

MINUTES
BROOKINGS PLANNING COMMISSION
May 5, 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, Public Works Inspector Richard Christensen and Secretary Alex Carr-Frederick

Other: no press

PLANNING DIRECTOR ANNOUNCEMENTS

Planning Director Morris updated the Planning Commission on City Manager, Gary Milliman's post-operative recuperation. She explained that Mr. Milliman may be sent home one day early from the hospital, and that staff was wishing him a speedy recovery but willing to be patient to make sure it was a complete one.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

The Chair announced at 7:04 pm that the public quasi-judicial hearing regarding File No. **M3-01-09**, a request for a partition to divide a .43 acre parcel zoned R-2 into three residential lots, Applicant, Shirley and James Hogben of PO Box 508 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. The property in question is comprised of 629, 633 & 633 ½ Old County Road. Applicant, Shirley Hogben spoke on her own behalf, expressing that she believed this partition would represent the property's highest and best use. The public portion of the hearing regarding this file closed at 7:17 pm. With minimal discussion, a motion was then made by Commissioner Bismarck (Second: Commissioner McMahan) to give approve the partition plan. Motion carried unanimously. Commissioner Bryan then made a motion to approve the Final Order it was seconded by Commissioner Bismarck and passed unanimously.

The Chair opened the public quasi-judicial hearing at 7:21 for File No. **VAR-1-09** an application for a variance to setback requirements to allow for realignment of the Easy Street right-of-way east of the intersection with Fern Ave. in front of the schools property, City of Brookings/School District 17C Applicants.

Director Dianne Morris reviewed the staff report. Public Works Inspector, Richard Christensen explained that the City and School District were applying for a Safe Paths to School grant and competing against other small cities for these funds. The more complete the application, the

better the School Districts chance of being awarded the grant. Getting the variance to the setback requirements approved would go a long way towards making the sidewalks on Easy Street a reality. Neil Walker of 629 Easy Street spoke in favor of this application stating that he has been working on getting sidewalks installed in this area for going on 10 years. Chair Markham closed the public discussion at 7:30. With Commissioner Bryan making a motion and Commissioner Gorman seconding it, the PC voted unanimously to approve VAR-1-09. Commissioner Bryan then made a motion to approve the Final Order for VAR-1-09, seconded by Commissioner Bismarck. The motion passed unanimously.

The Chair opened the public legislative hearing regarding File No. **CUP-1-09**, a request for a Conditional Use Permit for a short term rental at 847 Chetco Point Terrace, a single family residence zoned R-2 (Two-Family Residential) within a gated community. There were approximately 5 members of the public present for this hearing. Chair Markham declared a personal bias and interest, and recused herself. Commissioner Bryan took over for her. There was no challenge from the audience as to the jurisdiction of the Commission to hear this request. Sr. Planner Donna Colby-Hanks reviewed the staff report. The representative, Rob Sammons, of PO Box 75, Brookings, OR spoke in support of the application. He explained that he managed other properties in town, has many of the Conditions of Approval already in place, and that he facilitated a meeting with all of the neighboring homeowners to hear their concerns. Rod Reiger of 840 Chetco Point Terrace, Brookings, OR spoke next in opposition to the application. He expressed that all of the other current homeowners, applicant excepted, opposed the application. He also expressed that the CC&R's of the gated community, Chetco Point Terrace, allow for the use of a home as a vacation rental. Michael Webster of 837 Chetco Point Terrace, Brookings OR spoke in opposition. He expressed concern regarding the street width and availability of parking. Jeff Jansen of 7246 Santa Maria Circle, Jordan, UT spoke in opposition. He expressed a concern over property values. Commissioner McClain asked if Mr. Jansen had read his CC&R's prior to purchasing the property. Commissioner Bismarck interjected that the only issue germane to the application was whether or not the City had jurisdiction over this particular piece of property and it's application for a short-term rental. Since the Brookings Municipal Code (BMC) does not preclude short term rentals in residentially zoned areas, the City does indeed have jurisdiction and must apply the standards contained within the BMC equally for all citizens.

Andrew Young, the applicant, then spoke. Sr. Planner Colby-Hanks reiterated that the street is wide enough, according to City Code, to support the conditional use. She also stated that it is not the City's pervue to enforce CC&R's. Public discussion was closed at 8:25. Commissioner Gorman made a motion, Commissioner Bismarck seconded that the PC approve the application within File No. **CUP-1-09**. Motion passed 6-0, with Chair Markham abstaining. Commissioner Bismarck moved to approve the Final Order, Commissioner McMahan seconded, the motion passed 6-0, Chair Markham abstaining.

The Chair opened the public legislative hearing at 7:32 pm in the matter of File No. **LDC-8-09** Definitions of the BMC. This was a second continuation of the discussion begun at the March meeting regarding the keeping of miniature species as pets. 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 provided a revised copy of the new definitions which was partially crafted by Commissioner Wulkowicz. The new definition reads: Section 17.08.120 – L Terms. “Livestock” means any domestic farm animal kept for sale or use. Keeping of livestock within

the City requires a Conditional Use Permit. And: 17.08.160-P Terms. "Pets" means dogs, cats, rabbits, domesticated miniature species, or ten (10) or less poultry. Pets are allowed as an accessory permitted use in any zone. Commissioner Bryan moved to recommend approval of File No. **LDC-8-09** to City Council and Commissioner Wulkowicz seconded. The motion passed unanimously.

APPROVAL of MINUTES

By a 7-0 vote (motion: Chair Markham, Second Commissioner Bismarck) the PC approved the minutes of the March 3, 2009 PC meeting.

COMMENTS by the PLANNING STAFF

Director Morris offered a quick preview of the June agenda and passed out a three page letter from Yvonne Maitland, representing the Harbor Action Committee. The document was regarding the Harbor Area Transportation System Refinement Plan meetings. Ms. Maitland felt that the Planning Commission in their capacity as the Committee for Citizen Involvement would benefit from the briefing. Director Morris provided contact information for ODOT in Coquille regarding the crosswalk in front of the movie theater. She also mentioned that Police Chief Chris Wallace is the head of the Safety Committee.

COMMISSIONERS COMMENTS

ADJOURNMENT:

With no further business before the Planning Commission, the meeting closed at 8:48 pm.

Respectfully submitted,

Hedda Markham, Chair
(approved at 6/2/2009 meeting)