

MINUTES
BROOKINGS PLANNING COMMISSION

April 7, 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	Gerry Wulkowicz
Kelly McClain	

Staff Present:

Planning Director Dianne Morris, Senior Planner Donna Colby-Hanks, Building Official Laura Lee Gray and Secretary Alex Carr-Frederick

Other: One participant, Applicant David Reid in the audience and no press

CHAIR ANNOUNCEMENTS

The Chair welcomed Gerald Wulkowicz and Kelly McClain recently appointed to the Planning Commission for two-year terms.

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. **MP-1-06/SUB-1-09**, a request for a 3 lot subdivision, Applicant, David Reid of PO Box 6662 Brookings OR, was opened. No ex parte 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. This proposal first came before the Planning Commission (PC) in 2006. the preliminary approval received at the time expired prior to all conditions of approval being fulfilled. The Applicant was requesting both preliminary and final approval at this time. Applicant, David Reid, PO Box 6662 Brookings OR, stated there were no changes from the 2006 proposal. The public portion of the hearing closed at 7:16 pm. With minimal discussion, Commissioner McMahan moved to grant preliminary approval to the 3 lot subdivision, requiring the creation of a private Street, Eden Lane. Commissioner Bryan seconded and the motion carried unanimously. A motion was then made by Commissioner Bismarck (Second: Commissioner Gorman) to give the final approval to the subdivision plan as all special conditions had been met and staff recommended approval. Motion carried unanimously.

The Chair opened the public legislative hearing regarding the City initiated amendments to the City's Comprehensive Plan and to Chapter 15.15 of the Brookings Municipal Code (BMC), Flood Damage Prevention, which involves remapping the City's flood plain as required by FEMA. No ex parte 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.

Building Official, Laura Lee Gray, reviewed the staff report. There were no changes to the Brookings map, although there were three verbiage changes. Chapter 15.15.240, Sections 3, 1&2 Minimum base elevation of manufactured dwellings now must be 18 inches above the flood plain as opposed to 12 inches. There are no manufactured homes within the City limits currently affected by this change. The second change involved BMC Chapter 15.15.260, Section 3 where language was added to regulate and permit stream restoration. Flood plain requirements historically have inhibited stream restoration, the new language addresses that problem. BMC Chapter 15.15.260, Section 4 addresses the placement of existing manufactured dwellings in the floodway. They are only allowed in specific situations. There are no manufactured dwellings within the City's designated flood way at this time. Commissioner Bryan wanted it clarified which portions of the City fell within the flood plain, there are a few areas on Bridge Street and on Beach Ave. out off of Dawson. Commissioner McMahan was confused by a formatting inconsistency regarding capitalization in the document. With Commissioner Bryan making a motion and Commissioner Gorman seconding it, the PC voted unanimously to make a recommendation to City Council to approve CP-1-09, revisions to the Flood Damage Prevention Ordinance with the capitalization revisions. The motion passed unanimously.

The Chair opened the public legislative hearing regarding File No. **LDC-5-09**, a proposed amendment to Chapter 17.28, Multiple-Family Residential (R-3) District of the BMC, City initiated at 7:30pm. The criteria used to decide this matter is found in Chapter 17.140 Amendments, of the BMC. No ex parte 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 reviewed the staff report. In the past, the City Council and Planning Commissions had allowed a change to the Commercial Zoning to allow for existing single family dwellings as an outright permitted use. This revision was inadvertently left out when the changes were made to the R-3 Zone. This revision would allow any pre-existing single family dwellings within the R-3 zone to site a garage, or accessory structures. There were no questions, no discussion. Commissioner Gorman made a motion, Chair Markham seconded that the PC make a recommendation to City Council for approval of File No. **LDC-5-09**. Motion passed unanimously.

The Chair opened the public legislative hearing at 7:32 pm in the matter of File No. **LDC-4-09** Chapter 17.94, Landscaping. This was a continuation of the discussion at the March meeting. No ex parte 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 provided a revised copy of the new ordinance with all suggested changes from the March PC meeting in bold and italicized letters. A recap of those changes is as follows: Chapter 17.94.030 Open Space Standards, added language: Any easement areas will be subtracted prior to calculating the 25% of the property stated above. Chapter 17.94.050 Recommendations with Incentives, added language: 10% is the reduction amount in the water component of the homeowners SDCs for implementing any of the following: if a home owner landscapes an additional 25% of their property using non-vegetation, pervious materials, if a home owner uses low impact storm drainage techniques such as 'rain gardens', swales, permeable paving, rain barrel, cistern or other method of reducing use of the City's storm drain system. Additionally, drip irrigation will not qualify commercial, multi-family or industrial

properties for this incentive. Commissioner Wulkowicz made several suggestions regarding the Chapters on trees, 17.94.060 Private Trees and 17.94.070 Tree Preservation or Replacement. Commissioner Wulkowicz explained that in his opinion root barriers were prohibitively expensive, and if the language was left as is, stating ‘install a root barrier if a tree is planted within 20 feet of a property line’ homeowners would simply not plant trees within 20 feet of their property line which could make for unattractive street views. It was decided that item 4 will read: install an approved root barrier if a tree is planted within 20 feet of a property line adjacent to an existing right of way. Commissioner Bryan moved to recommend approval of File No. **LDC-4-09** to City Council and Commissioner McMahan seconded. The motion passed unanimously.

The Chair opened the public legislative hearing in the matter of File No. **LDC-3-09** Chapter 17.140, Amendments. No ex parte 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 explained that the Amendment chapter was confusing as previously written so it has been completely rewritten and broken down into seven sections to help streamline amendment processes. The new sections are as follows: .020-Proposed Amendments; .030-Citizen Initiated Text Amendment; .040-Application for Comp. Plan/Zone Change; .050-Qualified Comp. Plan/Zone changes; .060-Action by the Planning Commission; .070-Action by the City Council. Chair Markham made a motion and Commissioner Bismarck seconded to approve the changes in File No. **LDC-3-09** and recommend to City Council that they approve, motion passed unanimously.

The Chair opened the public legislative hearing in the matter of File No. **LDC-2-09** Chapter 17.04, Development Permit Procedures. No ex parte 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 explained that the Chapter as currently written could allow for a permit to expire before it moved completely through the approval and appeal process. The new language corrects this problem. Commissioner Bryan moved and Commissioner Gorman seconded to recommend approval of **LDC-2-09** to City Council. Motion passed unanimously.

COUNTY REFERRALS

Three county referrals were discussed. The first involved a replacement staircase to the beach on Oceanview Drive. The City asked that the owner meet all State Park requirements and then recommended approval. The second item involved a partition of a mobile home park. No neighboring properties were affected by the partition, only owners within the existing park were affected so the City recommended approval.

The 3rd involved the Outreach Gospel Missions request to increase the number of people allowed to overnight (temporary residents) from 10 to 20. Staff recommended approval considering health department issues, sanitation and neighborhood concerns.

APPROVAL of MINUTES

By a 5-0 vote (motion: Commissioner McMahan Second Chair Markham) the PC approved the minutes of the March 3, 2009 PC meeting. Commissioners Wulkowicz and McClain abstained as they were not seated at the March meeting.

COMMENTS by the PLANNING STAFF

Director Morris passed around the Planning Departments rough drafts of citizen information brochures “How to Build a Rain Garden” and “Permeable, Plantable Pavement”. The Planning Department hopes to have these ready for the public by late April.

Chetco Point Park parking lot will be re-paved with pervious pavement, pending the outcome of a public works grant application.

In a County referral involving riparian property on the North Bank Chetco Road, city staff recommended approval. The County Planning Commission denied it.

COMMISSIONERS COMMENTS

Commissioner Gorman asked Director Morris to contact the safety committee regarding the crosswalk in front of the movie theater. Commissioner Bismarck pointed out that there is no safe crossing of the 101 from 5th Street northward. Director Morris explained that ODOT refused an extra crosswalk further north on the grounds that it impedes the flow of traffic. Director Morris offered to get Commissioner Bismarck a contact number for ODOT.

ADJOURNMENT:

With no further business before the Planning Commission, the meeting closed at 8:22 pm.

Respectfully submitted,

Hedda Markham, Chair
(approved at 5/5/2009 meeting)