

PLANNING COMMISSION AGENDA

CITY OF BROOKINGS

Council Chambers - 898 Elk Drive

March 5, 2019 at 7:00 PM



1. CALL TO ORDER - PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. PLANNING COMMISSION CHAIR PERSON ANNOUNCEMENTS
4. PUBLIC HEARINGS
 - 4.1 In the matter of File No. CUP-3-19, a request for approval of a Conditional Use Permit to operate a Short Term Rental facility at 16947 Parkview Drive, located on Assessor's Map No. 40-13-31CB; Tax Lot 01403. The applicant/owner is Lie Tan. The criteria used to decide this matter is found in Section 17.124.170 – Short-term rentals, Chapter 17.136 - Conditional Uses, and Section 17.20.040(Q) Single-Family Residential (R-1-6) Conditional uses of the Brookings Municipal Code (BMC). This is a Quasi-judicial hearing and the Planning Commission will make a decision on the matter.
5. MINUTES FOR APPROVAL
 - 5.1 Minutes of Planning Commission meeting of February 5, 2019.
6. UNSCHEDULED PUBLIC APPEARANCES
7. REPORT FROM THE PLANNING STAFF
8. COMMISSION FINAL COMMENTS
9. ADJOURNMENT

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Conditional Use Permit
FILE NO: CUP-3-19
HEARING DATE: March 5, 2019

REPORT DATE: February 22, 2019
AGENDA ITEM NO: 4.1

GENERAL INFORMATION

APPLICANT: Lie Tan
PROPERTY OWNER: Lie Tan
REQUEST: Authorize use of an existing single-family dwelling as a Short-term Rental
TOTAL LAND AREA: .26 acres/11,326 square feet
LOCATION: Subject property is located on the west side of Parkview Drive, north of the intersection with Hampton Road more specifically 16947 Parkview Drive
ASSESSOR'S NUMBER: 40-13-31CB, Tax Lot 01403

ZONING/COMPREHENSIVE PLAN INFORMATION

EXISTING: R-1-6 (Single-family residential, 6,000 square foot minimum lot size)
PROPOSED: Same
SURROUNDING: Subject property is adjacent to R-1 (Single Family Residential) zoned properties
COMP. PLAN: Residential

LAND USE INFORMATION

EXISTING: Subject property is developed with a single family dwelling.
PROPOSED: A short-term rental of the existing single family dwelling.
SURROUNDING: The subject property is adjacent to residentially developed parcels.
PUBLIC NOTICE: Mailed to all property owners within 250 feet of subject property and published in local newspaper.
APPLICABLE CRITERIA: Land Development Code – Ordinance No. 06-O-572
Chapter 17.20.040(Q) – Single-Family Residential (R-1)
Chapter 17.124.170 – Short-term Rental
Chapter 17.136 – Conditional Use Permits

BACKGROUND INFORMATION

The subject property is rectangular in shape, .26 acre in size and located on the west side of Parkview Drive, north of the intersection with Hampton Road. The property is accessed from Parkview Drive, which is approximately 40 feet in width and has two paved travel lanes. There are no public improvements in the right-of-way. The property is developed with a single-family dwelling, constructed in 1983. The dwelling contains approximately 1,188 square feet of living area.

PROPOSED CONDITIONAL USE PERMIT

The applicant is requesting to use the single family dwelling as a Short-term Rental. The R-1-6 zone allows for Short-term Rentals with approval of a Conditional Use Permit. Standards for Short-term Rentals are found in Brookings Municipal Code (BMC) section 17.124.170. These criteria will be required as Conditions of Approval if approved. The applicants' Findings (**Attachment A**) discuss their plans in regard to these standards. Confirmation of utilities is found in **Attachment B**. The Operations Fire Chief, requests that state requirements for placement and upkeep of smoke detectors be followed. This is a proposed condition of approval.

ANALYSIS, FINDINGS, AND CONCLUSIONS

17.136.050 Conditional Use Permit

The following is staff's analysis of the proposed Conditional Use Permit (CUP) in relation to the general Conditional Use Permit (CUP) criteria.

Criterion 1 - Adequate size and shape

The subject property is approximately 11,326 square feet in size and contains a single-family dwelling with three (3) bedrooms and two (2) baths. The property is of sufficient size to accommodate four parking spaces. With a total of four parking spaces, the property has enough parking area to accommodate the proposed use. Criterion 1 is met.

Criterion 2 - Relation of streets

The subject property is accessed by Parkview Drive, which is approximately 40 feet in width and has two paved travel lanes. There are no public improvements in the right-of-way. No on street parking is available. Vehicular traffic generated by a short term rental would only be a factor when the dwelling is rented and no traffic would be generated when the unit is vacant. This use involves less traffic than dwellings rented or occupied on a full time basis. Parkview Drive will accommodate traffic generated by the proposed use. Criterion 2 is met.

Criterion 3 - Neighborhood impact

The impact on the surrounding neighborhood is the primary issue concerning residents in the neighborhood where a Short-term Rental is being proposed. The proposed Conditions of Approval require the owners of the property to provide a local manager for the Short-term Rental, pursuant to the provisions of BMC 17.124.170, who has the authority to resolve issues that may arise from the operation of the dwelling as a Short-term Rental. The applicant has advised that a manager residing within the urban growth boundary will manage the rental. With this as a Condition of Approval, Criterion 3 is met.

Criterion 4 - Historic, scenic or cultural attributes

There are no listed historic, scenic or cultural attributes listed in the Comprehensive Plan. Criterion 4 is met.

Criterion 5 - Comprehensive Plan

The Comprehensive Plan designation for this property is “residential”. The proposal is to use the existing dwelling for residential use. Criterion 5 is met.

BMC 17.124.170 Short Term Rentals

Any existing dwelling in any of the residential zones and in the general commercial (C-3) zone can be used for short-term rental purposes as set forth in that zone and pursuant to certain regulations as follows:

- A. The property owner or holder shall obtain a business license from the City of Brookings and register the dwelling on a separate form.
- B. A transient room tax will be applied pursuant to Chapter 3.10 BMC.
- C. The property owner shall provide the name, address and telephone number of a local representative, either a property management business or an individual residing in the Brookings Urban Growth Boundary, who has the authority to, make or have repairs made, resolve disputes and/or terminate occupancy if necessary.
- D. The Representatives name and telephone number shall be posted within the dwelling.
- E. The Applicant shall subscribe to a scheduled waste collection service and provide garbage receptacles on the property.

These criteria will be included in the Conditions of Approval. The Applicant has submitted Findings stating these criteria will be met (**Attachment A**).

RECOMMENDATION

Staff recommends APPROVAL of CUP-3-19, based on the findings and conclusions stated in the applicant’s findings, the staff report, and subject to the Conditions of Approval.

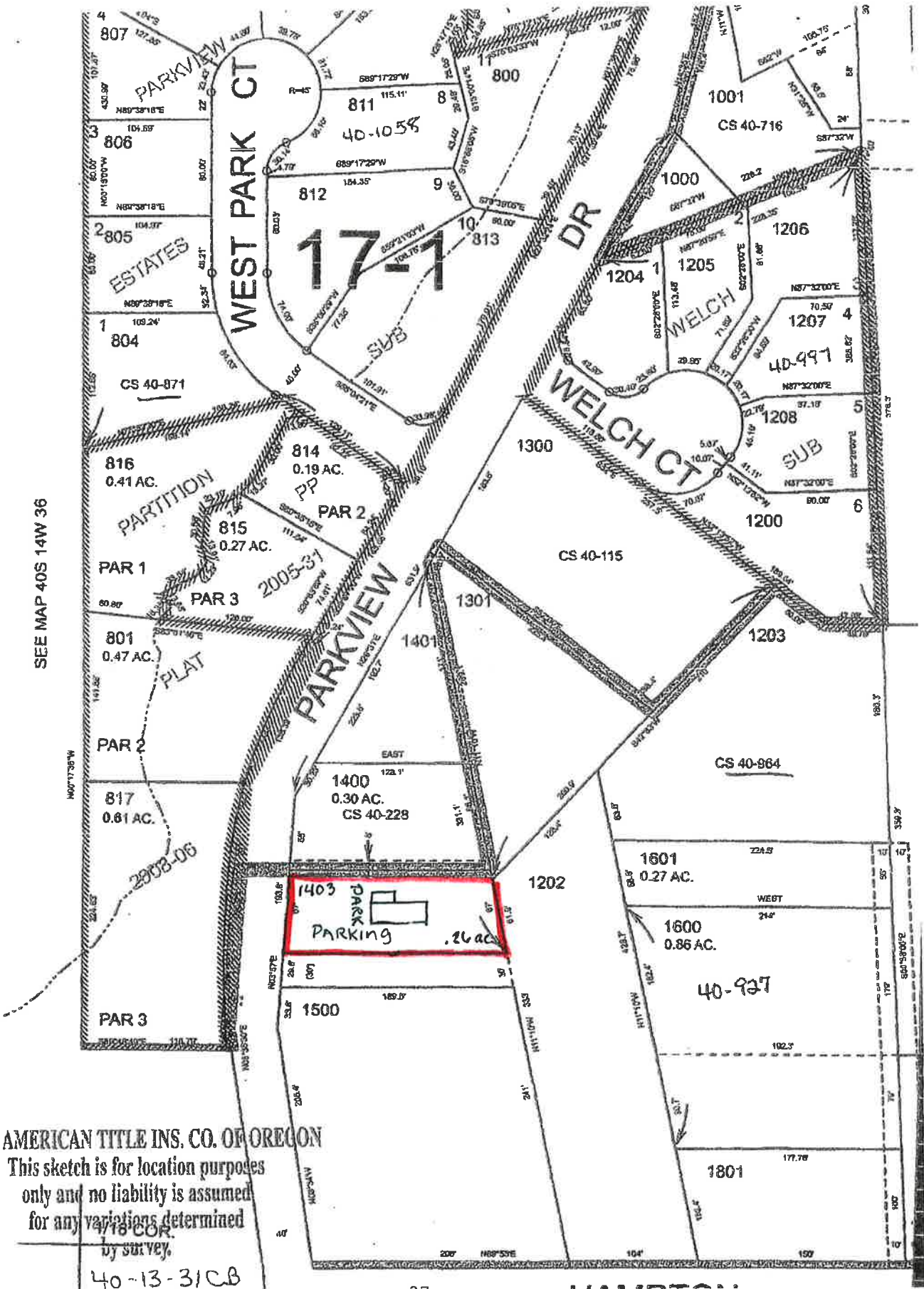
Staff has prepared a FINAL ORDER to be considered at this meeting.

FIGURE 1 – Plat Map

ATTACHMENT A – Applicants Findings

ATTACHMENT B – Utility Confirmation

FIGURE 1



SEE MAP 40S 14W 36



FIRST AMERICAN TITLE INS. CO. OF OREGON
 This sketch is for location purposes
 only and no liability is assumed
 for any variations determined
 by survey.
 40-13-31CB

FINDINGS

Conditional Use Permit Application
Short Term Rental (ORD. 17.124.170)

ATTACHMENT A

Conditional Use Permit Application for Short term Rental

1. The intent is to utilize this property as a vacation rental for 6 guests. The site is a 1188 SF residence, 3 bedroom, 2 bath, built in 1983 on .26 acres. There is a no car garage ~~that will/will not be~~ available for guest parking. There is driveway space for 6 vehicles.
2. Traffic will consist of passenger cars and similarly sized vehicles. RV parking will not be allowed.
3. The proposed use will not have an adverse impact on the adjoining properties. There is parking within the property boundaries and no street parking will be used.
4. There are no areas designated as requiring preservation of historic, scenic or cultural attributes.
5. The proposed use of the property is in keeping with a residential Comprehensive Plan.

Additionally -

- A. We will obtain a business license from the City of Brookings once approval has been obtained.
- B. We will collect and pay the City of Brookings transient room tax on all short-term rentals of our property pursuant to Chapter 3.10 BMC.
- C. Our local representative is:
Name: Kathy Gonzales
Address: 437 Fir Street, Brookings, OR
Phone: (541) 412-1245
- D. Our representative's contact information will be posted within the dwelling.
- E. We subscribe to a scheduled waste collection service and provide garbage receptacles on the property.
- F. We understand the Conditional Use Permit does not run with the land.



City of Brookings

898 Elk Drive, Brookings, OR 97415
 (541) 469-1103 Fax (541) 469-3650 TTY (800) 735-1232

www.brookings.or.us

PUBLIC WORKS AND DEVELOPMENT SERVICES DEPARTMENT

UTILITY CONFIRMATION FORM

This form must be signed by Coos-Curry Electric, the electric utility provider, and then submitted with your application. Bring a copy of your plot plan or plat when discussing your proposal with the utility provider.

Application Information – this section to be filled out by applicant			
Applicant Name:	LIE TAN		
Site Address:	16947 Parkview Dr, Brookings, OR 97415		
Assessor Map #	40-13031 CB	Tax Lot #	1403
Proposal	<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Variance	
	<input type="checkbox"/> Subdivision/Partition	<input type="checkbox"/> Other	

Coos Curry Electric Coop - Utility Provider Confirmation:

I have reviewed the above referenced proposal and can confirm that the subject property is within this utility provider's district boundary and service can be provided. Any needed extension of service lines and all applicable fees and required charges have been discussed with the applicant.

There will be no changes to the existing utility infrastructure on the above property. This is for rental purposes only.

Signature: Walt Jungblut Date: 1-16-19

Title: Staking Engineer

**BEFORE THE PLANNING COMMISSION
CITY OF BROOKINGS, COUNTY OF CURRY
STATE OF OREGON**

**In the matter of Planning Commission File No. CUP-3-19; an)
application for approval of a Conditional Use Permit to use an)
existing dwelling as a Short-term Rental; Owner and Applicant,)
Lie Tan)**

**Final ORDER
and Findings of
Fact**

ORDER approving an application for a Conditional Use Permit to authorize a Short-term Rental at: 16947 Parkview Drive, Assessor's Map 40-13-31CB, Tax Lot 01403; zoned R-1-6 Single-family Residential

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with the Brookings Municipal Code, pursuant to Section 17.20.040(Q), Single-family Residential; Section 17.124.170, Short-term Rentals; Chapter 17.136, Conditional Use Permits; and
2. Such application is required to show evidence that all of the above criteria have been met; and
3. The Brookings Planning Commission duly set this matter upon the agenda of a public meeting and considered the above described application with the public hearing a matter of record of the Planning Commission meeting of March 5, 2019; and
4. At the public meeting on said Conditional Use Permit application, evidence and testimony was presented by the Applicant and recommendations were received from and presented by staff in the form of a Staff Report, dated February 22, 2019 and oral presentation of same; and
5. At the conclusion of the public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and **APPROVED** the request for the subject Conditional Use Permit and directed staff to prepare a Final Order and Findings of Fact to that affect.

THEREFORE, LET IT BE HEREBY ORDERED that the application for the Conditional Use Permit on the subject property is **APPROVED**. This approval is supported by the applicant's findings, Attachment A of the staff report, and by the following findings and conclusions:

CRITERIA, FINDINGS, AND CONCLUSIONS

17.136.050 Conditional Use Permit

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is rented and no traffic would be generated when the unit is vacant. This use involves less traffic than dwellings rented or occupied on a full time basis. Parkview Drive will accommodate traffic generated by the proposed use. Criterion 2 is met.

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Criterion 4, Historic, scenic or cultural attributes.

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Criterion 5, Comprehensive Plan.

The Comprehensive Plan designation for this property is “residential”. The proposal is to use the existing dwelling for residential use. Criterion 5 is met.

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- B. A transient room tax will be applied pursuant to Chapter 3.10 BMC.
- C. The property owner shall provide the name, address and telephone number of a local representative, either a property management business or an individual living in the Brookings Urban Growth Boundary, who has the authority to, make or have repairs made, resolve disputes and/or terminate occupancy if necessary.
- D. The Representatives name and telephone number shall be posted within the dwelling.
- E. The Applicant shall subscribe to a scheduled waste collection service and provide garbage receptacles on the property.

These criteria will be included in the Conditions of Approval. The Applicant has submitted Findings stating these criteria will be met (**Attachment A**).

**CONDITIONS OF APPROVAL
CUP-3-19
16947 Parkview Drive Short-Term Rental**

- 1. Approval of this Conditional Use Permit will expire two years from approval, unless the applicant applies for and receives a business license from the City of Brookings. The City of Brookings may extend the permit for an additional one-year period at the request of the applicant. Annual renewal of the business license is required to keep the Conditional Use Permit active.

2. The Conditions of Approval stated herein are mandatory and must be completed. Failure to comply with any condition will result in the review and possible revocation of your permit pursuant to BMC 17.136.110, Violation of Conditions. Violations may result in the loss of your Conditional Use Permit.
3. The property owner/applicant shall obtain a business license from the City of Brookings and register the dwelling on a separate form.
4. A transient room tax will be applied pursuant to Chapter 3.10, BMC.
5. The property owner shall provide the name, address, and telephone number of a local representative, either a property management business or an individual living in the Brookings Urban Growth Boundary, who has the authority to, make or have repairs made, resolve disputes and/or terminate occupancy if necessary.
6. The representative's name and telephone number shall be posted within the dwelling.
7. The applicant shall subscribe to a scheduled waste collection service and provide garbage receptacles on the property.
8. Guests of the short term rental shall be limited to four (4) vehicles. No less than four (4) parking spaces must be maintained on the subject property and shall be clearly delineated. Guests are prohibited from parking on the street.
9. No oversized or towable vehicles are permitted.
10. Access to and around the structure must remain accessible to fire fighting vehicles.
11. Smoke detectors must be in accordance with Oregon Revised Statutes 479.250 - 479.300.
12. The address shall be posted on the front of the dwelling as to be clearly visible from the street.
13. Ongoing neighborhood disturbances can result in Planning Commission review and possible revocation of the Conditional Use Permit pursuant to BMC 17.136.110.

Dated this 5th day of March, 2019

ATTEST:

Gerald Wulkowicz, Planning Commissioner

Anthony Baron, PWDS Director

BROOKINGS PLANNING COMMISSION MINUTES
February 5, 2019

CALL TO ORDER

The regular meeting of the Brookings Planning Commission was called to order by Chair Wulkowicz at 7:00 pm in the Council Chambers at Brookings City Hall followed by the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Tim Hartzell, Skip Hunter, Clayton Malmberg, Cheryl McMahan, Gerry Wulkowicz

Staff Present: PWDS Director Tony Baron, Planning Tech Lauri Ziemer

PLANNING COMMISSION CHAIR PERSON ANNOUNCEMENTS – None

PUBLIC HEARINGS

4.1 In the matter of the File No. CUP-2-19, a request for approval of a Conditional Use Permit to operate a Short Term Rental facility at 880 Joshua Court.

There was no ex parte contact, bias, personal interest, or conflicts of interest declared and no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:03 pm. PWDS Director Tony Baron reviewed the staff report.

The applicant, Jose Interiano was present and available for questions. No members of the public spoke in opposition and no participant requested additional time to submit materials. The public hearing was closed at 7:10 pm.

The Commission deliberated on the matter. **Motion made by Commissioner Hartzell to authorize a Conditional Use Permit to operate a Short Term Rental facility at 880 Joshua Court, located on Assessor's Map No. 40-13-32CC; Tax Lot 01113, zoned R-1-6 based on the findings and conclusions stated in the staff report and subject to the Conditions of Approval; motion seconded by Chair Wulkowicz. By a 5-0 vote the motion carried.**

Motion made by Commissioner McMahan to approve the Final Order as presented; motion seconded by Commissioner Hartzell. By a 5-0 vote the motion carried.

MINUTES FOR APPROVAL

5.1 Minutes of the regular Planning Commission meeting of January 8, 2019. **Motion made by Commissioner McMahan to approve the minutes as presented; motion seconded by Commissioner Malmberg. By a 5-0 vote the motion carried.**

UNSCHEDULED PUBLIC APPEARANCES - None

REPORT FROM THE PLANNING STAFF – Tony Baron advised that Commissioner Tillung had been removed from the Planning Commission by the City Council, as he had moved out of the area and was not attending meetings. He also updated the Commission on the progress of the Riparian Ordinance that is going to thru City Council.

ADJOURNMENT

Chair Wulkowicz adjourned the meeting at 7:20 pm.

Respectfully submitted,

Gerald Wulkowicz, Brookings Planning Commissioner
Approved at the March 5, 2019 meeting