

MINUTES
BROOKINGS PLANNING COMMISSION

September 1, 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:

Hedda Markham

Ken Bryan Cheryl McMahan

Randy Gorman Jerry Wulkowicz

Kelly McClain

Commissioners Absent:

Steve Bismarck

Staff Present:

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

Other: Arwyn Rice, Curry Coastal Pilot

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

The Chair announced at 7:02 pm that the Commission's discussion regarding File No. **MOD-1-09/MC-1-09/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, was continuing from the August 4, 2009 Planning Commission's 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 reviewed the documents that had been submitted since the Commission's last meeting. Public testimony was closed at the August 4th meeting, so the Commission moved directly to deliberations. After seeking clarification regarding the pertinent State agencies ability to request further, necessary changes to the SWOCC plan, Commissioner Bryan moved to approve File No. MOD-1-09/MC-1-09/DDP-1-08/APP-2-08. Chair Markham seconded and the motion carried unanimously. A motion was then made by Commissioner Wulkowicz (Second: Commissioner Gorman) to approve the Final Order as all special conditions had been met and staff recommended approval. Motion carried unanimously.

At 7:11 p.m., the Chair re-opened the quasi-judicial hearing regarding 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. 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 recapped a number of the file's specific conditions of approval, highlighting those that have generated the most concern. Condition #5: All costs of plan checks and inspections by the

City Engineer shall be paid by the applicant to the City. Those bills have been paid. Condition #8: The Applicant must follow the recommendations from the State of Oregon Parks and Recreation Department, State Historic Observation Office letter dated June 12, 2008 and provide written documentation to the City that any required archaeological permit has been issued and that this Department's concerns have been satisfied prior to final plat approval and prior to any disturbance, construction or grading. The cultural resources permit had been issued and is part of the record. (Attachment B). # 21 A Deferred Improvement Agreement (DIA) regarding the multi-use path is in place. Open Space Plan has been defined (#9). #22 addresses connection to the City Sewer system and #45 shows the public utility easement in place and #43 requiring coordination with the utility companies has been addressed as evidenced by Attachment "F". Director Morris then introduced Exhibit C which included the following items: Emails from the Army Corp of Engineers (CORPS) and the Dept. of State Lands (DSL), a letter from Director Morris to State Historic Preservation Office (SHPO) supporting inclusion of the Smith River Rancheria (SRR) in the notification process, a letter from Mike Crow stating that SSR has been included in site visits, a letter from D. Boyle, current property owner stating that any artifacts will be held at the Oregon State Museum, A copy of the CORPs Wetland permit based on the modified street entrance, recorded agreement between SWOCC and Coos-Curry Electric, a letter from the Dept. of Fish & Wildlife regarding any introduction of Western Lilies, an email from the DSL regarding their portion of the wetland permit and a copy of Exhibit C from the MOD-1-09/MC-1-09 file that had comments and concerns regarding this application as well.

Commissioner Gorman questioned Mike Crow regarding the delay in the building of the multi-use path. Mr. Crow explained that the two adjoining properties would also be connecting to SWOCC's path and until those two properties plat their paths, there is no sense in SWOCC building a path that has no connector yet. Peggy Goergen of PO Box 2506 Harbor and Cheri Mitchell of 423 Buena Vista Loop both spoke briefly in support of the college. Commissioner McMahan made a motion, Chair Markham seconded that the PC approve the Final Plat map for File No. **DDP-1-08/APP-2-08**. Motion passed unanimously.

The Chair opened the public legislative hearing at 7:32 pm in the matter of File No. **LDC-11-09** a proposed amendment to Chapter 17.152, Appeals to City Council 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 provided the staff report. The City's Land Development Code Committee endeavored to streamline and bring this Chapter into compliance with State guidelines. It did so by removing redundant language, clarifying the appeals time frame and correcting the process. All time lines were adjusted to comply with current laws: Commissioner Gorman was concerned that the legal term De Novo would prove confusing for the average applicant. With minimal discussion, and a recommendation of adding the words (new hearing) behind the words De Novo, Commissioner Bryan moved to recommend approval of File No. **LDC-11-09** to City Council and Commissioner Gorman seconded. The motion passed unanimously.

The Chair opened the public legislative hearing in the matter of File No. **LDC-12-09** a proposed amendment to Chapter 17.156, Appeals to the Planning Commission, of the 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 explained that the Chapter on Planning Commission Appeals were in need

of the same 'housekeeping' changes applied to the previous file. Commissioner Gorman questioned the fee amount and then made a motion (Commissioner Bryan seconded) to approve the changes in File No. **LDC-12-09** and recommend to City Council that they approve, motion passed unanimously.

APPROVAL of MINUTES

By a 6-0 vote (Motion: Commissioner McMahan Second: Commissioner Bryan) the PC approved the minutes of the August 4, 2009 PC meeting.

COMMENTS by the PLANNING STAFF

Director Morris handed out a copy of a memo written by Public Works Director John Cowan explaining that in the past 18 years, only 2 buildings were allowed to be built over public utility mains. Since granting 1029 Chetco Ave approval to build over a sewer main (which would make it the 3rd) Public Works sought input from the Oregon Department of Environmental Quality (DEQ). The DEQ commented that in no case, should a building be allowed atop a sanitary sewer main. Director Cowan stated that it would be the future policy of the City of Brookings to no longer allow buildings over utility mains.

Director Morris also provided a copy of her recent letter to the County Planning Director. She continues to work towards harmonizing the City's MUMPZ plan with the Countys.

COMMISSIONERS COMMENTS

Commissioner Wulkowicz mentioned a letter to the editor regarding the narrowness of the turn lane for southbound 101 traffic coming off of the new Constitution Way. He expressed concern for larger, lower trucks getting hung up on the barrier curb as they try to make their turn. Director Morris explained that ODOT is responsible for the design of the new intersection and she would be happy to provide contact information for ODOT officials if any Commissioners were interested.

ADJOURNMENT:

With no further business before the Planning Commission, the meeting closed at 7:55 pm.

Respectfully submitted,

Hedda Markham, Chair
(approved at 10/06/2009 meeting)