

**BROOKINGS PLANNING COMMISSION MINUTES**  
**November 6, 2018**

**CALL TO ORDER**

The regular meeting of the Brookings Planning Commission was called to order by Vice 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, Cheryl McMahan, Gerry Wulkowicz

Commissioners Absent: Chair Bryan Tillung

Staff Present: PWDS Director Tony Baron, Planning Tech Lauri Ziemer; remotely by phone - LCOG Representative Jacob Callister and DLCD NFIP Coordinator Celinda Adair

Others Present: approximately 30 audience members

**PLANNING COMMISSION CHAIR PERSON ANNOUNCEMENTS - None**

**THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE SCHEDULED PUBLIC HEARINGS**

5.1 Riparian Protection Ordinance - File No. CP-1-18 - proposing land use regulations for areas adjacent to and containing riparian areas (waterways). Commissioner Wulkowicz opened the legislative hearing at 7:05 pm. Jacob Callister, LCOG Planning Contractor presented and explained the ordinance. A joint public workshop on the matter was held September 17, 2018.

Eric Ratliff, 143 Tanbark, Brookings questioned riparian qualifications, including who/what determines a creek or storm culvert as a fish habitat.

Noah Bruce, 108 Seacliff Terrace, Brookings expressed concerns that property owner rights are protected throughout the process. Believes his property is suffering erosion from being required to remove a walkway in an area that had been adjudged as riparian and matter has yet to be determined after court action. He would like to put the walkway back in and does not believe his property near the jetty rock area is a riparian area.

Stacy Savona, Oregon Dept of Forestry, 415 Redwood Street, Brookings provided information on fish habitat and riparian set backs. She volunteered to work with ODF to collect updated data.

Sue Gold, 95730 House Rock Road, Brookings expressed concern for the waterway which runs through her property which is located in the Cape Ferrelo area and how the ordinance would affect property owners.

Katherine Wiley, 96370 Duley Creek Road, Brookings expressed concern over the proposed adoption of the riparian overlay zone and ordinance and how it would affect property owners. She submitted her written concerns for the record and requested the ordinance adoption be delayed.

LCOG Representative Jake Callister clarified that the ordinances' purpose is for the protection of resources which currently have no protection, not about water quantities and allocations. No participant requested additional time to submit materials. The public hearing was closed at 8:20 pm.

The Commission deliberated on the matter. Commission suggested the City request assistance from ODF to further review water courses and advised that in regards to concerns about the possibility of creating hydro electric sources on streams that the ordinance does not pertain to wetlands and damming of streams. **Motion made by Commissioner Wulkowicz to send a positive recommendation to City Council on File CP-1-18 establishing a riparian protection overlay zone and accompanying standards for the City of Brookings consistent with Oregon statewide Planning**

**Goal 5, Riparian Safe Harbor Inventory Procedures and Goal 5, Safe Harbor protections based on the criteria presented with the addition of a request for the City to review the delineation of the fish bearing streams listed on the map with state resources and that the end of paragraph "Water dependent" on page 4 (page 17 in the supplemental packet), that the words "for water-borne transportation, recreate on, energy production or source of water" be deleted from the text.** Further discussion pursued on whether the jetty meets riparian qualifications and on the ordinance. Jacob Callister recommended not to delete the text as motioned and that he would review other coastal city ordinances and he would develop less ambiguous language around the uses that would provide clarity to the ordinance when submitted to City Council. **Motion seconded by Commissioner Hartzell. By a 0-4 vote the motion failed.**

**Motion made by Commissioner Wulkowicz to have City staff contact state resources to reassess the delineation of the waterways shown on the map of the ordinance and for the City to reassess the definition of water dependent uses to be accessed across the riparian corridor; motion seconded by Commissioner Hartzell. By a 4-0 vote the motion carried.** Matter forwarded to City Council.

5.2 Flood Damage Prevention Amendments - File No. CP-2-18 - FEMA and the Oregon Department of Land Conservation and Development required amendments to the City's Flood Damage Prevention Ordinance. Vice Chair Wulkowicz opened the legislative hearing at 8:31 pm. LCOG Planning Contractor presented and explained the amendments. Celinda Adair, DLCD NFIP Coordinator advised a FEMA Open House was held in Brookings March 1, 2017 explaining to property owners that the amendments were to update codes to improve the National Flood Insurance Program which protects structures during flood events. No members of the public spoke in opposition and no participant requested additional time to submit materials. The public hearing was closed at 8:49 pm.

The Commission deliberated on the matter. **Motion made by Commissioner McMahan to approve the Oregon Department of Land Conservation and Development required amendments to the City's Flood Damage Prevention Ordinance; motion seconded by Commissioner Hunter. By a 4-0 vote the motion carried.** Matter forwarded to City Council.

5.3 In the matter of the **File No. CUP-3-18**, a request for approval of a Conditional Use Permit to operate a Short Term Rental facility at 96414 Dawson Road, a 1.32 acre parcel located on Assessor's Map No. 40-14-36-BB; Tax Lot 03000, zoned R-1-6.

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 8:51 pm. Planning Director Tony Baron reviewed the staff report.

The applicant's representative, Ron Reel 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 8:56 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 96414 Dawson Road, a 1.32 acre parcel located on Assessor's Map No. 40-14-36-BB; Tax Lot 03000, 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 Commissioner Wulkowicz. By a 4-0 vote the motion carried.**

**Motion made Commissioner Wulkowicz to approve the Final Order as presented; motion seconded by Commissioner McMahan. By a 4-0 vote the motion carried.**

5.4 In the matter of **File No. M3-1-18**, a request for a partition to divide a 0.79 acre parcel into three (3) parcels; located at 331 Mill Beach Road; Assessor's Map 41-13-06CA, Tax Lot 1501; R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) zoned R-1-6.

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 8:58 pm. Planning Director Tony Baron reviewed the staff report. Conditions of Approval included a DIA requiring street improvements when Byrtus Place is improved.

Tamara Townsend, 329 Mill Beach Road, Brookings is a neighboring property owner and objects to the partition. She believes it does not keep with the standards of the neighborhood and allowing two flag lots would cause crowding and be an inefficient use of the property since 25% of the land will be used for driveways. The property is accessed on a one lane private driveway used by the four residences and believes traffic would double, increasing the risk of accidents. Emergency vehicles have no turnaround and the heavier road use would cause deterioration faster. The neighbors pay to maintain, repair and reslurry the current driveway. The home and property are currently in poor condition and submitted photos for the record. If partition approved, requested single story buildings and 8' block fences on property lines. Requested Planning Commission postpone decision and change planning code.

Vicki Theriault, 1107 Rowland Lane, Brookings resides in the neighborhood and did not believe the flag lot parcels fit in with the other residences.

Pamela Stallings, 333 Mill Beach Road, Brookings did not believe that two flag lots were feasible and expressed concern about the road and the damage that the construction would cause. Believes that vehicles using and turning around in the median area would cause water pipes/meters to break. Requested the impact on the driveway be inspected.

Angie Christianson, 332 Mill Beach Road, Brookings expressed concern about the waterline pipes and damage that could occur during construction.

Dave Scott, Applicant – 98700 Woodriff Lane, Brookings advised that the property had been a rental and left in bad shape. Advised that after the partition was approved in 2007 he did make improvements in the waterlines, but did not continue on with the project. He plans to develop the parcels appropriately with manufactured homes and keep the neighborhood nice.

No participant requested additional time to submit materials and the applicant did not request additional time for written rebuttal. The public hearing was closed at 8:56 pm.

The Commission deliberated on the matter. Commission explained they cannot require property owners to construct fences or restrict building heights. Buildings are built to zoning code requirements. **Motion made by Commissioner McMahan to authorize a partition to divide a 0.79 acre parcel into three (3) parcels; located at 331 Mill Beach Road; Assessor's Map 41-13-06CA, Tax Lot 1501; R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) zoned R-1-6; motion seconded by Commissioner Hunter. By a 4-0 vote the motion carried.**

**Motion made Commissioner McMahan to approve the Final Order as presented; motion seconded by Commissioner Hartzell. By a 4-0 vote the motion carried.**

#### **MINUTES FOR APPROVAL**

6.1 Minutes of regular Planning Commission meeting of July 10, 2018. **Motion made by Commissioner McMahan to approve the minutes of July 10, 2018 as presented; motion seconded by Commissioner Wulkowicz. Commissioner Hartzell did not attend the meeting. The remaining three Commissioners attended the meeting and by a 3-0 vote the motion carried.**

6.2 Minutes of regular Planning Commission meeting of August 7, 2018 **Motion made by Commissioner McMahan to approve the minutes of August 7, 2018 as presented; motion seconded by Commissioner Hartzell. By a 4-0 vote the motion carried.**

**UNSCHEDULED PUBLIC APPEARANCES** - None

**REPORT FROM THE PLANNING STAFF** - None

**COMMISSION FINAL COMMENTS** - None

**ADJOURNMENT**

Vice Chair Wulkowicz adjourned the meeting at 9:48 pm.

Respectfully submitted,

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Gerald Wulkowicz, Brookings Planning Commissioner  
Approved at the January 8, 2019 meeting