

Planning Commission Agenda
April 5, 2016, 7:00 pm City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415

1. Call To Order
2. Pledge Of Allegiance
3. Roll Call
4. Planning Commission Chairperson Announcements
5. Public Hearings
 - 5.I. In The Matter Of File No. M3-1-16,
a request for a partition to divide a 1.29 acre parcel into two parcels; located adjacent to the southern boundary of Memory Lane between Musser and Kindel Streets; Assessor's Map 41-13-08BA, tax lot 600; zoned Single-Family Residential (R-1-6). Owner/applicant is Savage; Representative is Roberts & Associates Land Surveying. Criteria used to decide this case can be found in Chapter 17.20 R-1-6, 17.172 Land Divisions, 17.168 Public Facilities Improvements, Standards and Criteria for Utilities, and 17.170 Street Standards of the Brookings Municipal Code. This is a quasi-judicial hearing and the Planning Commission will make a decision on this matter.

Documents: [STAFF REPORT.PDF](#), [FINDINGS.PDF](#), [UTILITY CONFORMATION.PDF](#), [STORM DRAINAGE PLAN.PDF](#), [FINAL ORDER.PDF](#)
 - 5.II. In The Matter Of File No. MC-1-16/MC-1-12/CUP-2-98,
a request for approval of a minor change to an approved Conditional Use Permit authorizing the expansion of a pre-school program, Headstart, with the remodel of the existing facility to accommodate approximately 60 students. The subject property is located adjacent to the eastern boundary of Redwood Spur; Assessor's map 41-13-05CB, tax lots 9700 & 9901. Owner is SWOCC, Applicant is Curry County, Representative is Lon Samuels. Criteria used to decide this case can be found in Section 17.124.010 Day Care or Nursery School, Section 17.20.040(E) Single Family Residential and Chapter 17.136 Conditional Use Permits of the Brookings Municipal Code. This is a quasi-judicial hearing and the Planning Commission will make a decision on this matter.

Documents: [STAFF REPORT.PDF](#), [FINDINGS.PDF](#), [UTILITY CONFORMATION.PDF](#), [FINAL ORDER.PDF](#)
 - 5.III. In The Matter Of File No. VAR-1-16,
a request for a variance to a side yard setback to allow a structure with a partial flat roof to be remodeled with a sloped roof. The subject property is located adjacent to the eastern boundary of Redwood Spur; Assessor's map 41-13-05CB, tax lot 9700. Owner is SWOCC, Applicant is Curry County, Representative is Lon Samuels. Criteria used to decide this case can be found in Section 17.20.060 Single Family Residential and Chapter 17.132 Variances of the Brookings Municipal Code. This is a quasi-judicial hearing and the Planning Commission will make a decision on this matter.

Documents: [STAFF REPORT.PDF](#), [FINDINGS.PDF](#), [FIRE MEMO.PDF](#), [FINAL ORDER.PDF](#)

6. Minutes For Approval

6.I. Minutes Of The Regular Planning Commission Meeting Of March 1, 2016.

Documents: [03-01-16 PC MINUTES.PDF](#)

7. Unscheduled Public Appearances

8. Report From The Planning Staff

9. Commission Final Comments

10. Adjournment

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with 10 days advance notification. Please contact 469-1137 if you have any questions regarding this agenda.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Partition
FILE NO: M3-1-16
HEARING DATE: April 5, 2016

REPORT DATE: March 24, 2016
ITEM NO: 5.1

GENERAL INFORMATION

OWNER: John & Pamela Savage

REPRESENTATIVE: Rich Roberts, Roberts & Associates Land Surveying.

REQUEST: A partition request to create two parcels of 15,354 and 40,969 sq. ft. in size.

TOTAL LAND AREA: 1.29 acre/56,323 sq. ft.

LOCATION: Subject property is located adjacent to the southern boundary of Memory Lane between Musser and Kindel Streets, more specifically 313 Memory Lane.

ASSESSOR'S NUMBER: 41-13-08BA, Tax Lot 600.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: Single-Family Residential (R-1-6), 6,000 sq. ft. minimum lot size.

PROPOSED: Same.

SURROUNDING: Subject property is surrounded by Single-Family Residential (R-1-6) zoned parcels.

COMP. PLAN: Residential.

LAND USE INFORMATION

EXISTING: Subject property is developed with a single family dwelling with an attached garage on proposed Parcel 2 and a detached garage/shop on proposed Parcel 1.

PROPOSED: This application requests approval to create two parcels.

SURROUNDING: The subject property is surrounded by residentially zoned and developed parcels.

PUBLIC NOTICE: Mailed to all property owners within 250 feet of subject property and published in local newspaper.

APPLICABLE CRITERIA: Brookings Municipal Code (BMC) – Ordinance No. 06-O-572
Title 17, Land Development Code
Chapter 17.20 – Single-Family Residential (R-1-6)
Chapter 17.168 Public Facilities
Chapter 17.170 Street Standards
Section 17.172.060 Partitions
Section 17.172.061 Rear lot partitions

BACKGROUND INFORMATION

The subject property is an rectangular shaped parcel developed with a single family dwelling located on the southern portion near the top of the bluff to the Pacific Ocean. A garage/shop is located on the northern portion of the property adjacent to Memory Lane. The property is generally flat until the top of the bluff is reached.

PROPOSED PARTITION

The subject property has more than the 12,000 sq. ft. required to create the two parcels in the R-1-6 zone. The existing structures meet the setback requirements to all proposed new property lines for the R-1-6 zone.

Memory Lane is a two lane paved road within a 50 foot right-of-way. There are no additional public improvements in the vicinity of the subject property, curb, gutter or sidewalk. Since there are no improvements adjacent to the subject property instead of requiring the installation of the improvements, the recording of a Deferred Improvement Agreement is proposed as a condition of approval. The agreement will require the property owner to participate in the installation of public improvements that could include curb and gutter, sidewalk, storm drainage and half street paving. The requirements of the agreement will run with the land and will apply to both parcels if the partition is approved.

Public Works Staff has provided confirmation that City sewer and water are adequate to serve the future development of Parcel 1. There are no public storm drainage facilities in the area. The applicant has provided an engineered storm drainage facility plan (**Attachment C**) that has been reviewed and approved in house. At the time a new dwelling is proposed for Parcel 1 that proposes additional impervious surfaces, the facility must be installed. Since the proposed facility transports the storm water to the toe of the ocean bluff, the materials for BMC 17.100, Hillside Development, will be required at that time. A note on the final plat map alerting future property owners to this requirement is a proposed condition of approval.

The sewer lateral serving the existing dwelling on proposed Parcel 2, is shown on the topographic site map as being located on the pole that is proposed as part of Parcel 2. The applicant has advised that the water lateral is located in this area as well. No easements are necessary for these facilities.

Jim Watson, Operations Fire Chief and Coos Curry Electric Cooperative have also provided comments (**Attachment B**). Site Plan Committee reviewed this partition and found it to be consistent with City ordinances and policies.

ANALYSIS

The Planning Commission must consider the following criteria when deciding on applications for a Partition:

1. Conformance with the comprehensive plan, and applicable development standards of this code, and state and federal laws.
2. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.
3. Adjoining property under separate ownership can either be developed or be provided access that will allow its development in accordance with this code.
4. The ability to take access from the frontage road pursuant to the provisions of Chapter 17.128.050 of this code.
5. Conditions necessary to satisfy the intent of the land development code and comprehensive plan can be satisfied prior to final approval.

FINDINGS AND CONCLUSIONS

17.172.060, Partitions.

The following is staff's analysis of the proposed partition in relation to the criteria cited above. The Applicant's findings to address the partition criteria are found in **Attachment A**.

Criterion 1, Comprehensive Plan.

RESPONSE: The proposed partition meets the criteria addressed above and is consistent with the provisions of the R-1-6 zone in terms of size, setbacks and density. The Comprehensive Plan designation is "Residential" and that is consistent with the proposed use of these parcels. Criterion 1 is met.

Criterion 2, Remainder Lots.

By definition a remainder lot is a lot created by partition or subdivision that is twice or more the size of the minimum lot allowed by the underlying zone.

RESPONSE: The minimum lot size in the R-1-6 zone is 6,000 sq ft. Parcel 1 is 15,354 sq. ft. and Parcel 2 is 40,969 sq ft. Both proposed parcels are more than twice the minimum lot size and are remainder lots by definition. However due to location of the shop on Parcel 1, this parcel could not be further divided without the removal of the structure. Parcel 2 is adjacent to the top of the bluff and the area west of the top of the bluff is not developable and this parcel cannot be further developed. Criterion 2 is met.

Criterion 3, Access to Surrounding Property.

RESPONSE: Adjacent properties have frontage on existing streets to provide access. This partition will not prevent adjacent properties from developing. Criterion 3 is met.

Criterion 4, Access to the Subject Property.

RESPONSE: Each parcel fronts on a platted street for more than the minimum distance of 20 feet. This meets the access criteria in BMC17.128.050. Criterion 4 is met.

Criterion 5, Conditions of Approval.

All of the conditions applied to the approval of this partition can be satisfied prior to the recordation of the final plat map.

RESPONSE: There are numerous conditions of approval proposed including the standard requirements for a partition as well as the DIA for street improvements. These are able and will need to be met prior to recording the final plat. Considering the Conditions of Approval, Criterion 5 is met.

17.172.061, Rear Lot Partitions.

The following criteria (addressed by the Applicant in findings, Attachment A) must be met before a lot is eligible to be developed under the provisions of this section:

Criterion 1, Property must be less than four acres in area.

RESPONSE: The total area of the subject property is 1.29 acre. Criteria 1 is met.

Criterion 2, Property must be situated, dimensioned, or contain existing development that prevents using standard parcel configurations.

RESPONSE: The subject property is located on a terrace at the top of a steep, ocean bluff. The subject property has more than the required 120 feet of street frontage to allow for two parcels 60 feet in width as required by BMC 17.20.060. However, due to the location of the existing shop/garage this configuration would not allow adequate room for a dwelling to be constructed on the parcel. These circumstances prevent the property from being developed using standard parcel configuration. Criteria 2 is met

Criterion 3, Minimum Area. Twice that required by the underlying zoning district and not including the area necessary for the accessway.

RESPONSE: The minimum lot size in the R-1-6 zone is 6,000 sq. ft. The subject property is 56,323 sq. ft. The accessway is approximately 2,660 sq ft. The minimum area of the property without the accessway is 53,663 sq ft which is more than the required 12,000 sq ft. Criteria 3 is met.

Criterion 4, Minimum Width. Twenty feet greater than required by the applicable zoning district.

RESPONSE: The subject property has 135 feet of street frontage adjacent to Memory Lane. With the minimum lot width requirement of 60 ft in the R-1-6 zone, 80 ft of street frontage is needed to partition using the rear lot configuration. Criteria 4 is met.

CONDITIONS OF APPROVAL

The conditions of approval are attached to and hereby made a part of this report.

RECOMMENDATION

Staff recommends APPROVAL of Case File No. M3-1-16, based on the findings and conclusions stated in the staff report and subject to the conditions of approval.

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

Attachments:

- A-- Applicant's findings
- B-- Utility provider comments
- C-- Engineered storm drainage facility plan
- D-- Draft final order

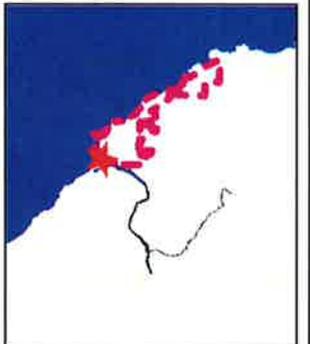
313 Memory Lane



This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.



Map center: 42° 2' 49.8" N, 124° 16' 24.7" W



Legend

- RIVERS
- ROADS
- PARCELS
- URBAN GROWTH BOUNDARY
- OCEAN



Scale: 1:2,586

Figure 1

PLAT NUMBER **PRELIMINARY PLAT**

INSTRUMENT NO. _____

SAVAGE POINT PARTITION

PREPARED FOR
THE JOHN AND PAMELA SAVAGE 2000 TRUST

PO Box 6009
Brookings, Oregon 97415
541-855-7445
APM. 41-13-08BA
TAX LOT 600

SURVEYOR'S CERTIFICATE

I, RICHARD P. ROBERTS HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH THE PROPER MONUMENTS THE LANDS REPRESENTED ON THE ATTACHED MAP, DESCRIBED AS FOLLOWS:

A TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 41 SOUTH, RANGE 13 WEST, WILLAMETTE MERIDIAN, CITY OF BROOKINGS, CURRY COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1 1/2" iron pipe lying on the Southerly Right of Way of Memory Lane, said point being South 13.68 feet and East 1863.22 feet from the Northwest corner of said Section Eight;
thence, along said Right of Way, South 89°53'25" East a distance of 135.29 feet;
thence, leaving said Right of Way, South 00°00'37" West a distance of 463.70 feet, more or less, to the ordinary high tide line of the Pacific Ocean;
thence Westerly, along said ordinary high tide line, to a point lying South 00°00'37" East from the Point of Beginning;
thence North 00°00'37" West a distance of 449.50 feet, more or less, to the POINT OF BEGINNING.

SUBJECT TO the right of the State of Oregon in the ocean shore and dry sands area defined as declared acquired under the provisions of ORS 390.605-770, or South of the seaward edge of vegetation where uplands supports vegetation as defined in Thornton v. Hay, Oregon Supreme Court.

BROOKINGS AREA

VICINITY MAP

NO SCALE



LOCATED IN
NE1/4 OF NW1/4, SECTION 8,
T41S, R13W, WILLAMETTE MERIDIAN,
CITY OF BROOKINGS, CURRY COUNTY, OREGON

DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT, JOHN GORDON SAVAGE, TRUSTEE AND PAMELA SAVAGE, TRUSTEE OF THE JOHN AND PAMELA SAVAGE 2000 TRUST, ARE THE OWNER'S OF THE LANDS REPRESENTED ON THE ANNEXED MAP AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE AND HAVE CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED INTO PARCELS IN ACCORDANCE WITH THE PROVISIONS O.R.S CHAPTER 92.

WE HEREBY DEDICATE THE 5 FOOT WIDE PUBLIC UTILITY EASEMENT (P.U.E.) ADJACENT TO THE RIGHT OF WAY OF MEMORY LANE, FOR THE INSTALLATION, USE AND MAINTENANCE OF WATER, ELECTRICAL, TELEPHONE, CABLE TV, AND OTHER SUCH FACILITIES.

WE HEREBY DEDICATE EASEMENT "A", AS SHOWN ON SHEET 2, FOR INGRESS AND EGRESS AND UTILITIES, FOR THE USE AND BENEFIT OF PARCEL 1 OF THIS PLAT, WITH THE MAINTENANCE THEREOF TO BE SHARED EQUALLY BETWEEN PARCELS 1 AND 2.

WE HEREBY DEDICATE EASEMENT "B", AS SHOWN ON SHEET 2, FOR INGRESS AND EGRESS AND UTILITIES, FOR THE USE AND BENEFIT OF PARCEL 2 OF THIS PLAT, WITH THE MAINTENANCE THEREOF TO BE SHARED EQUALLY BETWEEN PARCELS 1 AND 2.

JOHN GORDON SAVAGE, TRUSTEE

PAMELA SAVAGE, TRUSTEE

ACKNOWLEDGEMENT

STATE OF _____

COUNTY OF _____ S.S.

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 201 _____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE APPEARED JOHN GORDON SAVAGE, TRUSTEE, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL INDIVIDUAL NAMED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED SAME FREELY AND VOLUNTARILY, IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

ACKNOWLEDGEMENT

STATE OF _____

COUNTY OF _____ S.S.

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 201 _____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE APPEARED PAMELA SAVAGE, TRUSTEE, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL INDIVIDUAL NAMED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED SAME FREELY AND VOLUNTARILY, IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

CITY OF BROOKINGS

THE CITY OF BROOKINGS HEREBY CERTIFIES THAT THIS PLAT IS IN CONFORMANCE WITH THE APPLICABLE REQUIREMENTS OF THE CITY OF BROOKINGS PLANNING ORDINANCES.

APPROVED THIS _____ DAY OF _____, 201 _____, BY THE CITY OF BROOKINGS

PLANNING MANAGER

CHAIRMAN

COUNTY SURVEYOR APPROVAL

I, REILY H. SMITH, CURRY COUNTY SURVEYOR, HEREBY APPROVE THIS PLAT.

APPROVED THIS _____ DAY OF _____, 201 _____, BY THE _____
CURRY COUNTY SURVEYOR

COUNTY TAX COLLECTOR

ALL TAXES, FEES ASSESSMENTS AND OTHER CHARGES AS PROVIDED BY O.R.S. 91-512 HAVE

BEEN PAID AS OF _____, 201 _____

CURRY COUNTY TAX COLLECTOR

COUNTY CLERK CERTIFICATE

FILED THIS _____ DAY OF _____, 201 _____, AT _____ O'CLOCK _____ M.

CURRY COUNTY INSTRUMENT No.

DRAWER No.

COUNTY CLERK

DEPUTY

COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED IN CURRY COUNTY INSTRUMENT: _____

PLANNING NOTES

APM: 41-13-08BA, TAX LOT 600, ZONING: R-1-6
DEED REF: INST. No. 2013-4158



I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL.

RICHARD P. ROBERTS, PLS 2730



611 SPRUCE STREET
P.O. Box 1599
Brookings, OR 97415
Ph: 541-469-0162
Fax: 541-469-5456

Drawn By: CEF	Date: 11/17/2015
Checked By: RPR	Job No. 14-033
Drawing Name: BASE	Sheet 1 of 2
Project Folder: 14-033	

PLAT NUMBER **PRELIMINARY PLAT**

INSTRUMENT NO. _____

SAVAGE POINT PARTITION

PREPARED FOR
THE JOHN AND PAMELA SAVAGE 2000 TRUST

PO Box 6009
Brookings, Oregon 97415
541-855-7445
APM. 41-13-08BA
TAX LOT 600

LOCATED IN
NE1/4 OF NW1/4, SECTION 8,
T41S, R13W, WILLAMETTE MERIDIAN,
CITY OF BROOKINGS, CURRY COUNTY, OREGON

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO PARTITION, INTO TWO PARCELS, THAT PARCEL OF LAND CONVEYED TO THE JOHN AND PAMELA SAVAGE 2000 TRUST, AS DESCRIBED IN INSTRUMENT 2013-4158, RECORDED OCTOBER 22, 2013, OFFICIAL RECORDS OF CURRY COUNTY, OREGON. I RESOLVE THE BOUNDARIES OF SAID PARCEL AS FOLLOWS:

BEARINGS FOR THIS SURVEY ARE OREGON COORDINATE REFERENCE SYSTEM (OREGON COAST ZONE) AS DEFINED IN OREGON ADMINISTRATIVE RULES 734-005-0005 THRU 734-005-0015, AS MEASURED BETWEEN TWO FOUND MONUMENTS ALONG THE WEST BOUNDARY OF THE SAVAGE PARCEL, AND FOUND TO BE NORTH 00°00'37" WEST. THE BEARING WAS DETERMINED BY GEODETIC QUALITY, GLOBAL POSITIONING SYSTEM OBSERVATIONS TAKEN ON NOVEMBER 18, 2015. THE OBSERVATIONS WERE CONSTRAINED TO THE OREGON REAL-TIME (GPS) REFERENCE NETWORK (ORGN) REFERENCED TO NAD 83(2011) EPOCH 2010, INTERNATIONAL FEET, WITH A RELATIVE ACCURACY OF <2cm. EQUIPMENT USED WAS A CARLSON BRx5 ROVER RECEIVER.

1) I RECOVER AND HOLD THE MONUMENTS FOUND FROM CURRY COUNTY SURVEY FILE No. 41-1522 AND PARTITION PLAT No. 2015-04 WITH THE EXCEPTION OF THE DISTURBED 1" IRON PIPE AT THE NORTHEAST CORNER OF THE SUBJECT PARCEL, REESTABLISH THE CORNER POSITION BY PROJECTING A LINE NORTHERLY THROUGH THE FOUND MONUMENTS ON THE EASTERLY LINE OF THE SUBJECT PARCEL TO INTERSECT A LINE OF THE FOUND MONUMENTS ALONG THE RIGHT OF WAY OF MEMORY LANE.

THE MEAN HIGH WATER MARK WAS NOT DETERMINED OR LOCATED DURING THE COURSE OF THIS SURVEY.

THE STATUTORY VEGETATION LINE AS DESCRIBED BY O.R.S. 390.770, THAT TRAVERSES THROUGH THE SUBJECT PARCEL WAS ESTABLISHED AS FOLLOWS:
THE PROCEDURE WAS AS FOLLOWS:

- 1) THE STATE PLANE COORDINATE VALUES GIVEN IN O.R.S. 390.770 WERE CONVERTED FROM NAD 27 U.S. SURVEY FEET, TO GEOGRAPHIC NAD 83, USING U.S. ARMY CORPS OF ENGINEERS CONVERSION SOFTWARE CORPSCON V6.0.1.
- 2) GEOGRAPHIC NAD 83 VALUES WERE THEN CONVERTED TO OREGON COORDINATE REFERENCE SYSTEM COORDINATES USING CARLSON SURVEY 2014 SOFTWARE, THE VALUES OBTAINED ARE INDICATED IN THE TABLE AS SHOWN HEREON.

THE FIELD SURVEY COMMENCED ON NOVEMBER 17, 2015

LEGEND

- SET 5/8" X 30" IRON REBAR WITH 1 1/2" ALUMINUM CAP STAMPED "ROBERTS PLS 2730".
- FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP STAMPED "PLS 73590" PER CURRY COUNTY SURVEY FILE No. 41-1522.
- ▣ FOUND 1/2" IRON PIPE PER CURRY COUNTY SURVEY FILE No. 41-1179 & PARTITION PLAT No. 2015-04.
- ⊗ FOUND 1" IRON PIPE WITH ORANGE PLASTIC CAP STAMPED "PLS 73590" PER CURRY COUNTY SURVEY FILE No. 41-1522.
- CALCULATED POSITION.
- △ FOUND AS NOTED.
- × 6' WOOD FENCE.
- ▭ SEE FENCE LOCATION NOTES.
- ⬠ SEE CORNER NOTES.
- (1) RECORD PER PARTITION PLAT No. 2015-04.
- (2) RECORD PER CURRY COUNTY SURVEY FILE No. 41-1522.
- (3) RECORD PER ORS 390.770.
- (4) RECORD PER INSTRUMENT No. 2013-4158.

NOTE:
DEED REFERENCES SHOWN ARE
OFFICIAL RECORDS OF CURRY COUNTY, OREGON.

CORNER NOTES

- ① FROM THIS POSITION A DISTURBED 1" IRON PIPE WITH ORANGE PLASTIC CAP MKD. "PLS 73590" PER CURRY COUNTY SURVEY FILE No. 41-1522, BEARS N34°22'34"E 0.31', I REMOVE THE PIPE.

OREGON COORDINATE REFERENCE SYSTEM NAD 83 (INTERNATIONAL FEET)		
POINT	NORTHING	EASTING
Cu-7-561	225795.2961	380858.7785
Cu-7-562	225724.4923	381243.1090
Cu-7-563	225680.6101	381483.1749

FENCE POST LOCATION NOTES

POST No.	NORTH	SOUTH	EAST	WEST	FROM CORNER
No. 1	21.18'			0.56'	"A"
No. 2	156.88'			0.69'	"A"



GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY
OREGON
JULY 25, 1995
RICHARD P. ROBERTS
2730
EXPIRES 12/31/16

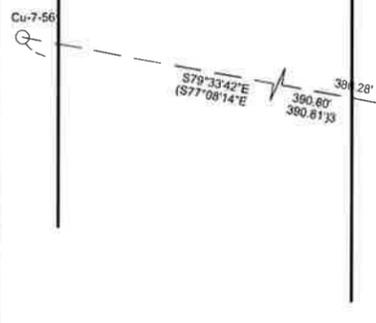
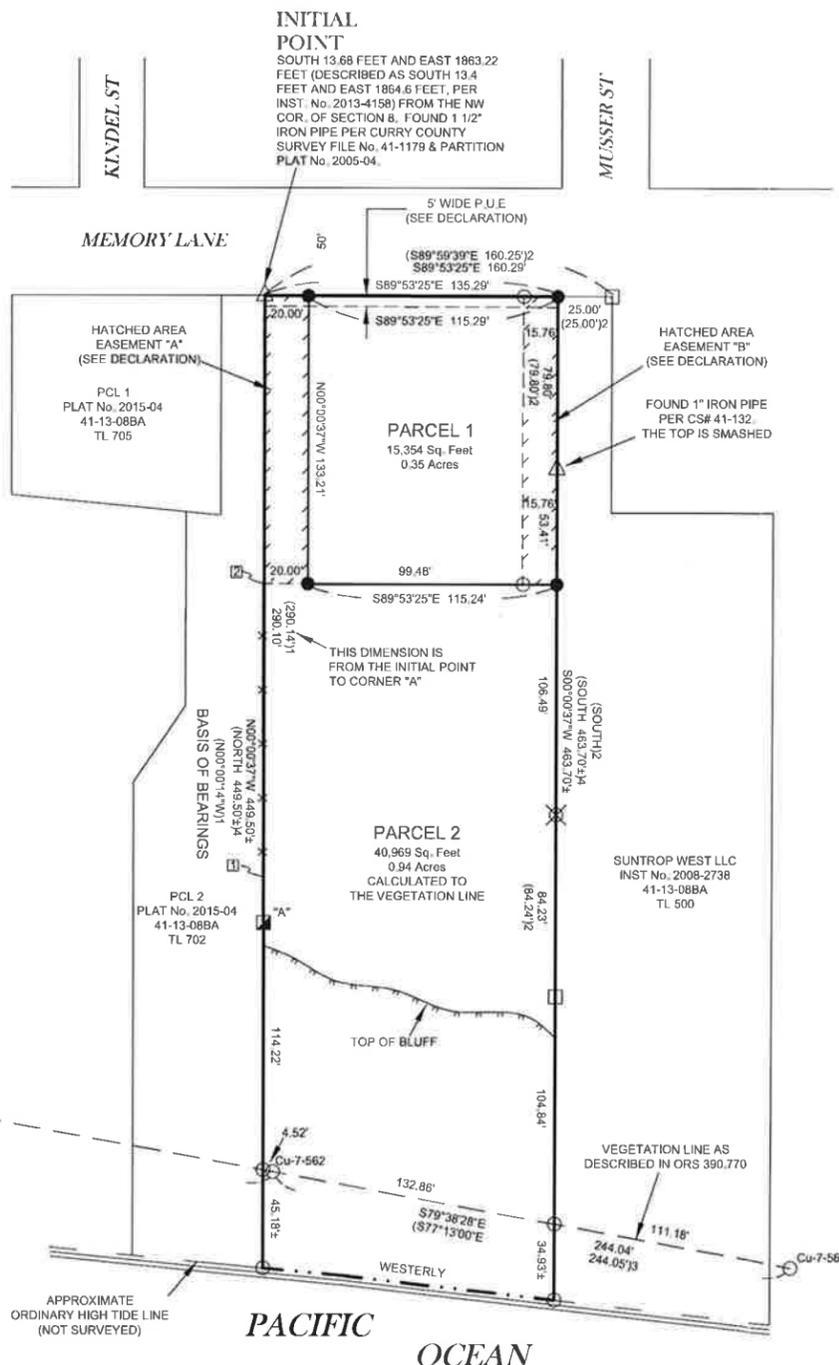
I HEREBY CERTIFY THAT THIS IS A TRUE
AND EXACT COPY OF THE ORIGINAL.

RICHARD P. ROBERTS, PLS 2730

Roberts & Associates
LAND SURVEYING INC.

611 SPRUCE STREET
P.O. Box 1599
Brookings, OR 97415
Ph: 541-469-0162
Fax: 541-469-5456

Drawn By: CEF	Date: 11/17/2015
Checked By: RPR	Job No. 14-033
Drawing Name: BASE	Sheet 2 of 2
Project Folder: 14-033	



PLAT NUMBER **PRELIMINARY PLAT**

INSTRUMENT NO. _____

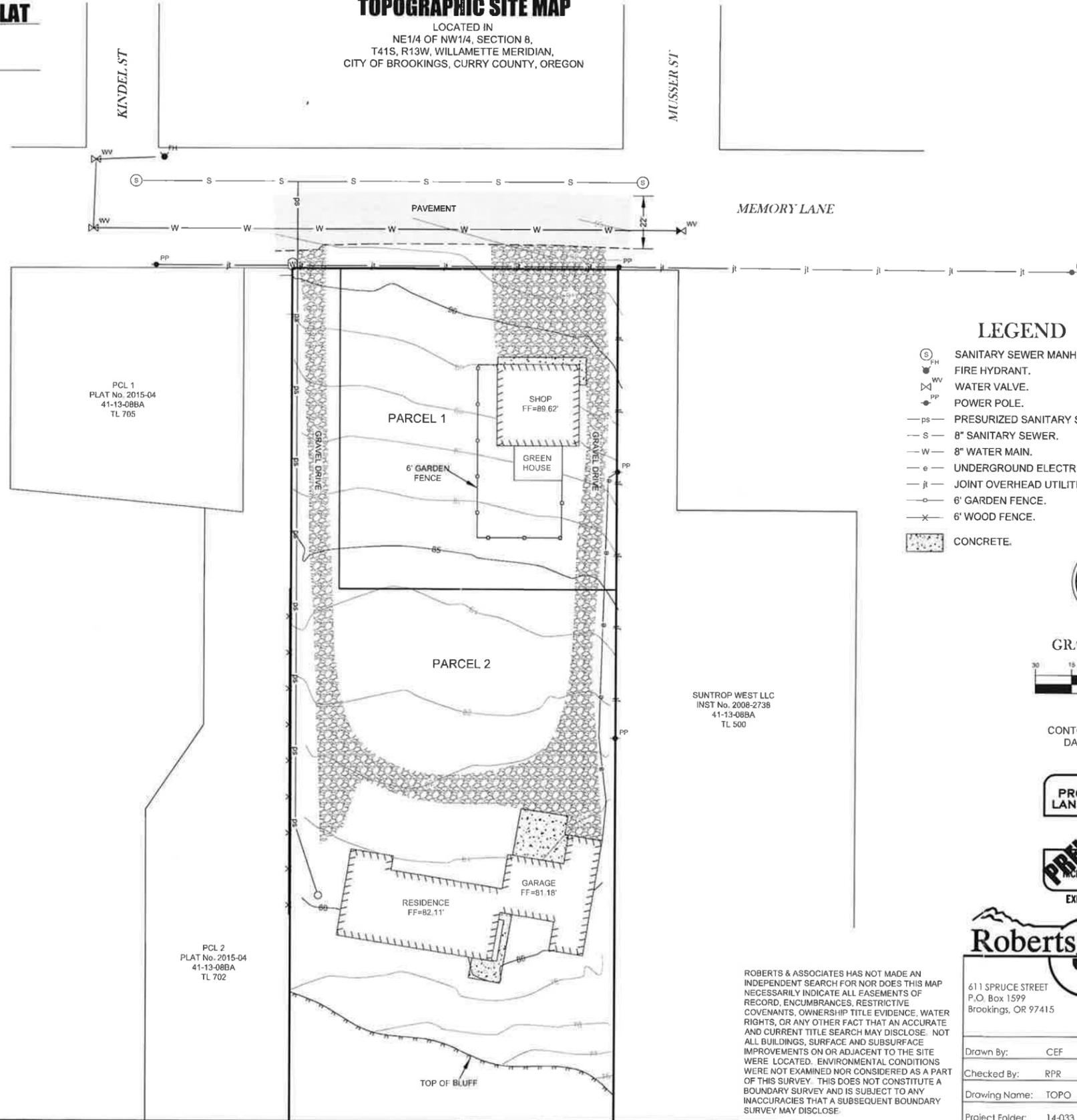
SAVAGE POINT PARTITION

PREPARED FOR
THE JOHN AND PAMELA SAVAGE 2000 TRUST

PO Box 6009
Brookings, Oregon 97415
541-234-4882
APM. 41-13-08BA, TAX LOT 600

TOPOGRAPHIC SITE MAP

LOCATED IN
NE1/4 OF NW1/4, SECTION 8,
T41S, R13W, WILLAMETTE MERIDIAN,
CITY OF BROOKINGS, CURRY COUNTY, OREGON



PCL 1
PLAT No. 2015-04
41-13-08BA
TL 705

PCL 2
PLAT No. 2015-04
41-13-08BA
TL 702

SUNTROP WEST LLC
INST No. 2008-2738
41-13-08BA
TL 500

LEGEND

- SANITARY SEWER MANHOLE.
- FIRE HYDRANT.
- WATER VALVE.
- POWER POLE.
- PRESURIZED SANITARY SEWER.
- 8" SANITARY SEWER.
- 8" WATER MAIN.
- UNDERGROUND ELECTRIC.
- JOINT OVERHEAD UTILITIES.
- 6' GARDEN FENCE.
- 6' WOOD FENCE.
- CONCRETE.



GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.
CONTOUR INTERVAL - 1'
DATUM - NAVD 88

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 25, 1993
RICHARD P. ROBERTS
2730
EXPIRES 12/31/16

Roberts & Associates
LAND SURVEYING INC.
611 SPRUCE STREET
P.O. Box 1599
Brookings, OR 97415
Ph: 541-469-0162
Fax: 541-469-5456

ROBERTS & ASSOCIATES HAS NOT MADE AN INDEPENDENT SEARCH FOR NOR DOES THIS MAP NECESSARILY INDICATE ALL EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, WATER RIGHTS, OR ANY OTHER FACT THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. NOT ALL BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ON OR ADJACENT TO THE SITE WERE LOCATED. ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED NOR CONSIDERED AS A PART OF THIS SURVEY. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS SUBJECT TO ANY INACCURACIES THAT A SUBSEQUENT BOUNDARY SURVEY MAY DISCLOSE.

Drawn By: CEF	Date: 11/17/2015
Checked By: RPR	Job No. 14-033
Drawing Name: TOPO	Sheet 1 of 1
Project Folder: 14-033	

Savage Point - PARTITION

Date: December, 2015

APM 41-13-08BA, tax lot 600

Location: 313 Memory Lane

Zone: R1-6

Area: 1.29 Acres (calculated to the Ocean Shores Line)

Findings – Partitions Section 17.172.060(C) BMC

Criteria 1: *Conformance with the comprehensive plan, and applicable development standards of this code, and state and federal laws.*

The comprehensive plan is residential. The current use is a residential single family dwelling with a shop. The proposed partition will retain the residential status of the property.

Criteria 2: *Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.*

There is no remainder parcel proposed. The proposed partition is to create two parcels, Parcel 1 having 15,354 sq.ft. and Parcel 2 having an area of 40,969 sq.ft. Parcel 1 is 115 feet wide and cannot be further divided. Parcel 2 has a frontage of 20 feet on Memory Lane and cannot be further divided.

Criteria 3: *Adjoining property under separate ownership can either be developed or be provided access that will allow its development in accordance with this code.*

The adjoining properties have frontage on Memory Lane and do not require access through the Savage parcel.

Criteria 4: *The ability to take access from the frontage road pursuant to the provisions of BMC 17.128.060 of this code.*

Both parcels have or exceed the frontage requirement.

Criteria 5: *Conditions necessary to satisfy the intent of the Land Development Code and comprehensive plan can be satisfied prior to final approval.*

The proposed partition is configured in such a manner that all existing structures, setbacks, and uses will satisfy the intent of the Land Development Code and the Comprehensive plan.

Findings – Rear Lot Partitions Section 17.172.061(A) BMC

Criteria 1: *Property must be less than four acres in area.*

The total area of the Savage tract is 1.29 acres. (Upland of the Ocean Shores Line)

Criteria 2: *Property must be situated, dimensioned, or contain existing development that prevents using standard parcel configurations.*

The developable portion of the property is situated on a terrace at the top of a steep, ocean bluff. The upper terrace is 1 acre. The street frontage of the property is 135 feet. The top of the ocean bluff is located 290 feet from the Memory Lane right of way line. The city ordinance requires a minimum parcel width of 60 feet. Coupled with the location of the existing home and shop on the property, a standard parcel configuration is prevented.

Criteria 3: *Minimum area. Twice that required by the underlying zoning district and not including the area necessary for the access way.*

The required area for R1-6 zone is 12,000 square feet. The Savage tract is 43,560 square feet.

Criteria 4: *Minimum width. Twenty feet greater than required by the applicable zoning district.*

The Savage tract is 135 feet wide.



City of Brookings

Attachment B



FIRE / RESCUE

898 Elk Drive, Brookings, OR 97415

(541) 469-1142 Fax (541) 469-3650

TTY (800)735-1232

Operations Fire Chief

jwatson@brookings.or.us

3/7/2016

In regards to the proposed partition at 313 Memory Lane, the Fire Department is in support of this moving forward. The readdressing of the parcels will make finding the properties easier in the event of an emergency.

Jim Watson
Operations Fire Chief

Your Safety Is Our Business

**America's
Wild Rivers
Coast**
101 MILES OF NATURE'S BEST

CITY OF BROOKINGS
Public Works Department
898 Elk Drive, Brookings, OR 97415
Telephone – 541.469.1135
FAX – 541.469.3650

FOR CITY USE ONLY:
Date - 12-23-15 to Admin Services
Date - _____ to Planning
Date - 12-22-15 to PW

Final Approval
Date - _____ to Building
Applicant notified: _____

WATER/SEWER/STORM DRAIN SERVICE AVAILABILITY REQUEST

Depending on the research required requests may take up to 10 days to process.

Applicant: John + Pamela Savage Date: 12/17/15
Telephone: (541) 234-4882 Fax: () email: dear.pam.savage@gmail.com
Current Property Owner: _____
Property Address: 313 Memory Ln Map & Tax Lot No. 41-B-088A; T4 600
Is the property located within the current City Limits? YES NO* *If no, DIA forms required.
Does property have a well? YES♦ NO ♦If yes, backflow protector will be required.
Describe project and proposed sized of piping to serve development: 2 parcel partition

Are you requesting service at this time? If yes, complete service request form. YES NO

For City Use Only:											
Administrative Services											
Is there a current water account/service for this property?	<input checked="" type="checkbox"/> YES/How many <u>1</u>	<input checked="" type="checkbox"/> NO									
Is there a current sewer account/service for this property?	<input checked="" type="checkbox"/> YES/How many <u>1</u>	<input checked="" type="checkbox"/> NO									
Are there any liens on this property?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO									
Planning											
*Out of city limits, DIA Forms Submitted: YES NO		In UGB: YES NO									
Public Works											
Location and size of existing infrastructure:		Adequate?									
Water: <u>8" C-900</u>		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO								
Sewer: <u>8" CONCRETE</u>		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO								
Stormdrain: <u>NONE PRIVATE ONLY</u>		<input type="checkbox"/> YES	<input type="checkbox"/> NO								
Additional Comments: <u>NEEDS DIG INS FOR WATER & SEWER</u>											
<table style="width: 100%; border: none;"> <tr> <td style="border: none;">SEWER 3756.⁰⁰</td> <td style="border: none;">} per lot</td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">WATER 3736.⁰⁰</td> <td style="border: none;">} for dig-ins</td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> </table>				SEWER 3756. ⁰⁰	} per lot			WATER 3736. ⁰⁰	} for dig-ins		
SEWER 3756. ⁰⁰	} per lot										
WATER 3736. ⁰⁰	} for dig-ins										
Pay Backs: \$ <u>-0-</u> Building SDC's: \$ <u>17,197.81</u> when building permit requested Other: <u>Dig in fee</u>											
Backwater Valve Required <input type="checkbox"/> YES <input type="checkbox"/> NO											

Attach/Draw Site Location Map with cross streets, etc. on back of this form



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.

I. Application Information – This section to be filled out by applicant

Applicant Name: John & Pam Savage Date: 12/17/15
Assessor Map #: 41-13-8 BA Tax Lot: 600

Site Address: _____

Proposal: Subdivision/ Partition Variance
 Conditional Use Permit Other

II. Utility Provider Confirmation:

Utility Provider: Coos Curry Electric Coop

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.

Signature: Walter Jenzahn Title: Stacking Engineer
Date: 2-3-16

Brookings

Email

Powered by



Donna Colby-Hanks <dcolbyhanks@brookings.or.us>

Savage,s lot drainage

1 message

Tor and Lisa <tornlisa@charter.net>

Tue, Feb 9, 2016 at 3:15 PM

Reply-To: Tor and Lisa <tornlisa@charter.net>

To: Donna Colby-Hank <dcolbyhanks@brookings.or.us>

A future Bldg on the lot being created, was included in the runoff and a pipe stub out for the lot. The Shop Bldg was included in the runoff calcs.
The water from the shop is being used in the garden and greenhouse. The main House was included, the roadways and parking, and the lawn area. TOR



*Engineers
Surveyors
Planners*

32782 KILGORE ROAD
POST OFFICE BOX 100
OPHIR, OREGON 97464
TELEPHONE (541) 247-7769
CELL (541) 290-2067
E-MAIL: tornlisa@charter.net

January 5, 2016

Donna Hanks, Planning Manager
City Hall
City of Brookings, Oregon 97415

RE: Runoff/Hydraulic Calculation & Plans
John Savage, 313 Memory Lane

Attached are plans and calculations for above property.

Property consists of a large house and a garage/shop building on the proposed new lot.

The land contains 1.02 acres sloping at 5% evenly south to top of the bluff.

The site generates about 12 +/- gpm.

I design a system to pick up house, downspouts and future discharge on the new lot. Also, a pipe for discharge to the beach and an energy dissipator.

Reviewing the site, I didn't find any erosion or the small slides.

Based on my findings, I feel confident, this will handle safely the runoff.

Sincerely,

A handwritten signature in black ink, appearing to be 'TF' with a flourish above it.

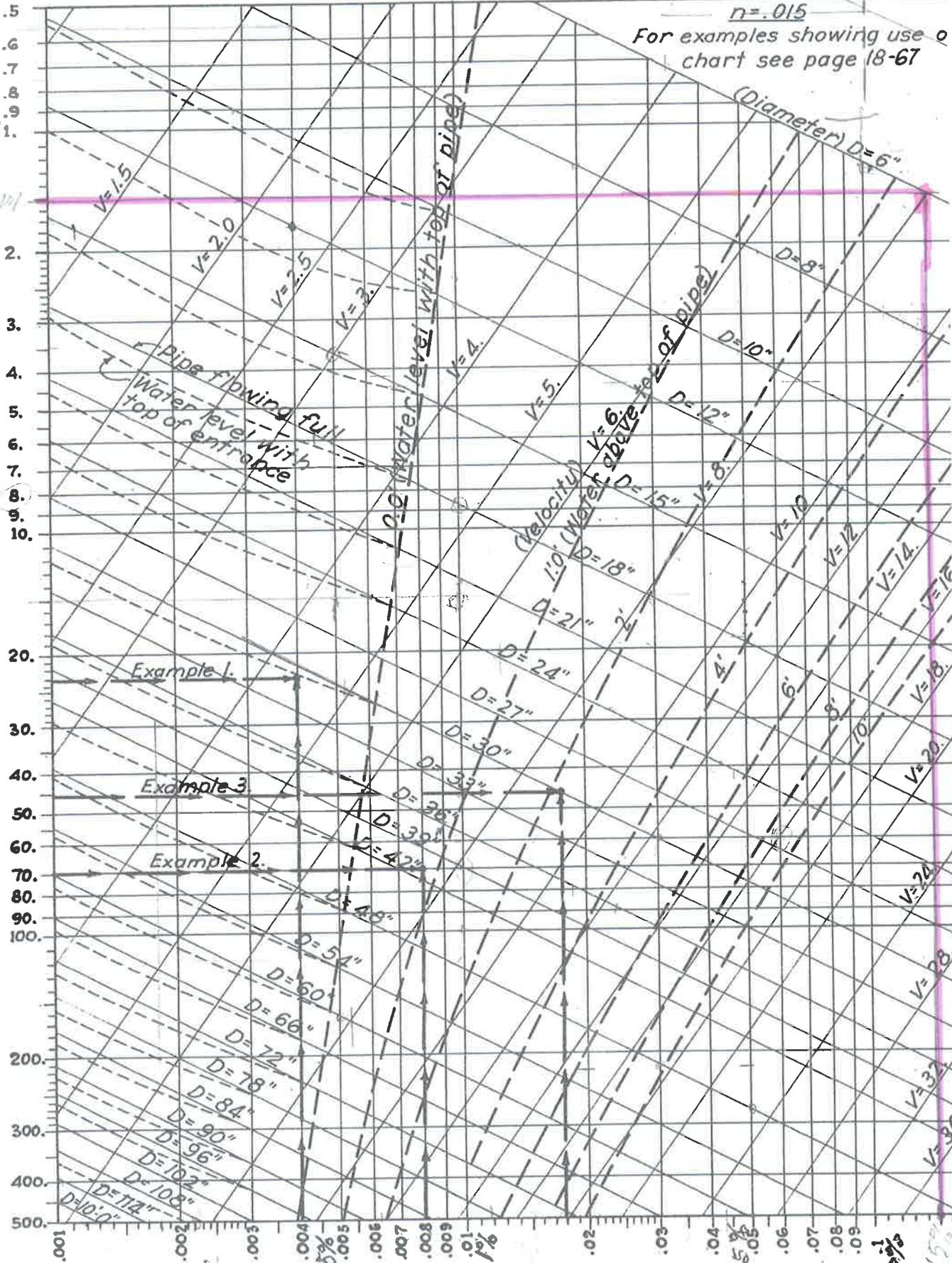
Tor Flatebo, P.E.

DRAINAGE & SEWERAGE - PIPE CAPACITIES-I

$n = .015$

For examples showing use of chart see page 18-67

DISCHARGE IN CUBIC FEET PER SECOND



SLOPE IN FEET PER FOOT

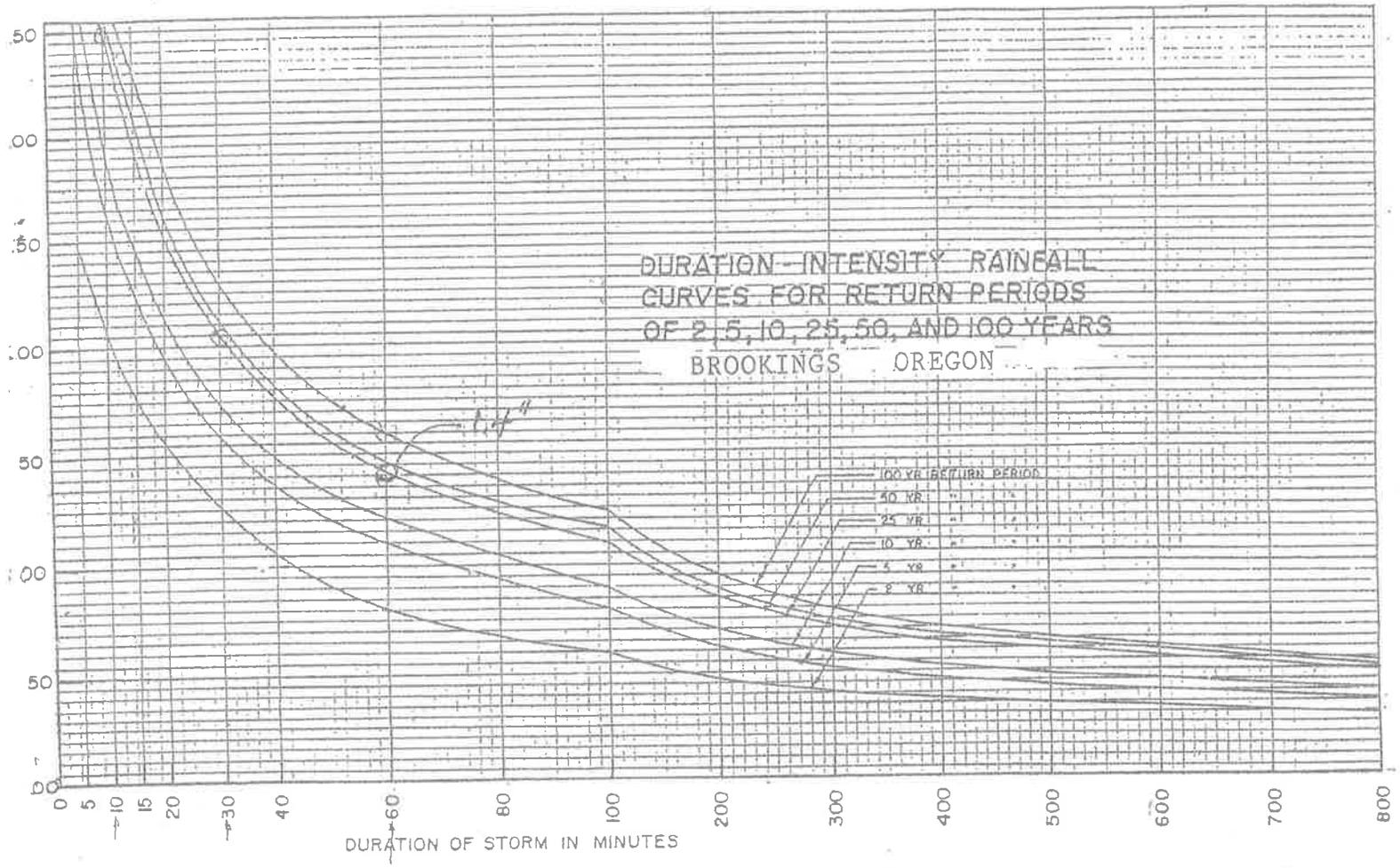


FIGURE - 1

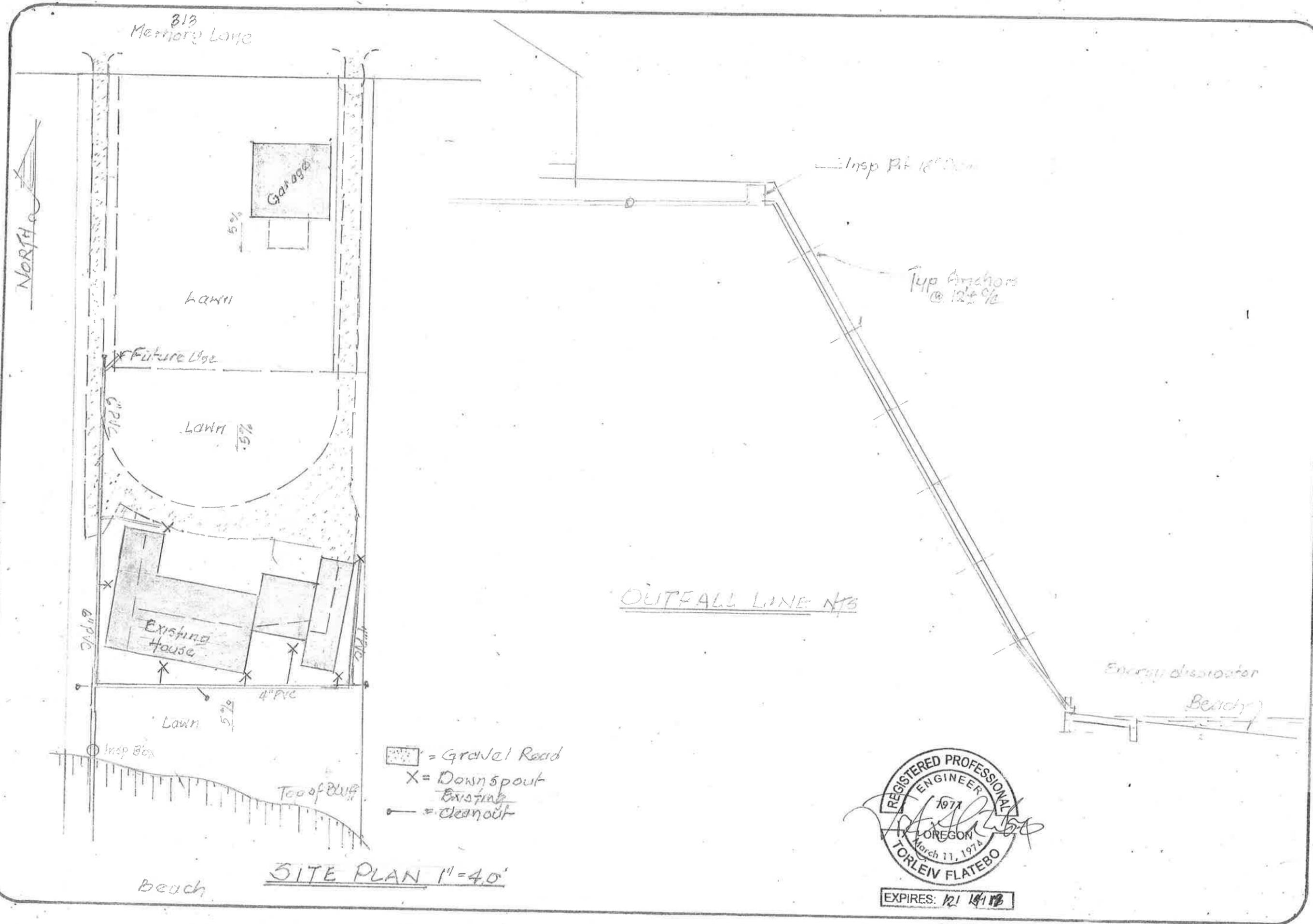
REVISIONS:	

John Savage
313 Memory Lane



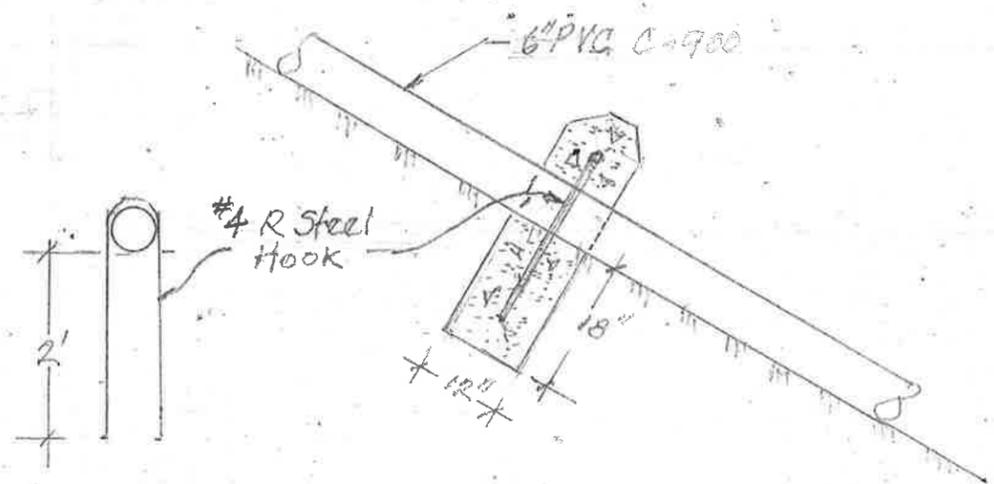
DRAINAGE PLAN
Site Plan, Section

DATE: 1/14/16
DRAWN: TF
SCALE: 1/2"

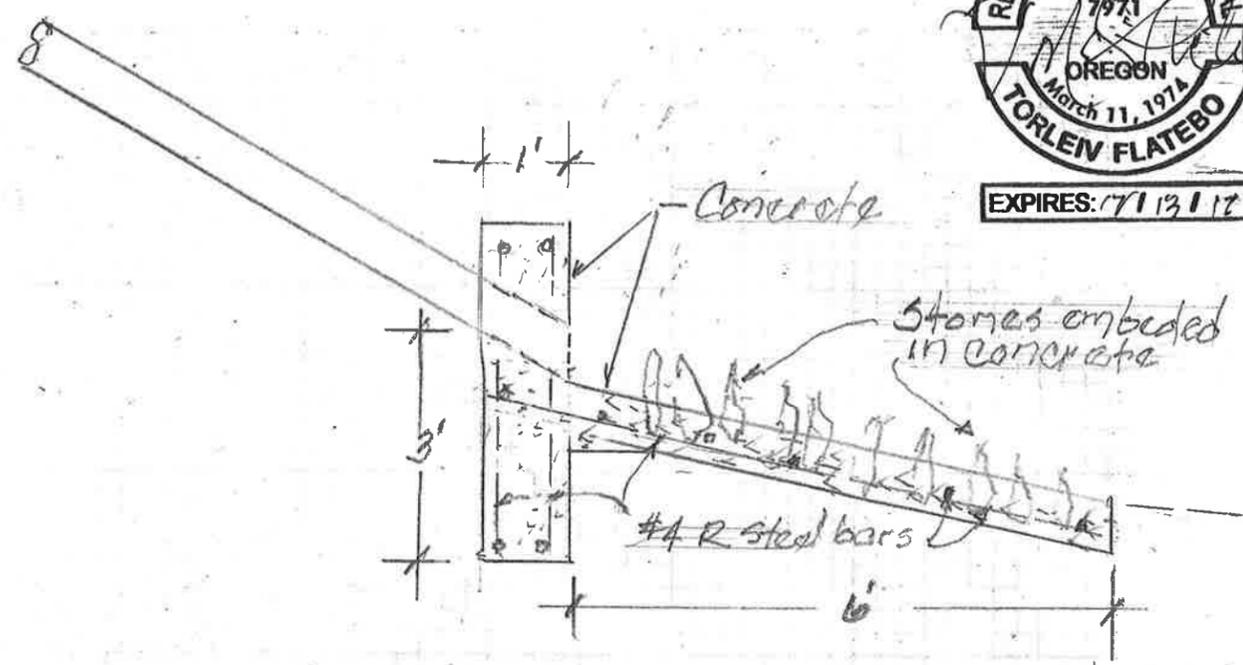




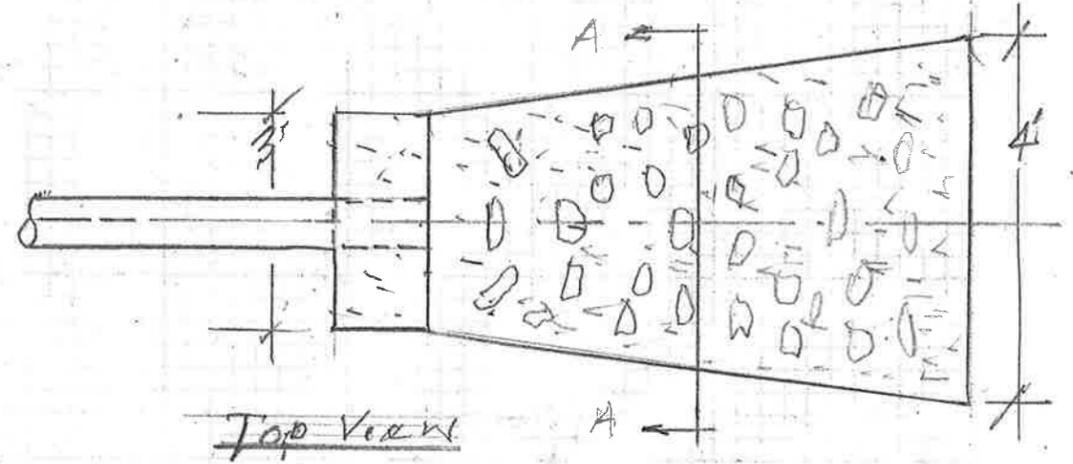
REVISIONS:



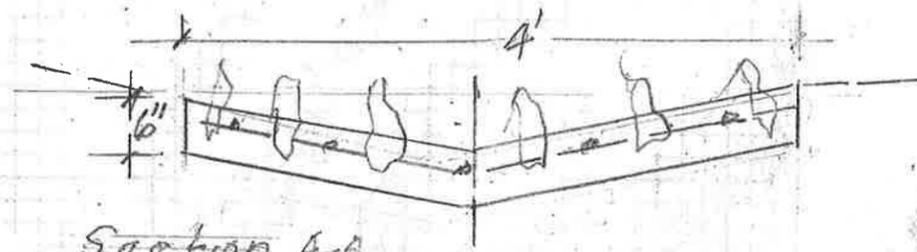
CONCRETE PIPE ANCHOR NTS



Side View

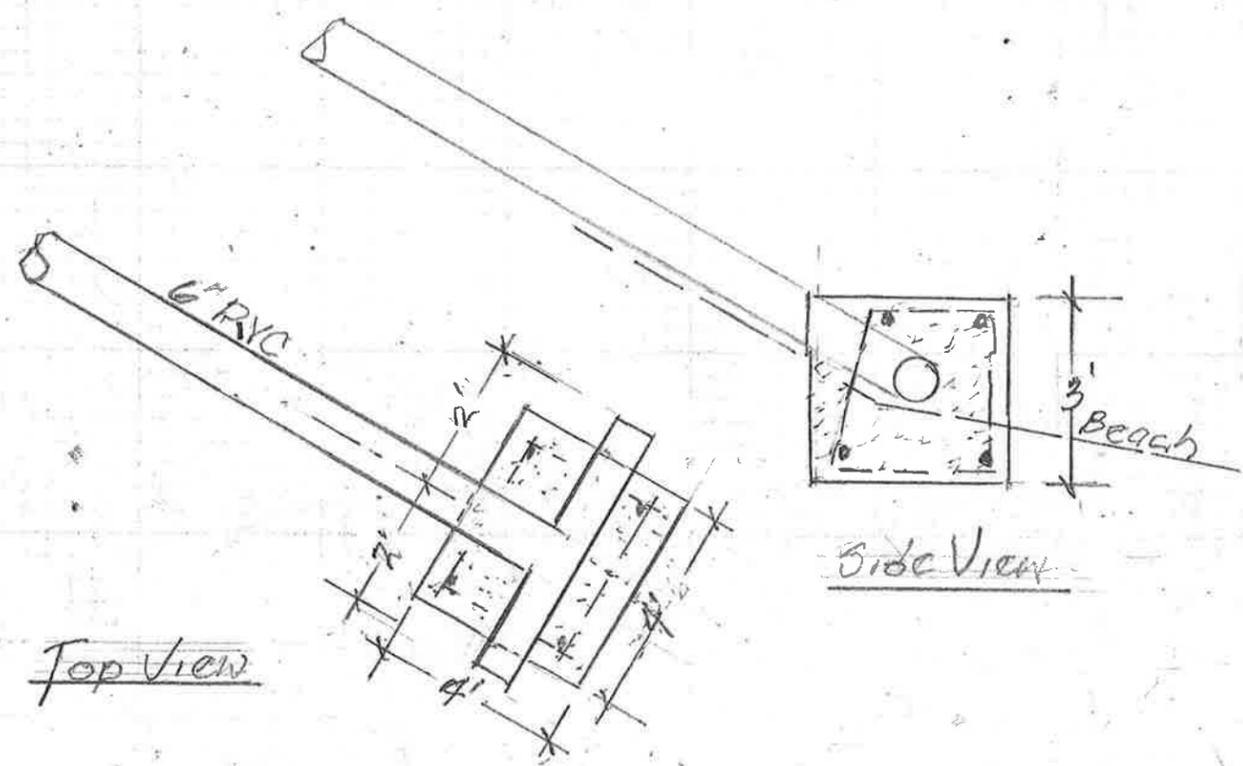


Top View



Section A-A

ALT. ENERGY DISSIPATOR OUTLET
NTS



Top View

Side View

CONCRETE ANCHOR for "T" OUTLET NTS



DATE: 4/14/10
 DRAWN: F
 SCALE:
 2/2

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

**In the matter of Planning Commission File No. M3-1-16)
application for approval of a Partition; Savage)
owner/applicant.)
)**

**Final ORDER
and Findings of
Fact**

ORDER Approving an application for a partition of a 1.29 acre parcel of land located at 313 Memory Lane; Assessor's Map 41-13-08BA, Tax Lot 600; zoned Single-Family Residential (R-1-6).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Brookings Municipal Code, Section 17.172.060, which authorizes the Planning Commission to approve, approve with conditions or deny a request for a partition, based upon evidence that the proposal meets the following criteria:

- A. Conformance with the Comprehensive Plan, and applicable development standards of this code, and state and federal law.
- B. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.
- C. Adjoining property under separate ownership can either be developed or be provided access that will allow its development in accordance with this code.
- D. The ability to take access from the frontage road pursuant to the provisions of Section 132.060 of this code.
- E. Conditions necessary to satisfy the intent of the Land Development Code and Comprehensive Plan can be satisfied prior to final approval.

2. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on April 5, 2016; and

3. Recommendations were presented by the Planning Manager in the form of a written Staff Agenda Report dated March 24, 2016, and by oral presentation, and evidence and testimony by the applicant and the public at the public hearing; and

4. 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 application and directed staff to prepare a Final ORDER and Findings of Fact to that affect.

THEREFORE, IT IS BE HEREBY ORDERED that the application of partition on the subject parcel is approved. This approval is supported by the following findings and conclusions:

FINDINGS AND CONCLUSIONS

17.172.060, Partitions.

The following is staff's analysis of the proposed partition in relation to the criteria cited above. The Applicant's findings to address the partition criteria are found in **Attachment A** of the staff report.

Criterion 1, Comprehensive Plan.

RESPONSE: The proposed partition meets the criteria addressed and is consistent with the provisions of the R-1-6 zone in terms of size, setbacks and density. The Comprehensive Plan designation is "Residential" and that is consistent with the proposed use of these parcels. Criterion 1 is met.

Criterion 2, Remainder Lots.

By definition a remainder lot is a lot created by partition or subdivision that is twice or more the size of the minimum lot allowed by the underlying zone.

RESPONSE: The minimum lot size in the R-1-6 zone is 6,000 sq ft. Parcel 1 is 15,354 sq. ft. and Parcel 2 is 40,969 sq ft. Both proposed parcels are more than twice the minimum lot size and are remainder lots by definition. However due to location of the shop on Parcel 1, this parcel could not be further divided without the removal of the structure. Parcel 2 is adjacent to the top of the bluff and the area west of the top of the bluff is not developable and this parcel cannot be further developed. Criterion 2 is met.

Criterion 3, Access to Surrounding Property.

RESPONSE: Adjacent properties have frontage on existing streets to provide access. This partition will not prevent adjacent properties from developing. Criterion 3 is met.

Criterion 4, Access to the Subject Property.

RESPONSE: Each parcel fronts on a platted street for more than the minimum distance of 20 feet. This meets the access criteria in BMC 17.128.050. Criterion 4 is met.

Criterion 5, Conditions of Approval.

All of the conditions applied to the approval of this partition can be satisfied prior to the recordation of the final plat map.

RESPONSE: There are numerous conditions of approval proposed including the standard requirements for a partition as well as the DIA for street improvements. These are able and will need to be met prior to recording the final plat. Considering the Conditions of Approval, Criterion 5 is met.

17.172.061, Rear Lot Partitions.

The following criteria (addressed by the Applicant in findings, Attachment A) must be met before a lot is eligible to be developed under the provisions of this section:

Criterion 1, Property must be less than four acres in area.

RESPONSE: The total area of the subject property is 1.29 acre. Criteria 1 is met.

Criterion 2, Property must be situated, dimensioned, or contain existing development that prevents using standard parcel configurations.

RESPONSE: The subject property is located on a terrace at the top of a steep, ocean bluff. The subject property has more than the required 120 feet of street frontage to allow for two parcels 60 feet in width as required by BMC 17.20.060. However, due to the location of the existing shop/garage this configuration would not allow adequate room for a dwelling to be constructed on the parcel. These circumstances prevent the property from being developed using standard parcel configuration. Criteria 2 is met

Criterion 3, Minimum Area. Twice that required by the underlying zoning district and not including the area necessary for the accessway.

RESPONSE: The minimum lot size in the R-1-6 zone is 6,000 sq. ft. The subject property is 56,323 sq. ft. The accessway is approximately 2,660 sq ft. The minimum area of the property without the accessway is 53,663 sq ft which is more than the required 12,000 sq ft. Criteria 3 is met.

Criterion 4, Minimum Width. Twenty feet greater than required by the applicable zoning district.

RESPONSE: The subject property has 135 feet of street frontage adjacent to Memory Lane. With the minimum lot width requirement of 60 ft in the R-1-6 zone, 80 ft of street frontage is needed to partition using the rear lot configuration. Criteria 4 is met.

CONDITIONS APPLICABLE PRIOR TO FINAL APPROVAL

The conditions of approval are attached to and hereby made a part of this report.

Dated this 5th day of April, 2016

Bryan Tillung, Chairperson

ATTEST:

Donna Colby-Hanks, Planning Manager

CONDITIONS OF APPROVAL

Partition Plat M3-1-16 Savage

General Conditions

1. The final plat shall be in substantial conformance with the submitted preliminary plat as approved by the Planning Commission. Substantial changes to the approved preliminary plat require re-approval by the Planning Commission.
2. All lots shall conform to the provisions of the Residential (R-1-6) Zone, and to all other applicable provisions of the City of Brookings Municipal Code.
3. The approved final plat must be filed within one year from the date of preliminary approval. An extension of time may be granted, for good cause, by the city if such extension request is submitted prior to the expiration of the initial one-year period and provided such extension does not exceed one additional year. After obtaining all required approvals and signatures, the developer shall:
 - a. File the plat with the Curry County Surveyor within 90 days of receiving approval and signature of the partition plat by the City of Brookings, and failure to file same within said time period shall render the approval null and void.
 - b. Within 10 days after filing the survey plat with the county surveyor, the owner/developer shall provide the city two copies of the survey plat.

Sanitary Sewer and Storm Drain Conditions

1. Engineered storm drainage plans shall be submitted for review and approval that protects downstream properties from water flow greater than currently exists.
2. All costs for review of storm drainage plans by the City Engineer shall be paid by the applicant to the City.
3. The proposed storm drain facility serving Parcel 1 that is located on Parcel 2 shall have a utility easement, a minimum of 5 feet in width, providing access shown on the plat.
4. The applicant shall record C, C, & Rs providing for maintenance of the storm drainage facility. A note to this effect shall be placed on the final map. In place of the C, C, & Rs, a note shall be placed on the final map describing the responsibility for maintenance of the storm drainage facility.
5. The final map shall contain a note stating that due to the ocean frontage of Parcel 2, materials will be required pursuant to Section 100, Hazardous Building Site Protection/Hillside Development Standards, prior to construction of the storm water facility.

6. All storm drains shall be designed pursuant to the provisions of the Standard Specifications document.

Street Conditions

1. The Applicant must record a Deferred Improvement Agreement (DIA) for half street improvements including, but not limited to, curb, gutter, sidewalks, paving and storm drainage along the frontage of Memory Lane.

Utility Conditions

1. The final plat map shall contain the easements shown on the preliminary plat map for ingress, egress, and utilities as well as the maintenance responsibility.
1. A continuous five (5) foot "PUE" adjacent to the right-of-way on Memory Lane shall be provided to be utilized for water related equipment (meters, valves, etc. and other utilities (electrical pedestals, street lights, telephone and other facilities).
2. All utility easements shall be shown on the final plat and be clearly defined as to their scope, purpose and term, preferably to be included within the restrictive covenants which are to be recorded with the partition plat. The abbreviation "PUE" must be clearly defined and spelled out.
3. The applicant shall be responsible to coordinate final acceptance of all proposed "PUE's" with the affected utilities, public agencies and service companies prior to final plat approval.

Restrictive Covenants

In order for retaining walls, fences, etc, to be constructed within any remaining public right-of-way in back of and abutting the sidewalks the applicant shall record a "hold harmless" clause absolving the city and/or utilities of any liability or responsibility for the replacement of such appurtenances within the right-of-way should it be necessary to remove same to make repairs to existing facilities or install new facilities therein.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Minor Change to Conditional Use Permit REPORT DATE: March 24, 2016
FILE NO: MC-1-16/MC-1-12 / CUP-2-98 ITEM NO: 5.2
HEARING DATE: April 5, 2016

GENERAL INFORMATION

PROPERTY OWNER: Southwestern Oregon Community College

APPLICANT: Eric Hanson, Curry County Facilities Director

REPRESENTATIVE: Lon Samuels, Architecture & Planning

REQUEST: Minor change to MC-1-12/CUP-2-98 to authorize expansion of a pre-school program, Headstart, with the enlargement of an existing structure.

TOTAL LAND AREA: 27,000 sq. ft.

LOCATION: The subject property is located on the east side of Redwood Spur between Pine Street and Redwood Street. Address: 420 Redwood Spur and 427 Pine Street.

ASSESSOR'S MAP NUMBER: Map 41-13-05CB; Tax lots 9700 & 9901

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: Single-Family Residential (R-1-6) Zone

PROPOSED: Same.

SURROUNDING: The subject property is bordered by General Commercial (C-3) parcels to the southwest and west, R-1-6 parcels to the north, east, and south, and Multi-Family Residential (R-3) to the west.

COMP. PLAN: Residential

LAND USE INFORMATION

EXISTING: An existing structure used for a pre-school facility, Headstart .

PROPOSED: Expansion of the existing structure used for Headstart, to accommodate up to 60 students.

- SURROUNDING:** Surrounding properties include single family dwellings to the east and north, a church and shopping center to the west, apartment complex to the northwest, and Coos Forest Protective Association complex to the south.
- PUBLIC NOTICE:** Mailed to all property owners within 250 feet of subject property and published in local newspaper.
- APPLICABLE CRITERIA:** Land Development Code – Ordinance # 06-0-572
Brookings Municipal Code (BMC)
17.136, Conditional Use Permit
17.116.090 Minor Change
17.124.010 Day care or nursery school

BACKGROUND INFORMATION

The subject property is a 18,000 sq. ft. parcel with an existing structure located at 420 Redwood Spur and a 9,000 sq. ft. parcel developed with a parking lot at 427 Pine Street. Both parcels are accessed from Redwood Spur. The parking area is generally flat whereas the parcel with the structure slopes to the south towards Redwood Street.

Redwood Spur has a two-lane paved travel surface within a 50 ft. right-of-way with no other improvements adjacent to the frontage of the subject property. CUP-9-95 gave temporary approval for South Western Oregon Community College (SWOCC) to operate from the existing structure. In 1998, SWOCC received approval with CUP-2-98 to operate the college on a permanent basis. No revisions to the conditions of approval of the 1995 permit were made in 1998. In 2012, a minor change was requested and approved to operate a pre-school education facility, Headstart, in the existing structure.

PROPOSED CONDITIONAL USE PERMIT

This minor change request is to expand the structure and increase the number of Headstart students up to 60. The R-1-6 zone allows for day care or nursery schools with an approved conditional use permit. Standards for these schools are found in BMC 17.124.010. The applicant's findings (**Attachment A**) discuss their plans in regard to these standards. The Applicant states the facility will be designed for a maximum of three classrooms with 20 students each. The program will be staffed with 15 teachers, 3 advocates, 2 administrators and 2 cooks for a total of 22 staff.

Conformation of utilities serving the current facility as well as comments regarding service to the expanded structure are found in **Attachment B**.

ANALYSIS, FINDINGS, AND CONCLUSIONS

The Planning Commission has the authority to approve, approve with conditions, or deny the application based on the following criteria. The Applicant has provided findings (**Attachment A**). Staff has provided analysis of the criteria as follows:

17.116.090 Minor Change.

The Applicant is applying for a minor change to a Conditional Use Permit, MC-1-12/CUP-2-98, to allow for expansion of a pre-school facility. Chapter 17.124.010 provides criteria for day care or nursery schools.

17.124.010 Day care or nursery schools.

A. Facilities for 17 or more children are subject to these provisions.

The applicant has stated in their findings, three classes of 20 students each will occupy the facility. With more than 17 students, this facility will be subject to the provisions of 17.124.010 Day care or nursery schools.

B. Minimum site size of 10,000 sq ft.

The subject property is approximately 27,000 square feet which is more than the minimum requirement of 10,000 sq ft. As discussed in detail later in this report, the property is of sufficient size to accommodate the structure, parking, pickup and drop-off area, and the outdoor play area.

C. Minimum outdoor play area of 75 sq ft per child.

The applicant has stated that each of the three classes would consist of a maximum of 20 students. The minimum play area for all classes would be 4,500 sq ft. According to the applicant, the vacant area to the south of the existing structure is approximately 4,560 sq ft. This area is of sufficient size to accommodate the minimum play area.

D. Adequate off-street parking and loading spaces.

The subject property has a parking lot that contains 19 parking spaces. The applicant states in the findings that this lot will be reconfigured to accommodate 22 parking spaces (See Figure 2). There are also two spaces proposed for ADA and one loading space in front of the structure. A 3-bike rack is proposed as well as 10 shared parking spaces at the adjacent First Church of Christ, Scientist for a total of 38 spaces. The parking requirement, as discussed in more detail later in this report, is 38 spaces. The off-street parking and loading spaces are adequate for the proposed use.

E. Copies of any license/permits must be provided.

The applicant has provided a notice from the State of Oregon, Child Care Division, that states this program is exempt licensing requirements.

All of the above criteria are met.

17.136 Conditional Use Permit (CUP)

The following is staff's analysis of the proposed pre-school in relation to the general CUP criteria.

Criterion 1, Adequate in size and shape.

The subject property consists of two parcels of approximately 27,000 sq ft. and will contain a 6,432 sq ft structure with the proposed additions. The applicant states that there will be three classes with a maximum 20 students in each class which the proposed enlarged structure can accommodate. The program will have a total of 22 staff; 15 teachers, three (3) advocates, two (2) administrators and two (2) cooks. Chapter 17.92 Parking, requires two spaces for each teacher or adult supervisor for

pre-schools and one space per 400 sq ft of office space. According to the applicant, there is approximately 780 sq ft of office space utilized primarily by the 2 administrators which requires 2 parking spaces. A total of 18 teachers/advocates requires 36 spaces for a total of 38 required parking spaces. The parking lot contains 22 spaces. In front of the structure and parallel to Redwood Spur are 2 parking spaces to be utilized for ADA parking and one loading space for a total of 25 spaces. A bicycle rack that accommodates 3 bicycles and a proposed parking agreement for 10 spaces with the adjacent First Church of Christ, Scientist provide the parking spaces to meet the requirements. A proposed condition of approval will require that a non-revocable parking agreement for the 10 spaces be recorded with the Curry County Recorders Office.

As stated previously, the property contains a 4,560 sq. ft. vacant area to the south of the existing structure that is proposed for the required outside play area. This area is of sufficient size to accommodate the play area. The property is large enough to accommodate the proposed use. Criterion 1 is met.

Criterion 2, Relation of streets.

The subject property is accessed by Redwood Spur which has a two-lane paved travel surface with no other improvements. Most of the pre-school students will either be transported to the facility by the Headstart bus or will walk. A small number of students may be transported by personal vehicles. A Deferred Improvement Agreement (DIA) was required from the community college for future street improvements as a condition of their approval. There were no complaints regarding traffic problems during the time the community college operated from the site and there have been none since Headstart received authorization to operate the pre-school. Therefore without adjacent improvements, the City will not be requiring street improvements to be installed at this time. However, the existing DIA runs with the property and if a project is proposed in the future, the property owner will be required to participate in the project. Redwood Spur will accommodate traffic generated by the proposed use. Criterion 2 is met.

Criterion 3, Neighborhood impact.

The noise impact on the surrounding neighborhood is the primary issue concerning residents in the neighborhood where a pre-school is being proposed. The applicant advised staff the required outdoor play area will be located to the south of the existing structure across from Coos Forest Protective Association. There are numerous trees that currently provide a buffering of noise to the only adjacent dwelling to the east. However, these trees are proposed for removal. The applicant states that the brush will remain. However, the existing brush is located on the neighboring property.

The Applicant has stated the entire outside play area will be fenced and this may provide adequate noise mitigation. If noise from the playground becomes an issue, the applicant will be required to landscape the area between the required fence and the property line or provide some other noise barrier to ensure that the noise impact to the neighborhood is mitigated. A condition of approval will require that a sight-obscuring fence, wall or vegetative hedge of at least four feet but not more than six feet in height be provided, separating the play area from abutting lots with residential uses. Criterion 3 is met.

Criterion 4, Historic, scenic or cultural attributes.

There are no listed historic, scenic or cultural attributes on or in the vicinity of the subject property other than the natural quality of the area. Criterion 4 is met.

Criterion 5, Comprehensive Plan.

The Comprehensive Plan designation for this property is "residential". The residential zone permits the operation of pre-school with the approval of a conditional use permit. With the applicant's findings and staff analysis, the proposed project is consistent with the provisions of the Land Development Code and with the Comprehensive Plan. Criterion 5 is met.

CONDITIONS OF APPROVAL

The Conditions of Approval are attached to and hereby made a part of this report.

RECOMMENDATION

Staff recommends approval of MC-1-16/ MC-1-12/CUP-2-98, based on the findings and conclusions stated in the staff report and subject to the Conditions of Approval.

Staff has prepared a Final ORDER with proposed conditions of approval (**Attachment C**) to be considered at this meeting.

420 Alder Street



Map center: 42° 3' 19.2" N, 124° 16' 39.8" W

This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.

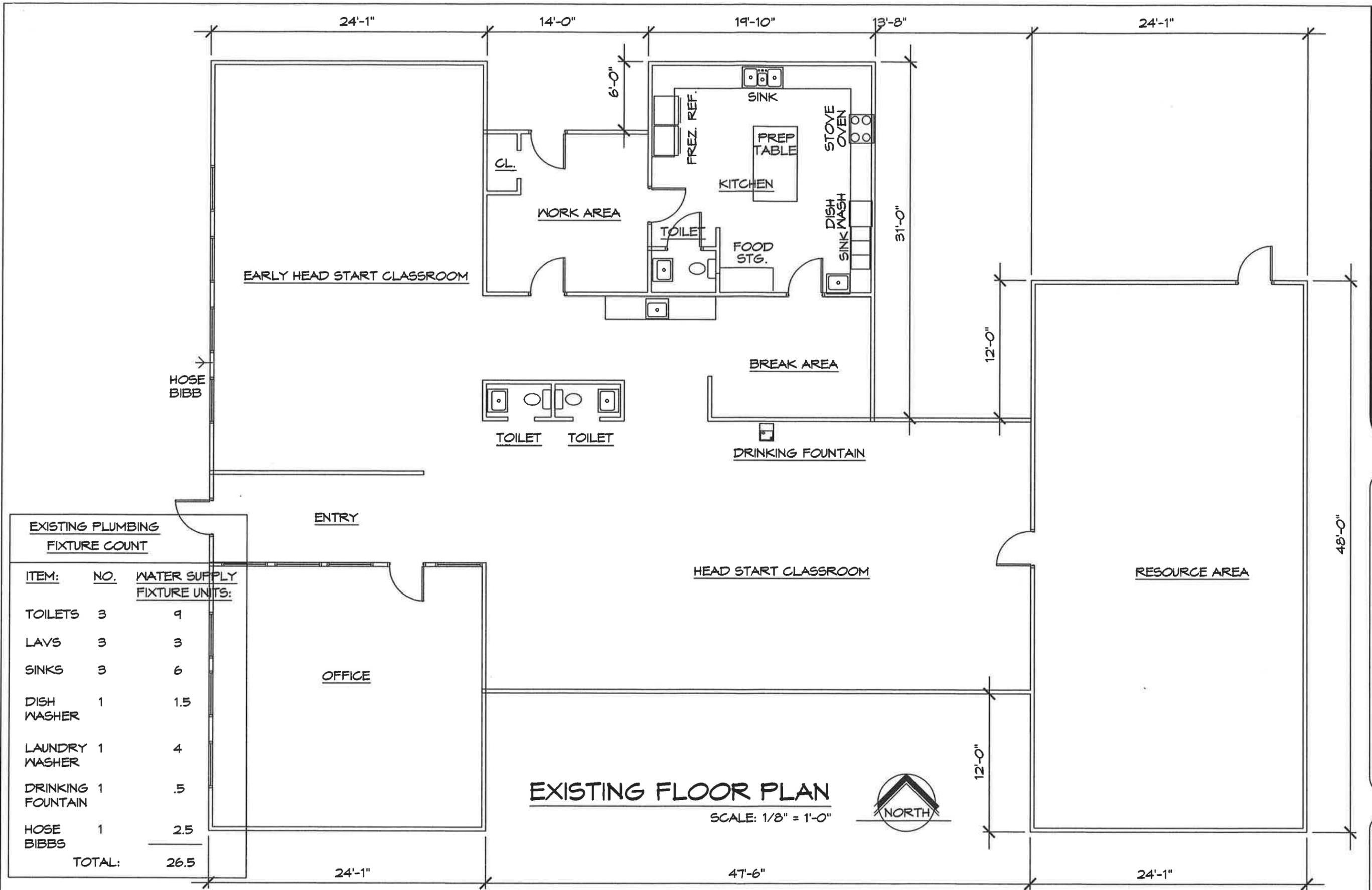


- Legend**
- OWNER
 - RIVERS
 - ROADS
 - PARCELS
 - URBAN GROWTH BOUNDARY
 - OCEAN



Scale: 1:2,634

Figure 1



**EXISTING PLUMBING
FIXTURE COUNT**

ITEM:	NO.	WATER SUPPLY FIXTURE UNITS:
TOILETS	3	9
LAVS	3	3
SINKS	3	6
DISH WASHER	1	1.5
LAUNDRY WASHER	1	4
DRINKING FOUNTAIN	1	.5
HOSE BIBBS	1	2.5
TOTAL:		26.5

EXISTING FLOOR PLAN

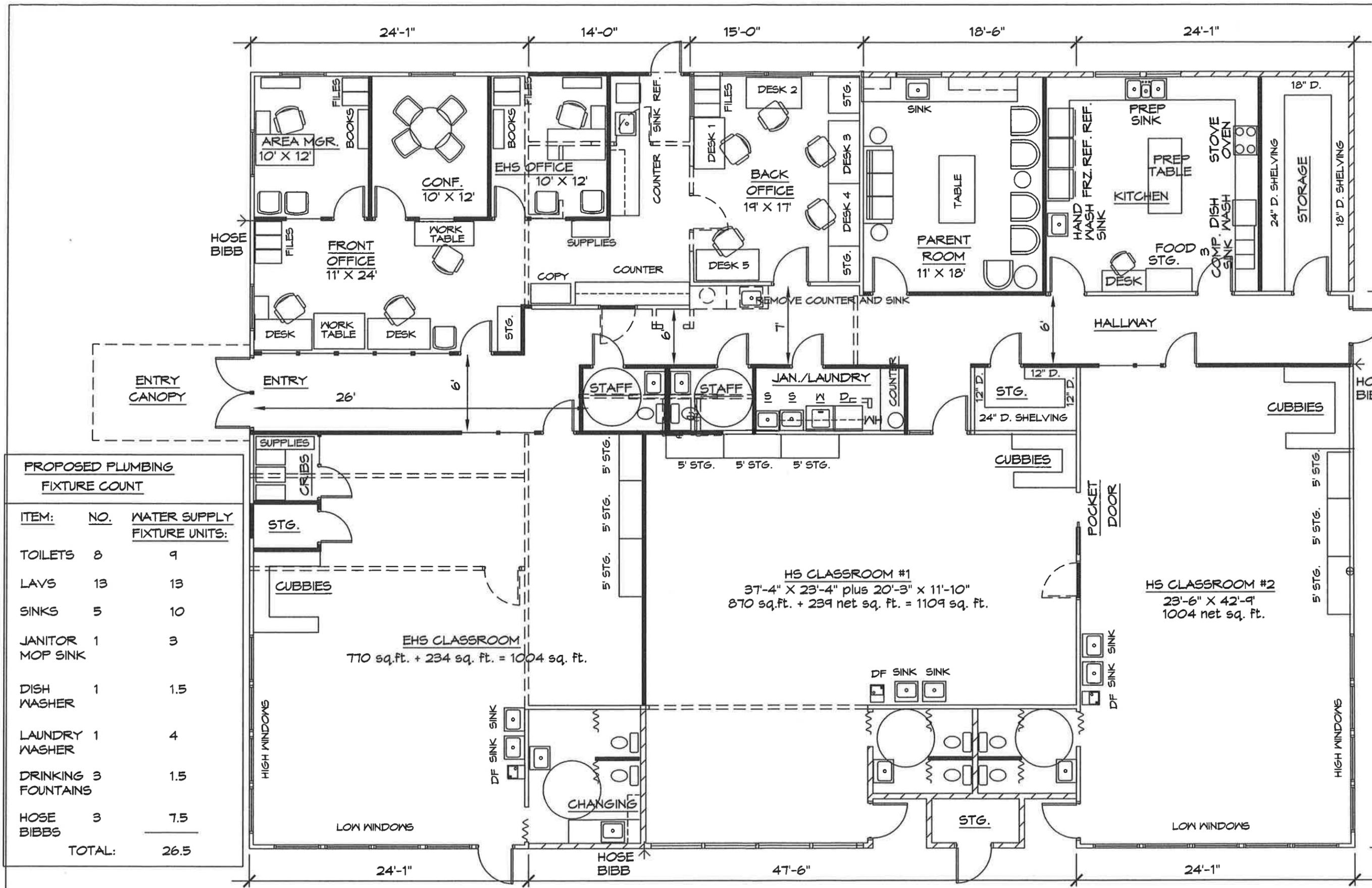
SCALE: 1/8" = 1'-0"



Lon L. Samuels, Architecture & Planning, A.I.A.
 960 Central Avenue
 Coos Bay, Oregon 97420
 Phone (541) 269-5555
 FAX (541) 269-0762

**BROOKINGS HEAD START
REMODEL AND ADDITION**
OWNER:
CURRY COUNTY
GOLD BEACH, OREGON

PROJECT:
1507
DATE:
DEC. 4, 2015



**PROPOSED PLUMBING
FIXTURE COUNT**

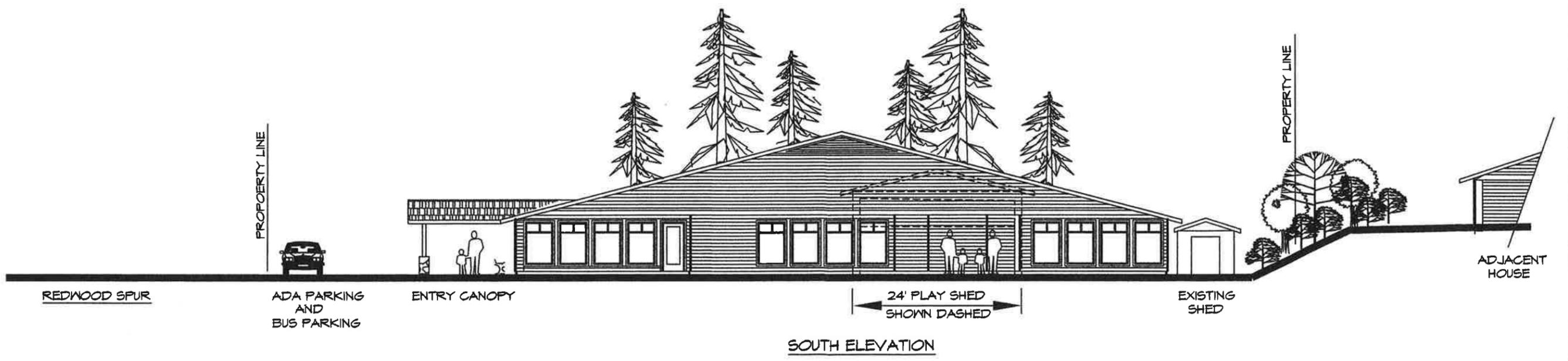
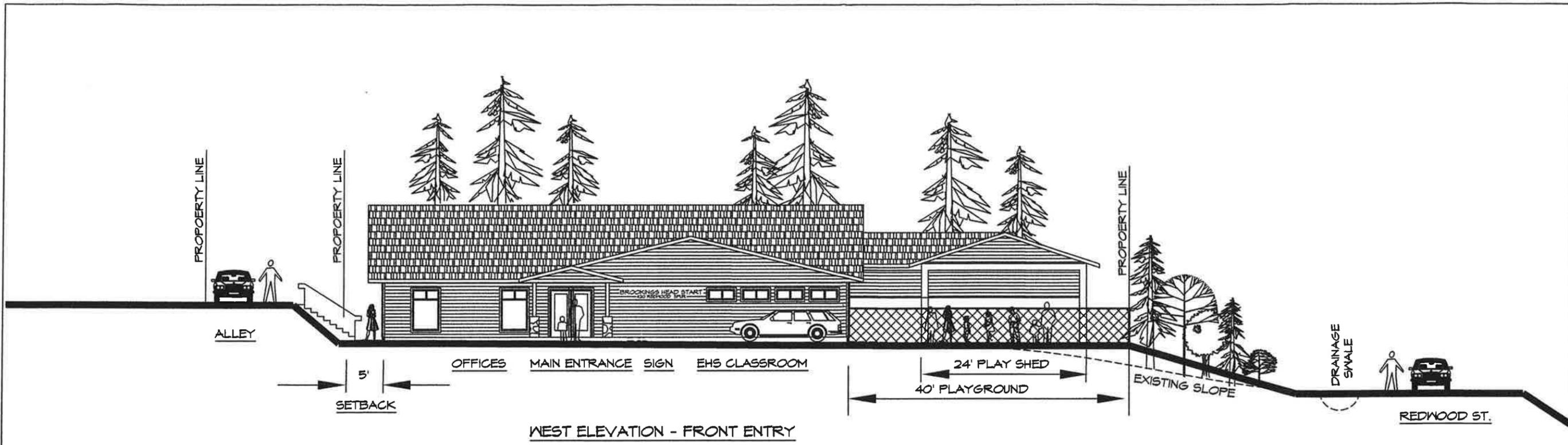
ITEM:	NO.	WATER SUPPLY FIXTURE UNITS:
TOILETS	8	9
LAVS	13	13
SINKS	5	10
JANITOR MOP SINK	1	3
DISH WASHER	1	1.5
LAUNDRY WASHER	1	4
DRINKING FOUNTAINS	3	1.5
HOSE BIBBS	3	7.5
TOTAL:		26.5

Lon L. Samuels, Architecture & Planning, A.I.A.
 960 Central Avenue
 Coos Bay, Oregon 97420
 Phone (541) 269-5555
 FAX (541) 269-0762

**BROOKINGS HEAD START
REMODEL AND ADDITION**

OWNER:
CURRY COUNTY
GOLD BEACH, OREGON

PROJECT:
1501
DATE:
DEC. 4, 2015



Lon L. Samuels, Architecture & Planning, A.I.A.
 960 Central Avenue
 Coos Bay, Oregon 97420
 Phone (541) 269-5555
 FAX (541) 269-0762

BROOKINGS HEAD START
 REMODEL AND ADDITION
 OWNER:
 CURRY COUNTY
 GOLD BEACH, OR 97444

PROJECT:
 1501
 DATE:
 FEB. 16, 2016

7B

CONDITIONAL USE APPLICATION

We are requesting a Conditional Use in a R-1-6 Zone (Single Family Residential) for a pre-school (Day Care) facility. The facility is located on two (2) adjacent lots separated by an alley. The property is approximately 27,000 sq. ft. and located at 420 Redwood Spur (Alder St.)

Conditional Use for a "day care facility" is permitted under Section 17.20.040.E.

In addition, a Variance is requested for the "new construction" adjacent to the alley on the North side of the building. The Variance is requested from the 7'-6" width to 5' width. The 5' width will align with the existing 5' setback for the existing building.

CRITERIA:

1. 17.20.060 *Lot width, lot coverage and yard requirements.*

Lot size: Two lots: Building site is 120' wide x 150' deep.
Parking lot is 120' wide x 75' deep.

Lot Coverage:

Parking Lot: n/a, no buildings.

Building site: 36.6% coverage.

Existing Yards:

Front Yard: 30' approx.

Side Yard: 5' and 40' approx.

Rear Yard: 19' approx.

2. 17.20.070 *Maximum building structure height.*

Maximum height of building is 20'-0"

Existing maximum height of building is 12'-0"

3. 17.20.080 *Signs.*

No free-standing sign is scheduled for either lot. A sign mounted on the face of the building will be mounted on the West side of the building near the southwest corner. It will be lighted by soffit lights mounted on the building shining down on the sign. A sign permit will be applied for and obtained when it is designed and will meet all sign ordinance requirements.

Brookings Head Start
 Conditional Use Application
 February 17, 2016

4. 17.20.090 *Parking.*

Parking Requirements: 17.92: 2 spaces per teacher or adult supervisor.

<u>Number:</u>	<u>Staff:</u>
15	Teachers
+ 3	Advocates
<hr style="width: 50px; margin-left: 0;"/>	Total Teaching Staff
18	

In addition, there will be 2 office workers and parking spaces will be provided at the rate of one space per 400 s.f. of office space:

2 Administration:
 The office space is an irregular shape, but generally an area 26' x 30' or 780 s.f. and consists of two small 10' x 12' offices and a conference room 10' x 12' shared by all staff members, including teachers, advocates, etc. plus a "work area" with 2 desks and a copy machine, etc. which is also used by all staff members.

In addition, there will be 2 cooks, but they will not be "teachers or adult supervisors" nor will they be administration. Therefore, required parking is as follows:

<u>Parking Category:</u>	<u>Number Required:</u>
Teachers or Adult Supervisors	$18 \times 2 = 36$
Administration:	$2 \times 1 = 2$
Total Spaces Required:	38 spaces

Number and Location of Parking Spaces Provided:

<u>Number:</u>	<u>Location:</u>
22	Existing Parking Lot
3	Existing in Front of Building (2 ADA and 1 bus loading/unloading)
10	Shared with Church
+ 3	<u>Bike Rack</u>
<hr style="width: 50px; margin-left: 0;"/>	
38	TOTAL

5. 17.20.100 *Manufactured housing sitting requirements.*

The facility will be "stick-built".

Brookings Head Start
Conditional Use Application
February 17, 2016

6. 17.20.110 *Other required conditions.*

- A. Site Plan: See Drawing Sheet 1: Existing Site Plan and Drawing Sheet 2: Proposed Site Plan, attached, for setbacks, playground, etc.
- B. Residential Structure: N/A, not a residential structure.
- C. Landscaping: All of the large trees (approximately 32 trees and stumps) will be removed from the parking lot and around the building. A landscaping plan will be submitted for approval after it has been developed. Landscaping will meet the requirements of 17.92.100. See Sheet 2: Proposed Site Plan for location of areas to be landscaped.

While there are many large trees (taller than 25' and with trunks larger than 8" in diameters) are scheduled to be removed, all of the existing smaller brush, shrubs, etc. are to remain. The trees that are scheduled to be removed do not provide any "screening" qualities because of their size. Trunks for these trees are large (some 36" in diameter) and their limbs, "canopy" is 30' - 40' above ground. Screening is provided by shrubs, brush, etc. between the Head Start building and the adjacent houses, which will not be removed. After the trees are removed, there will be sufficient space for the brush to "fill-in" providing more screening.

In addition, a fence (with screening material in the fence) will be installed near the adjacent property line for additional screening between the parking lot and the residential property to the East and between the outdoor play area and the residential property to the East. (See Proposed Site Plan, Sheet 2.)

7. 17.124 Specific Standards Applying to Conditions Uses:

17.124.010 Day Care or Nursery Schools.

- A. *Facilities for 17 or more children are subject to these provisions.*

The facility is design for a maximum of 3 classrooms with 20 children each.

- B. *Day Care or nursery school facilities located in any residential zone shall have a minimum site size of 10,000 sq. ft.*

The site is approximately 27,000 sq. ft.

Brookings Head Start
Conditional Use Application
February 17, 2016

- C. *All such facilities shall provide and thereafter maintain outdoor play areas with a minimum area of 75 sq. ft. per child at total capacity and a sight-obscuring fence, wall or vegetative hedge of at least four feet, but not more than six feet separating the play area from abutting lots with residential uses.*

The play area (within the property) is 40' x 114' = 4,560 sq. ft. and will support 60 students. (4,560 s.f. / 75 s.f. per student = 60.8) (Head Start would like to "level-out" the playground to make it more suitable for small children. However, that requires "work" in the rights-of-way and we are not prepared to present a design for such work at this time. If and when that is pursued, we will present our design to the Public Works Dept. and obtain their approval.) The fence will be a sight-obscuring 5' high fence.

- D. Adequate off-street parking and loading space shall be provided.

See Item #4, above.

- E. *Must provide copies of any license/permit required by federal or state agencies to operate the school.*

See attached.

CONDITIONAL USE CRITERIA

Chapter 17.136 Conditional Use Permit.

Criterion 1: Adequate in size and shape:

Size: The subject property consists of two parcels of approximately 27,000 sq. ft. and will contain a 6,432 sq. ft. structure with the proposed additions.

Parking: There will be 3 classes with a maximum of 20 students per class. The program will be staffed with 15 teachers, 3 advocates, 2 administrators and 2 cooks for a total staff of 22. (Cooks are not calculated in to the parking requirements.) Therefore, there is a total teaching staff of 18 requiring parking spaces at the rate of 2 per staff member, for a total of 36 spaces plus 2 administrators requiring 1 space at the rate of 1 per 400 square feet for a total of 2 spaces for a grand total of 38 required parking spaces. The parking lot contains 22 parking spaces, there are 3 in front of the building, 10 shared parking spaces in the church's parking lot across Redwood Spur and 3 bike spaces for a total of 38 spaces.

Outside Play Area: The large side yard to the South of the facility is proposed for the required outside play area. Outside play areas are required at the rate of

Brookings Head Start
Conditional Use Application
February 17, 2016

75 sq. ft. per student. There are a total of 60 students (20 students per classroom x 3 classrooms = 60 students.) Therefore they require a total of 4500 sq. ft. of outside play area. The area on the south side of the building is 40' x 115' = 4600 sq. ft. This area is of sufficient size to accommodate the required outside play area for 60 students.

Landscaping: The parcel for the existing parking lot is 75' x 120' = 9000 sq. ft. and will have several areas of landscaping totaling 1288 sq. ft. or 14.4% of the lot. The parcel for the building is 120' x 150' = 18,000 sq. ft. and will have several areas of landscaping totaling 3,247 sq. ft. or 18% of the lot.

The property is large enough to accommodate the proposed use. See Sect. 17.20.110 C. above.

Criterion 2: Relation of streets:

The subject property is accessed by Redwood Spur which has two-lane paved travel surface with no other improvements, except the church across the street, which operates on different hours (weekends) than Head Start (weekdays).

Most of the pre-school students will either be transported to the facility by the Head Start bus, parents in cars or walk. Redwood Spur will accommodate traffic generated by the proposed use. Requiring street improvements required by the "Deferred Improvement Agreement" for the previous property owner, Southwestern Oregon Community College, would significantly change the character of the neighborhood and put a hardship on Head Start.

Criterion 3: Neighborhood impact:

The noise impact on the surrounding neighborhood is the primary issue concerning residents in the neighborhood where a pre-school is being proposed. The only outdoor play area is on the South side of the building and is located across Redwood St. from Coos Forest Protective Association, across Redwood Spur from the church's parking lot and adjacent to one residential structure. In this location, there is an existing vegetated buffer from the only adjacent residential dwelling which is located to the East of the playground. This buffer will remain. The proposed play area is of the size to accommodate the students and a condition of approval will require a sight-obscuring fence or vegetation to separate the play area from abutting lots with residential uses, which will be provided. The parking lot located to the North of the facility will have a sight-obscuring fence installed for the adjacent residential property.

Criterion 4: Historic, scenic or cultural attributes:

There are no listed historic, scenic or cultural attributes on or in the vicinity of the subject property other than the natural quality of the area.

Brookings Head Start
Conditional Use Application
February 17, 2016

Criterion 5: Comprehensive Plan:

The Comprehensive Plan designation for this property is "Residential". The residential zone permits the operation of pre-school with the approval of a

Conditional Use Permit. With the applicant's findings and staff analysis, the proposed project is consistent with the provisions of the Land Development Code and with the Comprehensive Plan, pending approval of the Parking Variance.

SUMMARY:

The Head Start program provides a necessary service to the citizens of Brookings. The facility has operated in this building for many years and would like to continue serving the Brookings community. They have recently received a large grant allowing them to expand their program to meet the growing demand. The Head Start program is "strictly regulated" and in order to meet the demand, they must expand. This building meets their needs in several ways: (1) building is residential in character, (2) the building is located in a safe residential neighborhood, (3) provides good off-street parking, (4) quite neighborhood, (5) easily accessible, (6) generally "flat" layout for toddlers and students and staff with disabilities and (7) is located in a safe low-traffic area.

Design workshops with the staff has emphasized keeping the building residential in character, yet providing a means to perform additional programs that were not available in the current building.

Head Start wants to be a "good neighbor" and looks forward to developing the facility to enhance the quality of their services.

FIRST CHURCH OF CHRIST, SCIENTIST

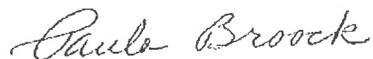
P.O. Box 1449 – 429 Pine St., Brookings, OR 97415

March 4, 2016

Darlene “Dar” Pieren
Head Start Program Manager

This letter is to confirm that Head Start may continue to use up to twelve spaces on our parking lot for designated overflow parking on weekdays and occasional evenings. This lot is across the street from Head Start on Redwood Spur. This agreement is subject to reevaluation at a future date and may include maintenance costs if necessary.

Sincerely,



Paula Broock
President



**South Coast Head Start - Brookings
420 Redwood Spur
Brookings, OR 97415**

Is a Pre-School program recorded with the State of Oregon
Office of Child Care

Recorded Number: PS600528

This notice is effective: 10/23/2014 - 10/23/2016

As a recorded program, all staff and volunteers 18 years of age and older who have contact with children, must complete a criminal background check.

This program is legally exempt from licensure. The Office of Child Care does not inspect this program. It may be regulated by, or meet standards of another agency.

For more information about recorded and licensed programs, contact the Office of Child Care at 503-947-1400 or 1-800-556-6616.

This Notice is Not Transferable

PARKING

CHRISTIAN SCIENCE CHURCH

Courtesy Parking For..

HEAD START

Permission Revocable

At Any Time

CITY OF BROOKINGS



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.

I. Application Information - This section to be filled out by applicant

Applicant Name: LON SAMUELS Date: 1-28-16
 Assessor Map #: T415 R13W Tax Lot: 9700 AND 9900
 Site Address: 420 ALDER (REDWOOD SPUR) BROOKINGS, OR 97415
 Proposal: Subdivision/ Partition Variance
 Conditional Use Permit Other

II. Utility Provider Confirmation:

Utility Provider: COOS-CURRY ELECTRIC COOPERATIVE

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.

Signature: Walter Jurgens Title: Staking Engineer
 Date: 1-28-16

CITY OF BROOKINGS
Public Works Department
898 Elk Drive, Brookings, OR 97415
Telephone – 541-469-1135
FAX – 541-469-3650

FOR CITY USE ONLY:	
Date - <u>2-2-16</u>	to <input type="checkbox"/> Admin Services
Date - _____	to <input type="checkbox"/> Planning
Date - _____	to <input type="checkbox"/> PW

Final Approval	
Date - _____	to <input type="checkbox"/> Building
Applicant notified: _____	

WATER/SEWER/STORM DRAIN SERVICE AVAILABILITY REQUEST

Depending on the research required requests may take up to 10 days to process.

Applicant: LON SAMUELS Date: 1-26-16
 Telephone: (541) 269-5555 Fax: (541) 269-7042 email: LON@SAMUELSARCH.COM
 Current Property Owner: SOUTHWESTERN OREGON COMMUNITY COLLEGE
 Property Address: 420 REDWOOD SPUR (ALDER) Map & Tax Lot No. T41S R13W LOTS: 9700 AND 9900
 Is the property located within the current City Limits? YES ___ NO* *If no, DIA forms required.
 Does property have a well? ___ YES NO ♦If yes, backflow protector will be required.
 Describe project and proposed sized of piping to serve development: PROJECT CONSISTS OF A 1,535 S.F. ADDITION ONTO AN EXISTING 4,874 S.F. FACILITY. SEE ATTACHED EXISTING FLOOR PLAN AND PROPOSED FLOOR PLAN, WITH FIXTURE COUNT.
 Are you requesting service at this time? If yes, complete service request form. ___ YES NO

For City Use Only:	
Administrative Services	
Is there a current water account/service for this property?	<input checked="" type="checkbox"/> YES/How many <u>1</u> ___ NO
Is there a current sewer account/service for this property?	<input checked="" type="checkbox"/> YES/How many <u>1</u> ___ NO
Are there any liens on this property?	___ YES <input checked="" type="checkbox"/> NO
Planning <u>with in City. Expansion of use requires minor change to clif</u>	
*Out of city limits, DIA Forms Submitted:	YES ___ NO ___ In UGB: YES ___ NO ___
Public Works	
Location and size of existing infrastructure:	Adequate?
Water: <u>2" COPPER WATER MAIN</u>	<input checked="" type="checkbox"/> YES ___ NO
Sewer: <u>8" CONCRETE CYLINDER</u>	<input checked="" type="checkbox"/> YES ___ NO
Stormdrain: <u>12" HDPE</u>	<input checked="" type="checkbox"/> YES ___ NO
Additional Comments: <u>WATER MASTER PLAN CALL FOR NEW 8" WATERING ON REDWOOD. PROPERTY IS ALREADY SERVED BY 74" SERVICE OFF OF 24" COPPER WATER MAIN & I'M NOT AWARE OF ANY PRESSURE ISSUES @ THIS FACILITY</u>	
Building	
Pay Backs: \$ <u>0</u>	SDC's: \$ <u>TBD upon plan submittal</u> Other: _____

Attach/Draw Site Location Map with cross streets, etc. on back of this form

(SEE ATTACHED)

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

In the matter of Planning Commission File No. MC-1-) **Final ORDER**
16/MC-1-12 / CUP-2-98; a request for minor change) **And Findings of**
to a conditional use permit to authorize a pre-school) **Fact**
program, Headstart, Curry County, Applicant; Lon)
Samuels, Representative.

ORDER APPROVING a request for a minor change to a Conditional Use Permit (CUP) authorizing expansion of an existing pre-school facility on a 27,000 sq ft property, located at 420 Redwood Spur and 427 Pine Street; Assessor's Map 41-13-05CB, taxlots 9700 and 9901; zoned R-1-6 (Single Family Residential).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with the Title 17, Land Development Code, Brookings Municipal Code (BMC), pursuant to Chapter 17.136.140 Conditional Use Permits, Minor Change; and Chapter 17.116.090 Minor Change; and Chapter 17.136 Conditional Use Permit; and Chapter 17.124.010 Day care or nursery school
2. Such application is required to show evidence that all of the following criteria has been met:

Chapter 17.136.140, CUP, Minor Change. A minor change to the approved conditional use permit may be allowed through the procedure set forth in BMC 17.116.090.

Chapter 17.116.090, Minor Change. The applicant may apply to the planning commission for a minor change to the site plan and/or conditions of approval of an approved planned community. The planning commission will hold a public hearing to consider the nature of the requested change, impacts the change may have on surrounding properties and/or on the remaining portion of the project, and the impact on the city's services and facilities. The commission may approve or deny the minor change. If the change is approved it may be incorporated into the project. If it is denied the project remains as originally approved and the change cannot be incorporated. Applications for a minor change must be submitted with the following:

- A. A filing fee in an amount established by general resolution of the city council. No part of the fee is refundable.

- B. A site plan or revised subdivision map showing the proposed changes and how they compare to the originally approved project. If the change does not include the physical site plan of the project, a text explaining the desired change must be submitted.
- C. A statement explaining how the proposed change relates to the approved project and any impacts it may have on the project and/or adjoining property holders and city services and facilities.

17.124.010 Day care or nursery schools.

- A. Facilities for 17 or more children are subject to these provisions, and all state regulations and requirements. All preschool children residing in the dwelling which also serves as a day care or nursery facility shall be counted in the total number of children in such facility for purposes of calculating the category of such facility.
- B. Day care or nursery school facilities located in any residential zone shall have a minimum site size of 10,000 square feet. Facilities located in the C-3 zone shall be located on lots of sufficient size to provide for required buildings, parking, pickup and drop off area, and outdoor play area.
- C. All such facilities shall provide and thereafter maintain outdoor play areas with a minimum area of 75 square feet per child at total capacity and a sight-obscuring fence, wall or vegetative hedge of at least four feet but not more than six feet in height shall be provided, separating the play area from abutting lots with residential uses.
- D. Adequate off-street parking and loading space shall be provided.
- E. Must provide copies of any license/permit required by federal or state agencies to operate the school.

17.136 Conditional Use Permit

- 1. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this code;
 - 2. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use;
 - 3. The proposed use will have minimal adverse impact upon adjoining properties. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing;
 - 4. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area;
 - 5. The proposal is in compliance with the comprehensive plan.
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 April 5, 2016; and

4. At the public meeting on said minor change application, evidence and testimony was presented by the applicant and recommendations were received from and presented by the Senior Planner in the form of a Staff Agenda Report, dated March 24, 2016 and oral presentation of same; and
5. At the conclusion of the presentation of the applicant, Planning Manager, and the public, after consideration and discussion the Brookings Planning Commission, upon a motion duly seconded, approved the request for the minor change and directed staff to prepare a Final ORDER with the findings set forth therein for the approval of said application.

THEREFORE, LET IT BE HEREBY ORDERED that the application of the minor change of the existing conditional use permit on the subject property is **APPROVED**. This approval is supported by the following analysis, findings and conclusions:

17.116.090 Minor Change.

The Applicant is applying for a minor change to a Conditional Use Permit, MC-1-12/CUP-2-98, to allow for expansion of a pre-school facility. Chapter 17.124.010 provides criteria for day care or nursery schools.

17.124.010 Day care or nursery schools.

A. Facilities for 17 or more children are subject to these provisions.

The applicant has stated in their findings, three classes of 20 students each will occupy the facility. With more than 17 students, this facility will be subject to the provisions of 17.124.010 Day care or nursery schools.

B. Minimum site size of 10,000 sq ft.

The subject property is approximately 27,000 square feet which is more than the minimum requirement of 10,000 sq ft. As discussed in detail later in this report, the property is of sufficient size to accommodate the structure, parking, pickup and drop-off area, and the outdoor play area.

C. Minimum outdoor play area of 75 sq ft per child.

The applicant has stated that each of the three classes would consist of a maximum of 20 students. The minimum play area for all classes would be 4,500 sq ft. According to the applicant, the vacant area to the south of the existing structure is approximately 4,560 sq ft. This area is of sufficient size to accommodate the minimum play area.

D. Adequate off-street parking and loading spaces.

The subject property has a parking lot that contains 19 parking spaces. The applicant states in the findings that this lot will be reconfigured to accommodate 22 parking spaces (See Figure 2). There are also two spaces proposed for ADA and one loading space in front of the structure. A 3-bike rack is proposed as well as 10 shared parking spaces at the adjacent First Church of Christ, Scientist for a total of 38 spaces.

The parking requirement, as discussed in more detail later in this report, is 38 spaces. The off-street parking and loading spaces are adequate for the proposed use.

E. Copies of any license/permits must be provided.

The applicant has provided a notice from the State of Oregon, Child Care Division, that states this program is exempt licensing requirements.

All of the above criteria are met.

17.136 Conditional Use Permit (CUP)

The following is staff's analysis of the proposed pre-school in relation to the general CUP criteria.

Criterion 1, Adequate in size and shape.

The subject property consists of two parcels of approximately 27,000 sq ft. and will contain a 6,432 sq ft structure with the proposed additions. The applicant states that there will be three classes with a maximum 20 students in each class which the proposed enlarged structure can accommodate. The program will have a total of 22 staff; 15 teachers, three (3) advocates, two (2) administrators and two (2) cooks. Chapter 17.92 Parking, requires two spaces for each teacher or adult supervisor for pre-schools and one space per 400 sq ft of office space. According to the applicant, there is approximately 780 sq ft of office space utilized primarily by the 2 administrators which requires 2 parking spaces. A total of 18 teachers/advocates requires 36 spaces for a total of 38 required parking spaces. The parking lot contains 22 spaces. In front of the structure and parallel to Redwood Spur are 2 parking spaces to be utilized for ADA parking and one loading space for a total of 25 spaces. A bicycle rack that accommodates 3 bicycles and a proposed parking agreement for 10 spaces with the adjacent First Church of Christ, Scientist to provide the parking spaces to meet the requirements. A proposed condition of approval will require that a non-revocable parking agreement for the 10 spaces be recorded with the Curry County Records Office.

As stated previously, the property contains a 4,560 sq. ft. vacant area to the south of the existing structure that is proposed for the required outside play area. This area is of sufficient size to accommodate the play area. The property is large enough to accommodate the proposed use. Criterion 1 is met.

Criterion 2, Relation of streets.

The subject property is accessed by Redwood Spur which has a two-lane paved travel surface with no other improvements. Most of the pre-school students will either be transported to the facility by the Headstart bus or will walk. A small number of students may be transported by personal vehicles. A Deferred Improvement Agreement (DIA) was required from the community college for future street improvements as a condition of their approval. There were no complaints regarding traffic problems during the time the community college operated from the site and there have been none since Headstart received authorization to operate the pre-school. Therefore without adjacent improvements, the City will not be requiring street improvements to be installed at this time.

However, the existing DIA funs with the property and if a project is proposed in the future, the property owner will be required to participate in the project. Redwood Spur will accommodate traffic generated by the proposed use. Criterion 2 is met.

Criterion 3, Neighborhood impact.

The noise impact on the surrounding neighborhood is the primary issue concerning residents in the neighborhood where a pre-school is being proposed. The applicant has stated that the required outdoor play area will be located to the south of the existing structure across from Coos Forest Protective Association. There are numerous trees that currently provide a buffering of noise to the only adjacent dwelling to the east. These trees are proposed for removal. The applicant states that the brush will remain. However, the existing brush is located on the neighboring property. The Applicant has stated the entire outside play area will be fenced and this may provide adequate noise mitigation. If noise from the playground becomes an issue, the applicant will be required to landscape the area between the required fence and the property line or provide some other noise barrier to ensure that the noise impact to the neighborhood is mitigated. A condition of approval will require that a sight-obscuring fence, wall or vegetative hedge of at least four feet but not more than six feet in height be provided, separating the play area from abutting lots with residential uses. Criterion 3 is met.

Criterion 4, Historic, scenic or cultural attributes.

There are no listed historic, scenic or cultural attributes on or in the vicinity of the subject property other than the natural quality of the area. Criterion 4 is met.

Criterion 5, Comprehensive Plan.

The Comprehensive Plan designation for this property is "residential". The residential zone permits the operation of pre-school with the approval of a conditional use permit. With the applicant's findings and staff analysis, the proposed project is consistent with the provisions of the Land Development Code and with the Comprehensive Plan. Criterion 5 is met.

Staff believes that with the responses, the above criteria have been met for approval of the minor change.

CONDITIONS APPLICABLE PRIOR TO FINAL APPROVAL

The conditions of approval are attached to and hereby made a part of this report.

Dated this 5th day of April, 2016.

Bryan Tillung, Chairperson

ATTEST:

Donna Colby-Hanks, Planning Manager

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Variance
FILE NO: VAR- 1 - 16
HEARING DATE: April 5, 2016

REPORT DATE: March 24, 2016
ITEM NO: 5.3

GENERAL INFORMATION

PROPERTY OWNER: Southwestern Oregon Community College

APPLICANT: Eric Hanson, Curry County Facilities Director

REPRESENTATIVE: Lon Samuels, Architecture & Planning

REQUEST: A variance to reduce the side yard setback from the required 7 1/2 feet to 5 feet.

TOTAL LAND AREA: Approximately 18,000 sq. ft.

LOCATION: 420 Redwood Spur. Adjacent to the east boundary of Redwood Spur between Redwood Street and Pine Street.

ASSESSOR'S MAP NUMBER: 41-13-05CB, taxlot 9700

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: R-1-6 (Single family residential, 6,000 sq. ft. minimum lot size).

PROPOSED: Same.

SURROUNDING: The subject property is bordered by General Commercial (C-3) parcels to the southwest and west, R-1-6 parcels to the north, east, and south, and Multi-Family Residential (R-3) to the west.

LAND USE INFORMATION

EXISTING: An existing structure used for a pre-school facility, Headstart.

PROPOSED: Enlarge the existing structure including raising the pitch of the roof.

SURROUNDING: Surrounding properties include single family dwellings to the east and north, a church and shopping center to the west, apartment complex to the northwest, and Coos Forest Protective Association complex to the south.

PUBLIC NOTICE: Mailed to all property owners within 250 feet of subject property and published in local newspaper.

APPLICABLE CRITERIA: Land Development Code – Ordinance # 06-0-572
Brookings Municipal Code (BMC)
17.20 Single-family Residential District
17.132 Variances

BACKGROUND INFORMATION

The subject property is a 18,000 sq. ft. parcel with an existing structure located at 420 Redwood Spur and a 9,000 sq. ft. parcel developed with a parking lot at 427 Pine Street. Both parcels are accessed from Redwood Spur. The parking area is generally flat whereas the parcel with the structure slopes to the south towards Redwood Street.

The applicant has applied for a minor change to the approved pre-school to expand the structure to accommodate an increase in students. A proposed component of the expansion is to increase the slope of the roof to aid in shedding rain.

PROPOSED VARIANCE

The applicant states in the findings that to resolve a combination of "flat" roofs and several small pitched roofs that creates "trapped" water, a pitched roof that increases the height of the structure to 20 feet is needed. The existing structure on the property is 12 feet in height and requires a five (5) foot side yard setback. The existing side yard setback on the north side is five (5) feet and the structure is in compliance. The structure, with the roof raised to a height of 20 feet, requires a 7 1/2 foot setback. To accomplish this a variance to the setback from the north property line is required. All other setbacks are adequate for the increase in structure height. The applicant's findings are included as **Attachment A**.

Jim Watson, Operations Fire Chief, has provided comments (**Attachment B**) in regards to this application. Watson advises that two roof systems are a danger to firefighters and if the applicant proposes a two roof system, the lower roof needs to be removed to ensure firefighter safety. This is a proposed condition of approval.

The BMC provides that the Planning Commission shall have the authority to approve, approve with conditions or disapprove any proposed variance. In order for the Planning Commission to grant a variance, all the conditions and circumstances listed in BMC 17.132.030 (E) must be found to exist. The burden of producing substantial evidence to support the findings is on the applicant seeking the variance.

ANALYSIS, FINDINGS and CONCLUSIONS

The following is staff's analysis of the proposed variance in relation to the criteria.

Chapter 17.132.030(E), Variance Applications, A statement, plans and supportive evidence that all of the following conditions exist:

17.132.030(E)(1), BMC. Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control, and to which the applicant has not contributed;

Response: The subject property consists of two parcels bisected by an alley. Typically when these setback issues arise and a property owner has two adjacent parcels, the property line is vacated thereby eliminating the setback requirement. In this case due to the alley, a vacation of the property line is not a option available to resolve the issue. The Applicant has not contributed to this circumstance. This criteria is met.

17.132.030(E)(2), BMC, The variance is necessary for the preservation of the property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity;

Response: The applicant states in the findings that the height of the roof needs to be raised to resolve a safety feature that is created by water issues. The trapped or ponding water deteriorates the structure. This situation is created by a combination of flat roofs and several small pitched roofs. The City has recognized that due to the climate in Brookings, structures with flat roofs experience many problems that can be resolved with a pitched roof. A written policy was implemented in 2009, that provides for flat roofed structures with non-conforming setbacks to be reroofed. However, this policy only allows applies to structures with non-conforming setbacks and only allows the height to be raised to a maximum of 15 feet. The right to have a structure free of water issues is possessed by other properties in the same zone or vicinity. This criteria is met.

17.132.030(E)(3), BMC, The authorization of the variance shall not be materially detrimental to the purpose of this code, be injurious to property in the same zone or vicinity in which the property is located or be otherwise detrimental to the objectives of any city development plan or policy;

Response: The structure proposed for a height increase meets all the requirements for the setbacks of a 20 foot structure with the exception of the north property line. This property line abuts an alley that is approximately 4 feet in grade above the structure. This grade lessens the impact to citizens utilizing the alley by making the structure appear lower. Although five (5) residential properties have frontage on the alley, only two (2) have developed accesses; several large fir trees prevent through access. Therefore the alley does not generate a great deal of traffic.

As stated previously in this report, the applicant owns the adjacent parcel to the north. This parcel is developed with a parking lot to serve the pre-school facility. Granting of the variance for a reduction of the setback will have no impact on the parking lot use. Due to these circumstances this variance will not set a precedent that will be detrimental to the provisions of the code. This criteria is met.

17.132.030(E)(4), BMC, The variance request is the minimum variance from the provisions and standards of this code which will alleviate the hardship.

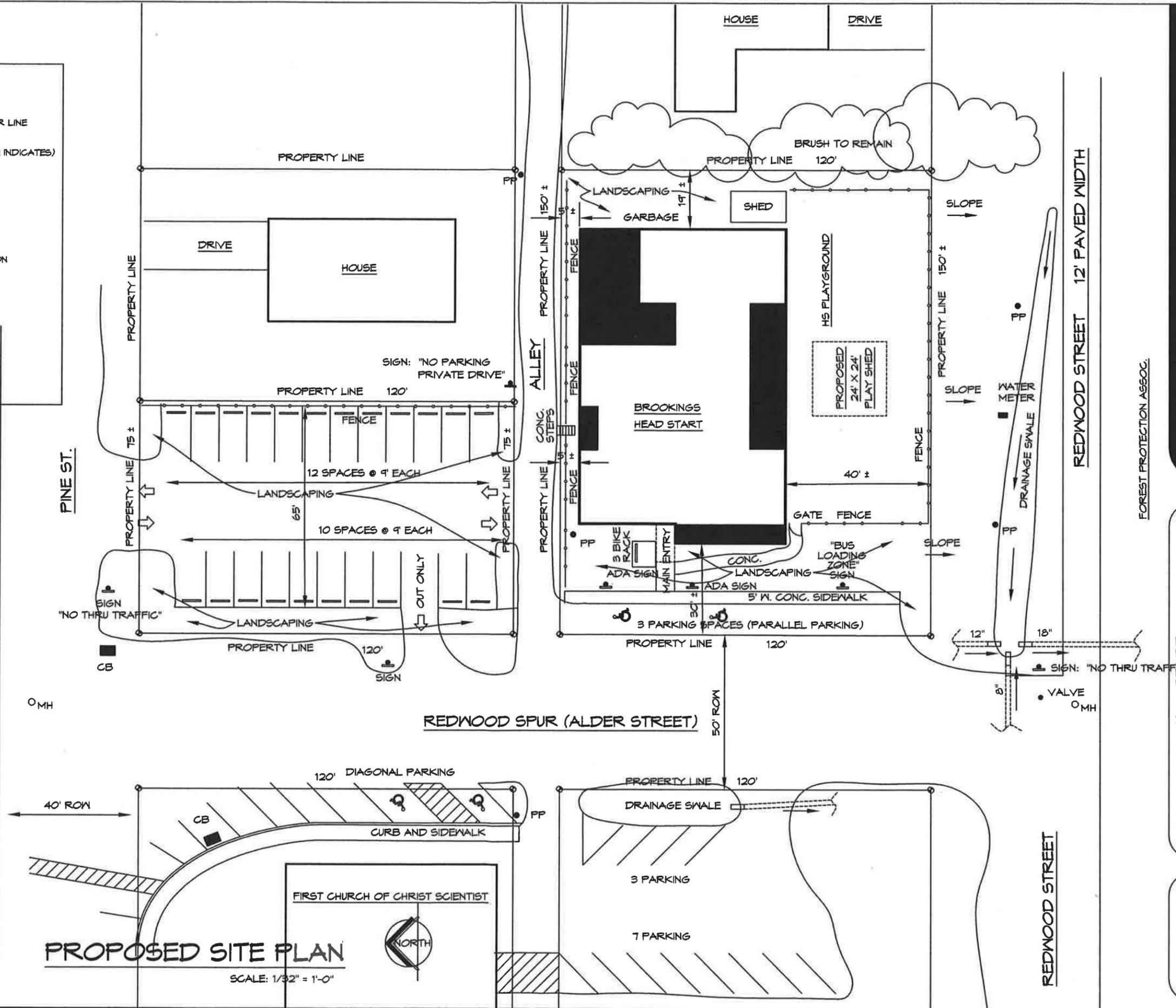
Response: The applicant states in the findings that it is necessary to install one large pitched roof over the entire building to eliminate the jogs and flat roofs. No information has been provided from the applicant regarding alternate methods of construction and why they would not be effective in resolving the flat roof/ponding water issues.

Based on the analysis and findings, the above criteria, with the exception of 17.132.030(E)(4), have been met. After considering additional testimony from the applicant and any public input, the Planning Commission may find that all criteria have been met.

Staff has prepared a FINAL ORDER (**Attachment C**) to be considered at this meeting.

LEGEND:

- UTILITY LINE (USE AS NOTED)
- - - PROPERTY LINE
- - - FENCE LINE
- 51 — EXISTING ELEVATION CONTOUR LINE (HEIGHT AS NOTED)
- slope — NEW ELEVATION SLOPE (DIRECTION DOWN AS ARROW INDICATES)
- NIC — NOT IN CONTRACT
- SIM — SIMILAR
- TYP — TYPICAL
- MH — MANHOLE
- CB — CATCH BASIN
- WY — WATER VALVE
- PP — UTILITY POLE
- PROPOSED BUILDING ADDITION
- ▨ CROSSWALK OR ADA LOADING
- ☁ EXISTING TREE / BUSH TO REMAIN



PROPOSED SITE PLAN
SCALE: 1/32" = 1'-0"

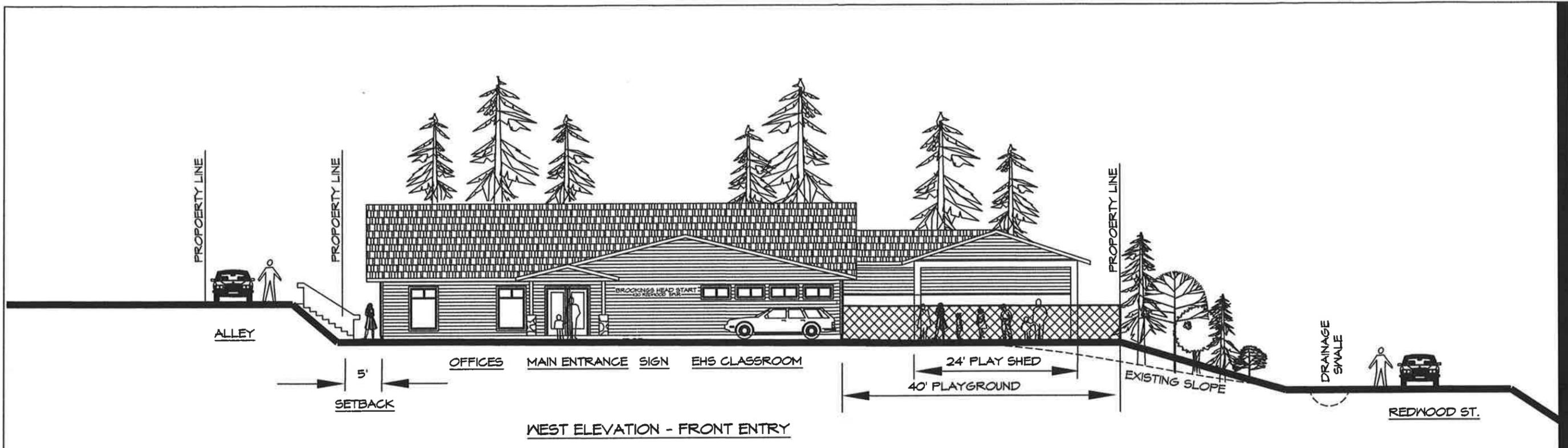
**BROOKINGS HEAD START
REMODEL AND ADDITION**

OWNER:
CURRY COUNTY
GOLD BEACH, OR 97444

PROJECT:
1501
DATE:
FEB. 16, 2016

Lon L. Samuels, Architecture & Planning, A.I.A.
960 Central Avenue
Coos Bay, Oregon 97420
Phone (541) 269-5555
FAX (541) 269-0762

FOREST PROTECTION ASSOC.



WEST ELEVATION - FRONT ENTRY



SOUTH ELEVATION

Lon L. Samuels, Architecture & Planning, A.I.A.
 960 Central Avenue
 Coos Bay, Oregon 97420
 Phone (541) 269-5555
 FAX (541) 269-0762

BROOKINGS HEAD START
 REMODEL AND ADDITION
 OWNER:
 CURRY COUNTY
 GOLD BEACH, OR 97444

PROJECT:
 1507
 DATE:
 FEB. 16, 2016

7B

SETBACK VARIANCE

(See Drawing Sheet 1: Existing Site Plan and
Drawing Sheet 2: Proposed Site Plan and
Drawing Sheet 7B Site Section/Elevations.)

REQUEST:

Brookings Head Start is requesting a Setback Variance for the North setback for the Brookings Head Start facility located at 420 Redwood Spur (Alder St.).

The "Side Yard" setback requirement in a R-1-6 Zone is, "5', provided that the nonstreet side yards shall be increased by one-half foot for each foot by which the average building height exceeds 15 feet." (Section 17.20.060.)

Currently, the required setback is as follows:

Maximum Actual Height of Building = 20'

Maximum Allowed Height at Property Line = 15'

$20' - 15' = 5'$ over the maximum allowed height

$5 \times 6'' = 2'-6''$ increased setback distance required

Therefore: $2'-6'' + 5' = 7'-6''$ setback required.

SUPPORTIVE EVIDENCE THAT ALL OF THE FOLLOWING CONDITIIONS EXIST:

BMC 17.132.030.E. states, "A statement, plans and supportive evidence that all of the following conditions exist:

1. *"Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control, and to which the applicant has not contributed."*
 - A. The property has been used as a day-care facility for many years.
 - B. The adjacent property owner is the applicant, Brookings Head Start.
 - C. The adjacent use is a parking lot not a residence and therefore has less of an impact on the adjacent use.
 - D. The unique topography of the site creates a 4' recess for the building along the North property line. This recess reduces the apparent overall

Brookings Head Start
Setback Variance Application
March 4, 2016

building height by 4'. (See Drawing 7B: Site
Sections/Elevations.)

2. *"The variance is necessary for the preservation of the property right of the applicant substantially the same as its possessed by owners of other property in the same zone or vicinity."*

A. The property has a unique and unusual characteristic. There is an alley that divides the property in half. The alley extends to only one house, to the East. Because of this alley, the owner is having difficulty maintaining the required setback when they correct a safety feature on their building.

B. There is a safety feature they need to correct. Currently the roof is a combination of "flat" roofs and several small pitched roofs that create "trapped" water on the roof. This water leaks into the building creating dryrot and decay in several areas. The roof needs to be removed and a new pitched roof needs to be installed. The owners would like to "match" the characteristics of other residential roofs in the area (rather than installing a "commercial" looking flat roof) by using composition roofing shingles on a pitched roof. For safety reasons (and as required by the Building Code) a roof should have a pitch to shed rain water. The recommended slope for a composition shingle roof is 4 in 12 pitch. That is to say, by using a roofing material that is compatible with the neighborhood, composition shingle roofing, manufacturers recommend a pitch of 4 in 12. (Most roofs in the neighborhood are 4 in 12.) However, with special treatment, (adding additional underlayment building paper,) some roofing manufacturers will allow the roof pitch to be lowered to 3 in 12, which is what is proposed. Head Start feels it is important to "blend in" with the neighborhood and keep the "residential" character of the building and therefore have agreed to the extra cost to develop the lower slope composition roof.

- C. Granting the variance will preserve the use of the property, which it has been used for a day care facility for many years. The variance will allow the owners to use the property to highest and best use making full use of the property without infringing on any neighbor's rights. (The property adjacent to the setback request is the applicant's property.)

D. The addition to the building along the North property line consists of "filling-in" the notches in the building. That is to say, the existing building is currently at the 5' setback line and this addition will not encroach into the existing 5' setback area. The addition is merely "filling-in" these building notches. These additions are best suited on the North property line rather than any other side of the building because:

(1) The South side of the building is the largest "open" area and currently the outdoor playground. Keeping the playground on the South side of the building and away from adjacent neighbors (especially the neighbor to the East) is best for sound control to the neighborhood.

Brookings Head Start
Setback Variance Application
March 4, 2016

(2) The East side of the building is where the closest neighbor is located and the building here would have the greatest impact on the neighbor by reducing the existing shrubs and brush that screen the facility.

(3) The West side is the front of the building and where the required parking is located.

(4) The applicant owns the property to the North and is a parking lot.

In short, the variance is necessary due to the physical characteristics of the property (alley through the middle of the property, alley leading to one house) and resolving a safety concern (trapped water on the roof while keeping the buildings character "residential").

3. *"The authorization of the variance shall not be materially detrimental to the purpose of the code, be injurious to property in the same zone or vicinity in which the property is located or be otherwise detrimental to the objectives of any city development plan or policy."*

A. Visual impact is minimal due to a 4' embankment, which reduces the apparent height of the building to the surrounding properties. (See Drawing 7B: Site Sections/Elevations.)

B. The roof is designed as a sloping composition style roof. The recommended slope is 4 in 12. However, with special underlayment (under the roofing shingles) the slope may be decreased to 3 in 12 slope. This roof has been designed with the reduced height using the 3 in 12 slope. Using the recommended 4 in 12 slope would have created a maximum height of 24'. By using the lower slope of 3 in 12, the building will now be a maximum of 20' high.

C. Currently, portions of the building have a pitched roof that slopes at 4 in 12 and the maximum height of the building is 12'. The building has several jogs which create "flat" roof areas and thus ponding water. It is necessary to install one large pitched roof over the entire building eliminating the jogs and flat roofs.

D. The variance will not be detrimental to the objectives of any city development plan or policy.

4. *"The variance request is the minimum variance from the provisions and standards of this code which will alleviate the hardship."*

A. It is a hardship to jog the building 4'-6" along the setback area. It would reduce the overall building area and thus reduce the size of several rooms along the North side of the building. This variance request is the minimum variance from

Brookings Head Start
Setback Variance Application
March 4, 2016

the requirements of this code to alleviate the hardship of this setback requirement.

- B. This variance is not requesting reducing the current established setback of 5'. This building will maintain the current 5' setback established on this and other properties in the area.

OTHER CONSIDERATIONS:

1. Appropriate and Compatible:

No other site is as suitable due to its size and location. This location is particularly suitable for this use for the following reasons:

A. It is located in a residential zone:

Often this is the first time 2, 3 and 4 year olds are separated from their parents. this experience, including where they go, character of style of building they enter, etc. can make the experience pleasant or traumatic. Having the facility designed like a "big house" (i.e.: pitched roof, composition shingle roofing rather than steel roofing, residential windows and doors, etc.) and located in a residential neighborhood will calm the children and allow for a pleasant experience.

B. Compatible Roof Design:

The existing roof design creates a flat roof design mimicking commercial buildings. Eliminating the flat roof design will eliminate the "commercial" design or character in this residential neighborhood.

2. Unnecessary Hardship:

A. Strict application of the provisions of this requirement will constitute an unnecessary hardship on the Brookings Head Start organization requiring them to eliminate space (and programs) in their building to meet the setback requirements.

B. Attempting to purchase additional land in the neighborhood for the additional setback requirement is not economically feasible.

3. The variance will not negatively affect abutting property or improvements in the neighborhood, nor create a safety hazard.

The variance will not negatively affect neighboring property (parking lot). The necessary increased setback would significantly impact the design of the building and thus create a negative impact on the building design necessitating the Head Start program to possibly relocating or reducing services which would create a negative impact on the neighborhood.



City of Brookings



FIRE / RESCUE

898 Elk Drive, Brookings, OR 97415

(541) 469-1142 Fax (541) 469-3650

TTY (800)735-1232

Operations Fire Chief

jwatson@brookings.or.us

3/23/2016

In regards to the remodel of 420 Redwood Spur.

I agree that we continue the application process for this project with these two items in mind.

I would require the lower roof to be removed when the pitched roof is being erected. Two roof systems are a danger to firefighters and this needs to be completed to ensure firefighter safety.

At this time I would like to reserve the right to be able to continue doing research on this project and have a call into the Oregon State Fire Marshals Deputy that covers Curry County. They are the agency that will be conducting inspections in this type of occupancy (School), and would like their input up front in this project. This is to ensure that the proper fire safety requirements are addressed before any actual construction begins.

Jim Watson
Operations Fire Chief
Brookings Fire Department
541-469-1142

Your Safety Is Our Business

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

**In the matter of Planning Commission File No.) Final ORDER
VAR-1-16; application for a variance to side yard) and Findings of
setback; Curry County, Applicant; Samuels,) Fact
representative.)**

ORDER APPROVING an application for a variance to reduce the required 7 1/2 foot side yard setback required for a structure of 20 feet in height to 5 feet along the northern boundary (as shown on the proposed site plan) on property located at 420 Redwood Spur, identified as Assessor's Map 41-13-05CB, Tax Lot 9700 and zoned Single Family Residential District (R-1-6).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Chapter 17.132, Variances, of the Brookings Municipal Code (BMC), which authorizes the Planning Commission to approve, approve with conditions or deny a request for a variance, based upon evidence that the proposal meets the following criteria:

- A. Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control, and to which the applicant has not contributed.
- B. The variance is necessary for the preservation of the property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
- C. The authorization of the variance shall not be materially detrimental to the purpose of this code, be injurious to property in the same zone or vicinity in which the property is located or by otherwise detrimental to the objectives of any city development plan or policy.
- D. The variance request is the minimum variance from the provisions and standards of this code, which will alleviate the hardship.

- 2. The Brookings Planning Commission duly considered the application for a variance to the side yard setback on the agenda of its regularly scheduled public hearing on April 5, 2016; and,
- 3. Recommendations were presented by the Planning Manager in the form of a written Staff Agenda Report dated March 24, 2016 and by oral presentation, and evidence and testimony by the applicant and the public at the public hearing; and,
- 4. 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 Reports dated March 24, 2016 and APPROVED the

request for the subject application and directed staff to prepare a Final Order and Findings of Fact to that affect.

THEREFORE, IT IS BY HEREBY ORDERED that the application for a variance on the subject parcel is approved. This approval is supported by the following findings and conclusions:

17.132.030(E)(1), BMC. Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control, and to which the applicant has not contributed;

Response: The subject property consists of two parcels bisected by an alley. Typically when these setback issues arise and a property owner has two adjacent parcels, the property line is vacated thereby eliminating the setback requirement. In this case due to the alley, a vacation of the property line is not a option available to resolve the issue. The Applicant has not contributed to this circumstance. This criteria is met.

17.132.030(E)(2), BMC. The variance is necessary for the preservation of the property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity;

Response: The applicant states in the findings that the height of the roof needs to be raised to resolve a safety feature that is created by water issues. The trapped or ponding water deteriorates the structure. This situation is created by a combination of flat roofs and several small pitched roofs. The City has recognized that due to the climate in Brookings, structures with flat roofs experience many problems that can be resolved with a pitched roof. A written policy was implemented in 2009, that provides for flat roofed structures with non-conforming setbacks to be reroofed. However, this policy only allows applies to structures with non-conforming setbacks and only allows the height to be raised to a maximum of 15 feet. The right to have a structure free of water issues is possessed by other properties in the same zone or vicinity. This criteria is met.

17.132.030(E)(3), BMC. The authorization of the variance shall not be materially detrimental to the purpose of this code, be injurious to property in the same zone or vicinity in which the property is located or be otherwise detrimental to the objectives of any city development plan or policy;

Response: The structure proposed for a height increase meets all the requirements for the setbacks of a 20 foot structure with the exception of the north property line. This property line abuts an alley that is approximately 4 feet in grade above the structure. This grade lessens the impact to citizens utilizing the alley by making the structure appear lower. Although five (5) residential properties have frontage on the alley, only two (2) have developed accesses; several large fir trees prevent through access. Therefore the alley does not generate a great deal of traffic.

As stated previously in this report, the applicant owns the adjacent parcel to the north. This parcel is developed with a parking lot to serve the pre-school facility. Granting of the variance for a reduction of the setback will have no impact on the parking lot use. Due to these circumstances this variance will not set a precedent that will be detrimental to the provisions of the code. This criteria is met.

17.132.030(E)(4), BMC. The variance request is the minimum variance from the provisions and standards of this code which will alleviate the hardship.

Response: The applicant states in the findings that it is necessary to install one large pitched roof over the entire building to eliminate the gjos and flat roofs.

No information has been provided from the applicant regarding alternate methods of construction and why they would not be effective in resolving the flat roof/ponding water issues. However, following additional testimony from the applicant regarding alternate methods of construction, the Planning Commission finds that this criterion is met.

CONDITIONS OF APPROVAL

1. The setback approved in this Final Order reduces the required 7 1/2 foot side yard setback for a structure 20 feet in height to 5 feet along the northern property line as shown on the proposed site plan included with the staff report.
2. Any accessory structures sited on the property must meet the R-1-6 setback requirements.
3. If a two-roof system is proposed to resolve the water issues, the lower roof must be removed to ensure firefighter safety.

Dated this 5th day of April, 2016.

Bryan Tillung, Chairperson

ATTEST:

Donna Colby-Hanks, Planning Manager

MINUTES
BROOKINGS PLANNING COMMISSION
March 1, 2016

The regular meeting of the Brookings Planning Commission was called to order by Chair Bryan Tillung at 7:00pm in the Council Chambers at the Brookings City Hall on the above date. The following Commission members and staff were in attendance:

Commissioners Present: Loren Rings, Ray Hunter, Gerry Wulkowicz, Timothy Hartzell, Cheryl McMahan, Bryan Tillung

Staff Present: Planning Manager - Donna Colby-Hanks; Administrator - Jordan Fanning

Others Present: 5 audience members

Chair Tillung presented the annual report summarizing Planning Commission meetings conducted and the applications processed in 2015. By a 6-0 vote (motion: Tillung, 2nd Wulkowicz) the Planning Commission accepted the Annual Chair Report for 2015 with changes as presented.

PUBLIC HEARINGS

Public hearing procedures addressed by Chair Tillung

- Chair Tillung opened the quasi-judicial hearing regarding File No. CUP-1-16.

File Description: In the matter of File No. **CUP-1-16**, a request for approval of a conditional use permit to operate a short term vacation rental at 222 Del Norte Lane #14, on a 700 square foot condo parcel located on Assessor's Map No. 41-13-05CD, tax lot 60314; Applicant/Owner, Mason; Representative, Paragon Property Management. The criteria used to decide this matter is found in Chapter 17.28.040 Multiple-Family Residential (R-3), Conditional Uses, Section 17.124.170 Short term rentals, and Chapter 17.136 Conditional Use Permits of the Brookings Municipal Code (BMC). This is a quasi-judicial hearing and the Planning Commission will make a decision on this matter.

There was no ex parte contact, bias or personal interest, or conflict of interest declared. There was no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:13pm. Planning Manager Colby-Hanks reviewed the staff report. The applicant, Brent Mason, 222 Del Norte #14, Brookings, OR stated that they had purchased the condo unit as a second home in hopes to potentially move to the area upon retirement. Mason explained that in addition to the City requirements, the owner's rules would be outlined for guests. The Commission had no questions for the applicant nor the applicant's representative, Holly Hatch, Paragon Property Management. There was no other testimony in support of the application.

Karen Cunningham, 222 Del Norte #6, Brookings, OR spoke in opposition to the proposal. Cunningham expressed concerns regarding the potential for short term rentals to negatively impact the value of the other condo units. She stated that several real estate brokers and bank mortgage lenders had advised that if too high of a percentage of the condos are utilized as rentals, mortgage lenders would not provide attractive terms to prospective buyers. Cunningham discussed approaching the Smugglers Cove Homeowners Association to consider a by-law change to limit the percentage of rentals. Cunningham's testimony was entered into the record as Exhibit B.

In rebuttal, Mason stated that he is also concerned with property values but felt the best way to address the number of rentals would be through the by-laws.

As final comments, Staff stated that the criteria used for land use matters are required to be clear and objective. The criteria do not limit the number of short term rentals in a condo development nor provide a cap on the number within the City. The short-term rental proposed with this application will have no greater negative impact to the values of the condo units than a long term (more than 30 days) rental which is not regulated by the City.

No participants requested additional time to present evidence and the public hearing portion of the meeting was closed at 7:37pm.

The Commission deliberated on the matter with much discussion regarding the potential for property values to condo units being affected by future buyers being unable to secure financing with too many rentals. Staff advised there were a total of 25 authorized short-term rentals within the City. By a 6-0 vote (motion: Wulkowicz, 2nd McMahan) the Planning Commission approved File No. CUP-1-16 requesting authorization to operate a short-term rental at 222 Del Norte #14. Tillung made a motion to approve the final order, which was seconded by McMahan. The final order was approved by unanimous vote.

APPROVAL of MINUTES

By a 6-0 vote (motion: McMahan, 2nd Tillung) the Planning Commission approved the minutes of the January 5, 2016 Planning Commission meeting as presented.

STAFF REPORT

Commissioner Rings and Commissioner McMahan have submitted applications to be considered for re-appointed to positions expiring in April, 2016. Tentatively, City Council will be considering the applications at their March 14, 2016 meeting. City Manager, Gary Milliman, provided tote bags as a thank you for the Planning Commissioners volunteering. The bags were appreciated. The Planning Commission will be considering a two-parcel partition in April and a possible minor change to an approved conditional use permit.

ADJOURNMENT

Meeting adjourned at 7:50 pm
Respectfully submitted,

Bryan Tillung, Chair of the Brookings Planning Commission
(Approved at the 4/5/16 meeting)