

MINUTES
BROOKINGS PLANNING COMMISSION

August 4, 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: no press

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

The Chair announced at 7:03 pm that the public hearing regarding File No **CUP-3-09** a request for a Conditional Use Permit to erect 16 storage units on the property located at 1029 Chetco Ave., Brookings, OR, Assessors Map Number: 41-13-06BD Tax Lot 3000; C-3 (General Commercial) zone; 1029 Chetco Ave, LLC, applicant, was opened.

Sr. Planner Colby-Hanks reviewed the staff report. Commissioner Bismarck was concerned that the existing sidewalk was not conditioned for upgrades. Director Morris explained that Chetco Avenue falls under the State's pervue, and if and when they decide the sidewalk needs to become ADA compliant, they will be responsible for the cost and the work, not the City or the Applicant. Commissioner Gorman expressed concerns about the City's future access to the sewer main which would run beneath the proposed new building. Sr. Planner Colby-Hanks re-iterated Condition of Approval #4: "The plans for the sewer main to be replaced and incased in concrete shall be approved by the City and installed prior to the issuance of a building permit." Gorman questioned the exclusion of a sewer line easement from the Conditions of Approval The applicant, Mr. Tom Zazcek of Henderson NV spoke regarding the utility questions. He recounted discussions he had with ODOT and Coos Curry Electric. Sr. Planner Colby-Hanks suggested that the Commission impose another Condition of Approval, namely, that any utility easements be recorded prior to the issuance of a building permit and that the applicant will be responsible for any damages. Next, citizen Dan Nachel of PO Box 1238, Brookings OR expressed concern about the inaccessibility of the alleyway behind the proposed new building. While admitting that there is currently no through access on the alleyway, he felt that it should be made accessible. Director Morris explained that the alleyway is informal with no official easements in the record. The City has no jurisdiction to force landowners to open the alley way.

She re-iterated the Fire Chiefs support of the Conditional Use. The public portion of the hearing closed at 7:30 pm. Commissioner Bismarck moved to add Condition #15, which would require that utility easements be in place before issuance of building permits. Commissioner McClain seconded and the motion carried unanimously. A motion was then made by Commissioner Bryan (Second: Commissioner McMahan) to approve File # CUP-3-09 with the addition of Condition of Approval #15. Motion carried unanimously.

The Chair opened the public legislative hearing regarding File No. **MOD-1-09/MC-1-09 to DDP-1-08/APP-2-08**, A request to modify a condition of approval (#16) of DDP-1-08/APP-2-08 and approve a minor change to the street alignment. Applicant: Southwestern OR Community College, Representative: Mike Crow, Location: 17831 Highway 101, Brookings, OR Assessors Map Number: 40-14-00 Tax Lot 2400. The criteria used to decide this matter is found in Section 70.210 – Modification of a Detailed Development Plan, Section 176.060 – (I) Minor Change, and Section 116.110 – Minor Change of the Land Development Code (Ord. 89-O-446). 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, explaining that the Army corp. of Engineers did not approve construction of the entrance road beyond the driveway serving the college as it serves no purpose and may impact waters of the State. The DDP needed to be modified to allow for the shortening of the entrance road to have it end at the college driveway, and to move said entrance road further north to lessen impacts to a wetland in that location. Representative for SWOCC, Mike Crow of 125 W Central Ave, Coos Bay OR spoke first. Mr. Crow re-iterated that the modifications were needed in order to minimize the impact to the wetland area and he also explained that constructing the road past the College entrance at this point in development was not necessary. Catherine Wiley of 96370 Duley Creek Rd spoke next and provided two written copies of her initial statement. Ms. Wiley testified that there is no public documentation that supports the assertion that the Army Corps of Engineers has stated that the construction of Lone Ranch Pkwy should only be allowed to the intersection with the entrance driveway for the college. Ms. Wiley provided an email as part of her testimony, from the Corp of Engineers to Director Morris. The email states, “It would be beneficial for SOCC and the proposed development if the rest of the road beyond the (college) access point is allowed to be constructed once the northern site has received a permit from the Corps for the total development. Otherwise, if the road is to be approved with the construction of the community college, then we must know why there is a road extending offsite with no apparent need or purpose.” Ms. Wiley assert that there is also no documentation that the DSL stated that entrance to the college should be shifted north to minimize impacts to the portion of the wetland located on the highway right-of-way. Additional topics discussed were the presence of chert debris, and what that may imply in terms of archeological significance of the site and wetlands delineation maps. Ms. Wiley requested an extension in time as her attorney was not personally notified of the meeting and is vacationing. Director Morris clarified that Borax did indeed sign the application as the property owner, requesting this modification. She also explained that with the creation and processing of a DDP, local authorities (i.e. Planning Commissions and City Councils) must first approve a plan before state agencies regulating the use and protection of natural and cultural resources step in to begin their assessments. If they recommend modifications, which they did in this case, then those modifications come back to the local authorities for review and a decision, which, is where we are today. Chair Markham asked whether or not an archaeological study had been completed, Director Morris indicated that one had, and there is work to be done. But until the DDP is approved, and SWOCC has a deed to the property in their hands, they will not be expending resources to complete that work. Commissioner Bryan wanted to know where the retaining wall was to be located. Mike Crow explained that the retaining wall will be on the east side of the wetland. At 8:01 pm the Chairman closed the public hearing and announced it would be continued at the September 1, 2009 meeting.

The Chair opened the public legislative hearing in the matter of File No. **DDP-1-08/APP-2-08** A request for final approval of a Plat Map. Applicant: Southwestern OR Community College, Representative: Mike Crow, Location: 17831 Highway 101, Brookings, OR Assessors Map Number: 40-14-00 Tax Lot 2400. As the modification file hearing was continued until September 1st and there was nothing to discuss regarding this Detailed Development Plan until the modification was decided upon, Commissioner Bryan made a motion that this hearing be continued and Commissioner Gorman seconded, motion carried unanimously.

Commissioner Bismarck made a motion to approve the Final Order for File # CUP-3-09, Commissioner Gorman seconded, motion carried unanimously.

APPROVAL of MINUTES

By a 7-0 vote (motion: Commissioner McMahan Second Chair Markham) the PC approved the minutes of the July 7, 2009 PC meeting with a minor change to the end of the first paragraph with the addition of the words 'city council'.

COMMENTS by the PLANNING STAFF

Director Morris gave a preview of the upcoming September meeting.

COMMISSIONERS COMMENTS

Commissioner Wulkowicz asked if the County had reversed their decision regarding the riverfront property on the North Bank Chetco River Rd as he had noticed grading and dumping being performed. Director Morris clarified that the County had approved a fill permit on that property and the owners were using some of the dirt removed by ODOT in the Constitution Way project to fill in along the river. Wulkowicz expressed concerns over the lack of easements along Chetco Ave. and presented an idea that there should be easement requirements for all future developments by changing the Commercial zone. Director Morris said she would keep the Commission apprised of discussions with Public Works.

Commissioner Bismarck wished to clarify what the scope of the Planning Commission actually encompasses, and he stated that the Commission can rule on law created within City Hall and not too much outside of that. Director Morris concurred. The Commissioners were advised to save any additional comments regarding the continued hearing on File No. **MOD-1-09/MC-1-09 to DDP-1-08/APP-2-08** for September's meeting when all interested parties would be present.

ADJOURNMENT:

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

Respectfully submitted,

Hedda Markham, Chair
(approved at 9/1/2009 meeting)