLANNING STAFF**

Director Morris cautioned the Commissioners to avoid site visits, exparte contacts as well as any discussions of a given file after public testimony has been closed.

## **COMMISSIONERS COMMENTS**

Commissioner Wulkowicz was concerned over the Pilot article regarding the zone change voted on at the last meeting. Director Morris reminded him that the application that the commissioners voted on was a request for a clinic and not an emergency room and that it was inadvisable for them to be discussing the matter publicly prior to the City Council deliberations and decision in December.

## **ADJOURNMENT:**

With no further business before the Planning Commission, the meeting closed at 8:28 pm.

Respectfully submitted,

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Hedda Markham, Chair  
(approved at 12/1/2009 meeting)