

Planning Commission Agenda
May 3, 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 The Continuation 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 BMC. This is a quasi-judicial hearing and the Planning Commission will make a decision on this matter.

Documents: [MEMO.PDF](#), [FINDINGS.PDF](#), [FINAL ORDER.PDF](#)
 - 5.II. In The Matter Of File No. CP-2-14,
approval of the Storm Water Master Plan Update and revisions to the Public Facilities Plan (PFP) and the Goal 11 Public Facilities and Services to reflect the Storm Water Master Plan Update as supporting documents of the Brookings Comprehensive Plan. City initiated. The criteria used to decide this matter is found in Chapter 17.140 Amendments, of the Brookings Municipal Code (BMC). This is a legislative hearing and the Planning Commission will make a recommendation to City Council on this matter.

Documents: [STAFF REPORT.PDF](#), [EXECUTIVE SUMMARY.PDF](#), [PFP.PDF](#), [GOAL 11.PDF](#)
 - 5.III. In The Matter Of File No. CUP-2-16,
a request for approval of a conditional use permit to operate a short term vacation rental at 18 Otter Terrace, a 0.17 acre parcel located on Assessor's Map No. 41-13-008BB; tax lot 2002. Applicant/Owner, Gyurko. The criteria used to decide this matter are found in Section 17.124.170 - Short Term Rentals, Chapter 17.136 - Conditional Uses, and Section 17.20.040(Q) Single-Family Residential (R-1-6) Conditional Uses, of the BMC. 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.IV. In The Matter Of File No. CUP-3-16,
a request for approval of a conditional use permit to operate a short term vacation rental at 1266 Rowland Lane, a 20,000 square foot parcel located on Assessor's Map No. 41-13-06CB; tax lot 4901. Applicant/Owner, Lyons. The criteria used to decide

this matter are found in Section 17.124.170 - Short Term Rentals, Chapter 17.136 - Conditional Uses, and Section 17.20.040(Q) Single-Family Residential (R-1-6) Conditional Uses, of the BMC. 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](#), [PUBLIC COMMENT.PDF](#), [FINAL ORDER.PDF](#)

6. Minutes For Approval

6.I. Minutes Of Regular Planning Commission Meeting April 5, 2016

Documents: [04-05-16 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.



MEMO

TO: Planning Commission

FROM: Donna Colby-Hanks, Planning Manager *DC*

DATE: April 21, 2016

SUBJECT: Final Staff Comments on Continued Hearing for MC-1-16/MC-1-12/CUP-2-98

The Planning Commission conducted the initial hearing on April 5, 2016 to consider a request for authorization to increase the number of students from 40 to 60 and expand the structure to accommodate the increase in students for Headstart. A total of 22 staff are proposed. During the hearing testimony was provided from P. Broock, First Church of Christ, Scientist, that they would not be able to provide an irrevocable parking agreement. Without the parking criteria being met, the Planning Commission continued the hearing to May 3, 2016 to allow the Applicant additional time to obtain ten (10) parking spaces for compliance with Brookings Municipal Code Chapter 17.92.080 Shared parking.

The Applicant has provided an email as well as a copy of a letter sent to the Brookings Presbyterian Church regarding a parking agreement with Headstart for the use of ten parking spaces (**Attachment A**). Figure 1 is a map showing that the Brookings Presbyterian Church parking area is within the 1000 feet as required in Chapter 17.92.080 for shared parking.

The Applicant has provided a revised site plan that proposes no grading work to occur within the right-of-way of Redwood Street. If any work is proposed in the right-of-way in the future, the applicant will need to follow the same process as other property owners and obtain approval from the City prior to commencement of any work.

The Planning Commission did not close the public testimony portion of the hearing and public input as well as the final rebuttal from the Applicant should be taken. Staff has prepared a revised Final Order and conditions of approval to be considered (**Attachment B**). Condition #12 has been revised to reflect the change to Brookings Presbyterian Church.

Considering all analysis, findings, and evidence in the record, staff recommends approval of MC-1-16/MC-1-12/CUP-2-98.

Figure 1

Subject property with 1000 foot buffer. Shows Brookings Presbyterian Church parking within the 1000 feet as required by BMC Chapter 17.92.080 for shared parking.

Subject property buffered 1000 feet.





Brookings Head Start - parking issue

Lon Samuels <lon@samuelsarch.com>
To: Donna Colby-Hanks <dcolbyhanks@brookings.or.us>
Cc: Eric Hanson <hansone@co.curry.or.us>

Fri, Apr 8, 2016 at 1:49 PM

Donna-

I wanted to give you a quick update on our progress.

I have talked to Pastor David Hunter at Brookings Presbyterian Church on the corner of Pacific Ave. and Oak Street. He has indicated that the church would sign an agreement which could be recorded and irrevocable for Head Start to use 10 spaces. However, the Church Council will need to approve it and they meet the 4th Thursday of each month. So, they meet on April 28th and the Planning Commission meeting is on May 3rd.

If approved, I will have someone from Head Start pick their letter up and hand-deliver it to you on April 29th (if its ready) but no later than May 2nd. Please let me know if this will not work out for your schedule...otherwise I'll be back for the Planning Commission meeting at 7:00 pm on May 3rd.

Thanks for your help.

Lon

TRANSMITTAL COVER SHEET

From: LON L. SAMUELS, ARCHITECTURE AND PLANNING

960 Central Avenue
Coos Bay, OR 97420
Phone: 541-269-5555
Fax: 541-269-0762

Date: April 11, 2016

Project No.: 1507

To: Eric Hanson, Facilities Director
Curry County
94235 Moore St., Suite 411
Gold Beach, OR 97444

Project: Curry County
Brookings Heat Start
Project

We Are Sending You:

1. Letter from Lon Samuels to Pastor David Hunter requesting 10 parking spaces

Remarks:

Eric-

Enclosed is my letter to Pastor David Hunter with Brookings Presbyterian Church requesting 10 parking spaces. Their Church Council meeting is April 28th (4th Thursday of each month) and the City of Brookings Planning Commission meeting is May 3rd (1st Tuesday of each month) so I'll have Dar or someone from Head Start pick up the letter and hand-deliver it to Donna Colby-Hanks, Planning Manager with the City of Brookings at City Hall no later than Monday, May 2nd.

If you have any questions, please call.

Thanks,

Lon

By: Lon

Copy To: Donna Colby-Hanks
City of Brookings Planning dept.
w/ attachment

PLEASE NOTIFY US AT ONCE IF ENCLOSURES ARE NOT AS NOTED

David Hunter, Pastor
Brookings Presbyterian Church
P.O. Box 697
540 Pacific Ave.
Brookings, OR 97415

April 11, 2016

Re: Curry County – Brookings Head Start
Architect's Project No. 1507

Dear Mr. Hunter:

Thank you for taking the time to discuss the parking needs for the Brookings Head Start building. I am the architect that has been working with Head Start in Brookings. They have obtained a grant to remodel and expand their present facilities. However, in doing so, the City of Brookings requires additional designated parking areas. Presently we have identified the following spaces:

1.	Existing Parking Lot on the corner of Redwood Spur and Pine St.:	22 spaces
2.	Existing parallel parking spaces in front of the existing building:	3
3.	Bicycle parking (City allows up to 10% of required parking spaces):	3
4.	Shared parking with the Church of Christian Scientist:	<u>10</u>
	Total:	38

We are required to have a total of 38 designated spaces. The Church of Christian Scientist has given us a letter indicating we could use their parking lot, but after it was discovered that the City of Brookings intends to "record" the letter with the title to the property, they decided that they could not grant that request, because they do not know what will happen in the future with their property...which I understand.

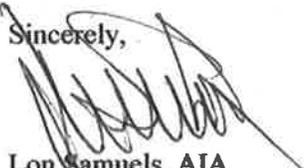
So, I am requesting, on Brookings Head Start's behalf, that the Brookings Presbyterian Church consider allowing Head Start to designate your parking lot for 10 spaces for the Head Start program. It seems remote that anyone would actually use your parking lot because it is so far away from the Head Start facility, but your parking lot is within the 1000 foot distance from Head Start's property and would satisfy the City's parking requirement. However, please remember, the City of Brookings will require the agreement to be "irrevocable" as long as Head Start occupies the building.

I think a letter to Head Start similar to the following would work:

"Please accept this letter as authorization to allow Brookings Head Start to use at least 10 parking spaces for parking. We understand that this authorization and agreement is irrevocable as long as Head Start remains at their present site."

Thank you for your consideration of our request and please do not hesitate to call if you have any questions.

Sincerely,


Lon Samuels, AIA
LLS/cs C-1507-1

LON L. SAMUELS, ARCHITECTURE & PLANNING, A.I.A.

960 Central Avenue
Coos Bay, Oregon 97420
(541) 269-5555

Fax: (541) 269-0762
Email: info@samuelsarch.com
Web Site: www.samuelsarch.com



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

Brookings Head Start - revised West Elevation

1 message

Lon Samuels <lon@samuelsarch.com>

Mon, Apr 11, 2016 at 2:35 PM

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

Cc: Eric Hanson <hansone@co.curry.or.us>

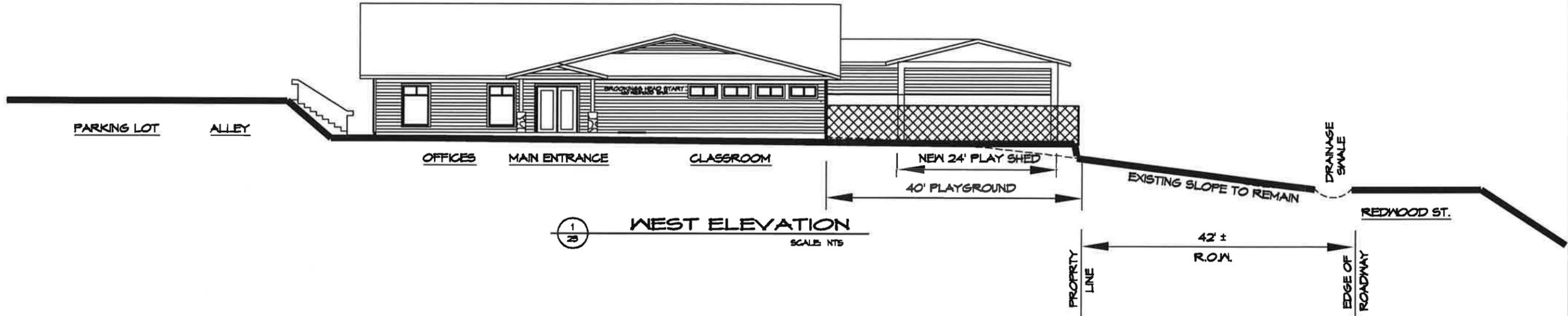
Donna-

Attached is a revised drawings showing the West Elevation and adjacent section through the right-of way. I have revised the drawing to show that the existing slope is to remain in the right-of-way. If we need to modify that slope we will obtain approval by the City of Brookings Public Works Department and/or Planning Department.



Brookings Head Start - REVISED Site Section 5-3-16.pdf

95K



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
 6-GOLD BEACH, OR 97444

PROJECT:
 1507
 DATE:
 MAY 3, 2016

7B

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

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

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; continued to May 3, 2016; and

4. At the public meetings on said minor change application, evidence and testimony was presented by the applicant and recommendations were received from and presented by the Planning Manager in the form of a Staff Agenda Report, dated March 24, 2016 and oral presentation of same. Oral and written testimony from the public was also presented. The hearing was continued to May 3, 2016 to allow the Applicant additional time to obtain parking spaces to comply with BMC 17.92.080; and
5. At the conclusion of the public hearings, after consideration and discussion of testimony and evidence presented in the public hearings and submitted as written comments, 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 Brookings Presbyterian Church 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 Brookings Presbyterian Church (located within 1000 feet) 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 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 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 3rd day of May, 2016.

Bryan Tillung, Chairperson

ATTEST:

Donna Colby-Hanks, Planning Manager

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT

CUP-9-95

November 7, 1995

(As Amended By The Planning Commission)

(No revisions to conditions with approval of CUP-2-98, October 6, 1998)

(As amended by MC-1-12/CUP-2-98, June 12, 2012 Planning Commission)

(conditions that have been met or are no longer appropriate have been ~~stricken~~)

(As amended by MC-1-16/MC-1-12/CUP-1-98, May 3, 2016 Planning Commission)

(deleted text is ~~double-stricken~~ and added text is *bold italic*)

General Conditions

1. Approval of this conditional use permit will expire ~~one~~ **two** years from approval, unless the project comes under substantial construction within that period. The ~~Planning Commission~~ **City** may extend the permit for an additional one year period at the request of the applicant.
2. ~~Approval of this conditional use permit will become null and void three years from the date of approval. If the applicant finds that it is necessary to continue the use of the subject building beyond a three year period, a new application must be filed and approved by the Planning Commission.~~
3. ~~The final construction plans for the parking lot pavement shall be in substantial conformance with the submitted preliminary site plan as amended herein and as approved by the Planning Commission. Substantial changes to the approved preliminary plat require re-approval by the Planning Commission~~
4. ~~Improvement work shall not be commenced until construction plans including grading have been approved by the City Engineer.~~
5. ~~All costs of plans checks and inspections by the City Engineer shall be paid by the applicant to the city.~~
6. ~~Prior to the issuance of an occupancy permit, the parking lot pavement must be completed.~~
7. All outdoor lighting shall be directed and/or shielded so as to prevent light from falling directly on adjoining properties.

Street Conditions

8. ~~Prior to the issuance of any occupancy permit the applicant shall cause the execution and recordation of a Deferred Improvement Agreement providing for the construction of curb, gutter, sidewalk, and pavement to match existing pavement, plus any required underground storm drainage facilities along the Alder St. and Redwood St. frontage abutting the subject parcel.~~
9. The applicant shall purchase and install street signs reading "No Thru Traffic" at the corner of ~~Alder St.~~ **Redwood Spur** and Pine St. and the corner of ~~Alder St.~~ **Redwood Spur** and Redwood

St. and a "Left Turn Only" sign at the parking lot exit. The exact location of the signs shall be determined by city staff. (Amended by the Planning Commission, November 7, 1995)

~~10. The college will take steps to encourage students to use Redwood St. rather than Pine St. to travel to and from the college and to not use Pine St. and Redwood St. east of Alder St.~~

Parking, Landscaping And Screening

11. The applicant shall provide **one loading space in front of the building and** no less than 40 ~~20~~ **38** parking spaces using a combination of the Forest Service lot, church parking lot at 427 Pine St. and the **remaining** area in front of the classroom building.

12. A parking agreement, that is irrevocable as long as Headstart occupies the subject property, for 10 parking spaces located on the Brookings Presbyterian Church shall be recorded and a copy provided to the City.

~~12. The parking areas on the Forest Service lot and in front of the classroom building shall be paved with a dust free material as approved the city staff.~~

~~13. The parking area shall be constructed as shown on the preliminary map and striped parking spaces.~~

14. All outdoor trash containers shall be screened from view with a decorative fence and gate at least 6 feet high.

~~15. The sale of any materials on the premise shall be limited class materials only and only to registered students. (Added by the Planning Commission, November 7, 1995)~~

16. An outdoor play area that provides a minimum of 75 square feet per student must be provided. A sight-obscuring fence, wall or vegetative hedge of at least four feet but not more than six feet in height must be provided, separating the play area from abutting properties with residential uses. *If the fence does not adequately mitigate noise from the playground additional noise barriers will be required.*

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Comprehensive Plan Amendment
FILE NO: CP-2-14
HEARING DATE: May 3, 2016

REPORT DATE: April 21, 2016
ITEM NO: 5.2

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Approval of the Storm Drainage Master Plan (SDMP), as well as text revisions to the Public Facilities Plan (PFP) and Goal 11 Public Facilities and Services to reflect the information from the master plan. City initiated.

PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

Although Master Plans are developed to assess needs over a 20 year time period, it is prudent to review them on a 5 year schedule to determine that the assumptions used in their development continue to be viable. The last update to the SDMP was done in 2008 by former City Engineer, HGE.

The purpose of the SDMP is to provide guidance for the following:

- Identifying potential improvements and management options
- Prioritize the repair of aging infrastructure
- Address current sizing needs
- Serves as a planning document to meet long term growth needs within the City
- Addresses regulatory requirements for health, sanitation and security
- Identifying funding options for financing

Revisions have been made to the Public Facilities Plan (**Attachment B**) and Goal 11, Public Facilities and Services (**Attachment C**) of the Brookings Comprehensive Plan to reflect the information from the SDMP. The Executive Summary of the SDMP is **Attachment A**. The full document is available at City Hall and can be found on the City's web page as well. All documents will be presented to Council for adoption after recommendation of the Planning Commission.

RECOMMENDATION

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file CP-2-14, Storm Drainage Master Plan, and revisions to the Public Facilities Plan and Goal 11, to the City Council.

Executive Summary

ES.1 INTRODUCTION

The City of Brookings is located in Curry County on the Southern Oregon Coast. Brookings' current population is 6,450 persons (Portland State Universities Population Research Center, 2013). A large portion of storm drain infrastructure within city limits is on private property, and is not maintained by the City. Storm water collected within private development and the city is typically conveyed through a series of constructed open channels or piping and is discharged to the nearest natural water body (local streams, Chetco River, Pacific Ocean). Portions of the infrastructure are old and have exceeded their life expectancy.

The purpose of this Storm Drainage Master Plan is to provide a comprehensive plan to assist the City in the management of its storm water infrastructure for the next 20 years. The Master Plan will identify piping deficiencies due to sizing, age, and other factors. This study will utilize a previous Stormwater Engineering Study (HGE, 2008) as a basis for renewed evaluation. The City has experienced a significant amount of damage since the previous study, which necessitates an updated plan for the future.

ES.2 EXISTING SYSTEM

The majority of the storm drain infrastructure for the city of Brookings is located along Highway 101 and in the downtown area. The infrastructure crossing Highway 101 is owned and maintained by ODOT. A large portion of storm drain infrastructure within city limits is on private property, and is not maintained by the City. The existing storm drain system includes approximately 23 miles of gravity piping that range in size from 8 inches to 60 inches in diameter, and is both publicly and privately owned. Pipe materials typically consist of high density polyethylene (HDPE), polyvinyl chloride (PVC), reinforced concrete pipe (RCP), and corrugated metal pipe (CMP). A significant portion of the City's stormwater conveyance system consists of natural and constructed open channels.

For the purposes of this Storm Drainage Master Plan, the study area was divided into thirty-eight drainage basins, based on topography and the City's storm drain infrastructure. Large basins were further divided into smaller subbasin areas to increase the level of accuracy of the computer modeling. Additional basin information can be found in Section 6 of this study.

ES.3 IDENTIFICATION OF DEFICIENCIES

For storm drain infrastructure design, a storm with a recurrent interval of 25 years was selected as appropriate for city streets and neighborhoods. The rainfall total for a 25-year storm is 8

inches in a 24-hour period. A 50-year storm event was applied to all drainage facilities intersecting or passing through Highway 101. The rainfall total for a 50-year storm is 9 inches in a 24-hour period.

For purposes of this study, the Rational Method and the Soil Conservation Service Runoff Method (SCS TR-20 model) are used to estimate peak runoff values for existing and future development conditions. Section 6 of this Master Plan summarizes the results for stormwater runoff calculations for the city of Brookings. Data for calculations for basin and subbasin runoff is provided in Appendix D.

The city of Brookings provided a map of problem areas that they patrol during rain events. Most of these problem areas are storm water inlets, catch basins, or abatement issues that the City enforces through notification. The City spends a significant amount of maintenance hours patrolling these areas. A “Hot Spot” map that the City uses for patrol is located in Appendix E.

A wide variety of deficiencies were observed in television inspection tapes of the existing storm water system. Each of the deficiencies has the potential to contribute significantly to the problems within the city of Brookings storm collection system. Pipe inspection results are described in Section 6.5.

ES.4 RECOMMENDED PLAN

Section 7 of this Master Plan identifies multiple projects that address deficiencies within the storm drainage system. The project priorities are ranked from Priority 1 through Priority 3. Each priority group is defined as follows:

Priority 1: These are the highest priority projects that should be undertaken as soon as adequate funding is available. It is recommended that these projects be undertaken within the next five years with highest projects on the list to be addressed in the next year or two.

Priority 2: While not of the highest priority, these projects should be in the City’s capital improvement planning window beyond the five-year horizon. As Priority 1 projects are completed, Priority 2 projects should be moved to Priority 1 status. System degradation or failures, project coordination, or other occurrences may require the movement of Priority 2 projects to Priority 1 status ahead of schedule. New projects that are developed that are not critical should be grouped in Priority 2 until funding is available.

Priority 3: Priority 3 projects are either of low priority or are dependent on development. If development in an area necessitates the implementation of a Priority 3 improvement, the project should be moved to Priority 1 status, assuming that adequate funding is available. Some projects may remain in Priority 3 indefinitely if the need for the project or the development requiring it never arises.

Table ES.4.1 includes a summary of project costs. The project numbers with an asterisk indicate a project is on private property or within ODOT rights-of-way. Detailed cost estimates for each project were developed for each site improvement and are located in Appendix D.

**TABLE ES.4.1
PROJECT COSTS AND PRIORITIES**

Project Number	Description	Cost (Dollars)	Priority
1A*	Elk Drive to Ross Road right-of-way	\$232,700	1
1B	Ross Road right-of-way to north side of Highway 101	\$204,190	1
1C*	North side of Highway 101 to south side of McDonald's	\$356,910	1
1D	South side of McDonald's to Mill Creek Pond	\$520,080	1
2A*	Napa Auto Parts Storm Improvements	\$195,210	1
2B*	Highway 101 crossing at Napa Auto Parts	\$75,480	1
3	Macklyn Creek near the Pacific Ocean	\$11,170	1
4	Ransom Avenue bound by Macklyn Creek & Kevin Place	\$260,490	1
5A*	Floral Drive	\$247,100	1
5B	Railroad Street, Hazel Street and Del Norte Lane	\$1,713,510	1
6	Marina Drive and Old County Road	\$26,460	1
7	Fifth Street and Ransom Avenue	\$76,660	1
8	Ransom Avenue, bound by Third St. & Highland Avenue	\$38,150	1
9	Tanbark Avenue & Railroad Street	\$617,840	1
10	North side of City Hall	\$60,040	1
11	Highway 101 and Mill Beach Road	\$125,250	1
12	Hemlock Street bound by Fern Avenue and Willow Street	\$10,705	1
13	Ransom Avenue and Highway 101	\$38,660	1
14A	Memory Lane and Buena Vista Loop	\$151,450	1
14B*	Memory Lane, west of Cypress Street	\$83,060	1
14C	East side of Buena Vista Loop	\$61,960	1
15	Old County Road bound by Lundeen Road & Fir Street	\$168,090	1
16	Old County Road Reroute	\$1,310,210	2
17	Mendy Street, Art Street, and Pacific Avenue	\$476,990	2
18	Easy Street, west of Pioneer Road	\$108,640	2
19	Alder Street bound by Birch Street and Memory Lane	\$284,010	2
20*	429 & 431 Buena Vista Loop	\$43,220	2
21A	Oxford Street and Maple Street	\$129,870	2
21B	Oxford and Maple St. intersection to Matot St. dead end	\$97,460	2
22*	Highway 101 bound by Ross Road and Hilside Avenue	\$33,510	2
23*	Highway 101 and Fleet Street	\$13,820	2
24	Mill Beach Road, bounded by Railroad St. & Smith Dr.	\$132,300	2
25	Arnold Lane, Rowland Lane, & Smith Drive	\$751,310	2
26	Third Street, bound by Ransom Avenue and Hassett St.	\$26,945	2
27	East Manor Park Outfall	\$110,470	2
28	Ransom Avenue, bound by Paradise Lane & Second St.	\$104,810	2
29	Seventh Street & Hassett Street	\$251,430	2
30	King Street bound by 715 Railroad St. and Wharf Street	\$204,030	2
31	Ransom Avenue, bound by Kevin Place and Pioneer Rd.	\$250,720	2

**TABLE ES.4.1
PROJECT COSTS AND PRIORITIES continued**

Project Number	Description	Cost (Dollars)	Priority
32	Second Street, west of Bud Cross Park	\$6,180	3
33*	Highway 101, east of Napa Auto Parts	\$92,750	3
34	Easy Street, bound by Fifth Street & Sixth Street	\$12,350	3
35	Macklyn Creek crossing at Easy Street	\$43,450	3
36	Mill Beach Road, west of Fred Myers	\$7,210	3
37	Third Street between Easy Street & Ransom Avenue	\$102,600	3
38	Intersection of Second Street and Easy Street	\$41,670	3
39	1339 Crissey Circle	\$22,050	3
40	Memory Lane and Cedar Street	\$72,170	3
Subtotal Priority 1 Public Projects		\$4,084,705	
Subtotal Priority 1 Private Projects*		\$1,190,460	
Subtotal Priority 2 Public Projects		\$4,239,195	
Subtotal Priority 2 Private Projects*		\$90,550	
Subtotal Priority 3 Public Projects		\$307,680	
Subtotal Priority 3 Private Projects*		\$92,750	
Total Of All Projects		\$10,005,340	

* Project is located on private property

ES.5 PLAN IMPLEMENTATION

The city of Brookings should develop an implementation schedule for the storm drainage projects developed in this study. Funding sources, development pressures, economics, and other variables will affect the implementation of this plan.

It is recommended that the City maintain the three-tiered group priority approach when addressing projects, as discussed in Section 7. By completing the higher priority projects and moving on to the lower priority projects, the City will systematically complete projects necessary to maintain and improve their system. The City should begin developing a plan to finance the selected improvement projects.

ES.6 POTENTIAL FINANCING OPTIONS

Based on recommendations from the Storm Drainage Master Plan, the overall cost for storm drain system improvements is over ten million dollars. Funding assistance is not typically as readily available for storm drain system improvement projects, since public health is not typically at risk. As discussed in Section 8, various funding options are available, including storm drainage system fees, system development charges (SDCs), bonds, loans, local improvement districts (LIDs), and capital construction (sinking) funds.

A financing strategy or plan must provide a mechanism to generate capital funds to pay for the proposed improvements. It is recommended the City complete a financial evaluation to assist in determining what options and capital improvement projects they want to implement.

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PUBLIC FACILITIES PLAN

CITY OF BROOKINGS WATER SYSTEM

The City of Brookings acquired the water system serving property within the City in 1973 and operates the water system as a City business enterprise. The City has made substantial improvements to the water system over the years.

The water enterprise consists of the following operating systems:

- **Source of Supply:** The locations where the City takes or has the right to take ground water for municipal purposes, and the system for transmission of the water taken from these locations identified in Table 3.1 to the water treatment plant and distribution system.
- **Treatment:** Filtering and chemically treating water from the sources of supply during river turbidity which DHS has determined the water treatment is not necessary.
- **Distribution:** A system of pipes that delivers water from the treatment plant to storage reservoirs, fire hydrants and individual properties for domestic and industrial use. Distribution includes operation and maintenance of water usage meters.
- **Management and Customer Service:** Overall management of the water enterprise, engineering, planning, meter reading, billing/collections and customer service (new connections, turn-on/turn off, etc).

WATER SOURCE

Following is the current status of the City's various water right development applications and certificates.

Table 3.1: City of Brookings Water Rights

Source / Type	Permit No.	Certificate No.	Priority Date	Quantity
Chatco River (S) (Ranney)	27610	83682	9/14/1961	4.0 cfs
Chatco River (S) (Ranney)	31293	87358	1/21/1966	1.57 cfs
Chatco River (G) ("Tide Rock")	G5601	64614	8/14/1972	6 cfs
Chatco River (S)	51383		12/12/1990	1.0 cfs
Chatco River (R)	R11535		5/13/1993	62.3 Ac-ft
Chatco River (R) (10 Reservoirs)	51595		5/13/1993	62.3 Ac-ft
Ferry Creek (S)	1740	2078	8/22/1913	3.0 cfs
Ferry Creek Reservoir (R)	372	1407	8/9/1916	1.5 MG
Ferry Creek Reservoir (R)	408	2071	8/25/1917	28 Ac-ft
Ferry Creek Reservoir (R)	31224	46861	2/10/1966	167.4 Ac-ft
Ferry Creek Reservoir (R)	R4720	46860	2/10/1966	167.4 Ac-ft
Joe Hall Creek (S)	4674	4953	6/23/1920	2.5 cfs
Ransom Creek (S)	18123	20734	2/24/1948	0.53 cfs

Currently, the Chetco River supplies 100 per cent of the City's water needs through a Ranney type groundwater intake collector located along the North Bank Chetco River approximately 4 miles upstream from the Highway 101 bridge. The Ranney Collector is designed for a capacity of 5.7 cubic feet per second (cfs) with all three pumps running, although a portion of the 12-inch AC piping from the intake to the treatment plant is questionably undersized for this flow rate. The Ranney Collector is operated with only 1 pump running rated 1250 gpm or 2.7 cfs. The City installed 9,500 ft of new 16-inch raw water line from the point of diversion to the treatment plant in 2008. There is 4,900 feet of 12-inch AC line between the intake and treatment plant that should be upsized to 16-inch DI in order to operate more than one 1250 gpm (2.7 cfs) pump at the intake.

In 2012, Certificates 83682 and 87358 were obtained as part of a negotiated agreement with Oregon Water Resources Department (OWRD) and Waterwatch, and represent the only water rights currently used by the city for municipal water production.

WATER TREATMENT

The water treatment plant, installed in 1976, is a Neptune Microfloc Aquarius Model AQ-300 that utilizes the conventional rapid sand filtration treatment process. The plant consists of two identical, side-by-side units with a combined capacity of approximately 2.6 mgd. DHS recently downgraded the requirement to operate the treatment plant and water is allowed to be delivered year round with only disinfection. The water treatment plant is also the location of the main distribution pumps which are operated at 2.1 MGD.

WATER DISTRIBUTION

The main line distribution system consists of approximately 26.5 miles of pipe ranging in size from 2 to 16 inches. Pipe materials vary with the most common types being asbestos cement (AC) and polyvinyl chloride (PVC). The distribution system is over-extended in the higher elevation portions of the service area and is not capable of delivering fire flows in some areas. The master plan update has identified over \$6 million dollars in needed distribution pipe upgrades and replacements.

WATER USAGE

Water projection demands in 2013 maximum day demand is 2.1 MGD and expected to increase to 2.3 MGD by 2018. Residential water use has significantly decreased from 96.9 gpcd in 2007 to 96.9 gpcd in 2012. The City began offering water conservation incentives to customers in 2007. Unaccounted for water use has also reduced from 17% loss in 2007 to 10.1% water loss in 2012. The City has contracted an annual leak detection survey to credit for the loss reduction.

FIRE FLOWS

The water system must offer sufficient capacity to furnish water for firefighting while maintaining adequate flows for domestic, commercial and industrial demands. In addition, the required fire flow must be delivered at an accepted residual pressure, which is 20 psi. The City of Brookings has adopted the Oregon Fire Code. The Oregon Fire Code provides the minimum fire flow standard applied to new development. A matrix used to determine fire flow requirements can be

found in Oregon Fire Code, Appendix B, Table 105.1- Minimum required fire flow and flow duration for buildings. There is no community-wide standard, although a basic fire flow of 1,500 gpm for a two hour duration is a minimum in the Oregon Fire Code.

WATER STORAGE

With the completion of the 1.6 million gallon Seacrest reservoir in 2009, the current available storage is 3.6656 million gallons, or 1.78 times the peak day demand. The sizing of the Seacrest reservoir was reduced from a proposed 2.0 mg due to site constraints. The City received a grant to fund installation of a .5 mg water reservoir east of the Brookings Airport. Construction is slated to begin on this project in the fall of 2014. The site will accommodate an additional .5 mg reservoir in the future. In addition, the 2014 master plan update recommends an additional new water storage facility of at least 250,000 gallons in the Old County Road area.

WATER SYSTEM MASTER PLAN

The City adopted a Water System Master Plan Update prepared by PACE, An Engineering Services Company on July 28, 2014.

Harbor Water People's Utility District

WATER SOURCE

Currently the Chetco River supplies the Harbor Water Peoples Utility District (HWPUD) water needs. The river intake is a Ranney collector with a rated capacity of 6 million gallons per day. Four pumps serve the intake; each rated at 2.4 mgd capacity. The pumps alternate, with two operating together to handle peak demands.

The HWPUD currently holds two surface water rights from the Chetco River and has two ground water sources. These are summarized in the following table.

Harbor Rural Water District Water Rights			
Source	Priority Date	Amount	Amount
Chetco River	1966	3.500 cfs	2.26 mgd
Chetco River	1980	7.00 cfs	4.53 mgd
Well G3240	1966	3.50 cfs	2.26 mgd
Well G9438	1980	7.00 cfs	4.53 mgd
Total		21.00 cfs	13.58 mgd

WATER TREATMENT

The Ranney intake is considered equivalent to a ground water system. For this reason, water treatment is not practiced.

WATER DISTRIBUTION

The distribution system is an extensive loop system that extends from the Chetco River to the California border, and consists of approximately 50-55 miles of pipe ranging in size from 2 to 16 inches. Pipe materials vary with the most common types being asbestos cement (AC) and polyvinyl chloride (PVC), and ductile pipe.

WATER USAGE

Current water production data shows that the average daily water demand is 700,000 gallons with the peak day demand being 1,700,000 gallons. Serving an estimated 2,500 persons, the current population, the average daily water usage per person is approximately 280 gallons, with a peak demand of 680 gallons.

FIRE FLOWS

The water system must offer sufficient capacity to furnish water for fire fighting while maintaining adequate flows for domestic, commercial, and industrial demands. Also the required fire flow must be delivered at an accepted residual pressure which is 20 psi. The HWPUD has sufficient storage to meet a demand of 1500 gpm for two hours where necessary. The necessary storage to meet that requirement would be 180,000 gallons. HWPUD has the capacity to deliver fire flows.

WATER STORAGE

There are eleven water storage reservoirs in the HWPUD, which give a total storage capacity of 2,060,000 gallons. The following table summarizes the current water storage for the district.

Harbor Water District Storage			
Reservoir	Bottom Elevation	Overflow Elevation	Storage Capacity
Crown Terrace 1	525.5'	537.5'	10,000 gal
Crown Terrace 2	525.5'	537.5'	10,000 gal
Crown Terrace 3	795'	807'	10,000 gal
Crown Terrace 4	795'	807'	10,000 gal
Crown Terrace 5	1,025'	1,037'	10,000 gal
Crown Terrace 6	1,025'	1,037'	10,000 gal
Hallway 1	201.36'	234.81'	750,000 gal
Hallway 2	203.62'	234.81'	500,000 gal
Coleman	355.18'	388.60'	300,000 gal
Benham	355.18'	386.60'	200,000 gal
Freeman	203.32'	234.74'	250,000 gal
TOTAL			2,060,000 gal

The required storage for the HWPUD is shown in the following table.

Harbor Water Storage Estimate		
Peak Day Demand	1,700,000 gallons	
Twice the Ave Day Demand	1,400,000 gallons	
Larger of the above two		1,700,000 gallons
Fire Storage	1500 gpm x 2hrs	180,000 gallons
Equalization Storage	20% peak	340,000 gallons
	Required Storage	2,220,000 gallons

HARBOR WATER PUD MASTER PLAN

Harbor Water PUD adopted a Master Plan in December, 2000 that is incorporated herein by this reference.

CITY OF BROOKINGS WASTEWATER SYSTEM

The original Brookings sewer system was constructed about 1916 and service was initially limited to the downtown area. The City assumed operation of the sewer system soon after incorporation in 1951. The City operates the wastewater system as a City business enterprise. The wastewater enterprise consists of the following operating systems:

COLLECTION

The City accepts domestic sewage from property in the service area that is connected to the sanitary collection system, and transmits the sewage to the wastewater treatment plant. The collection function includes the operation of sewage lift stations installed at various locations within the collection system to assist the flow of sewage to the treatment plant.

Currently, the collection system consists of a network of 6, 8, 10 and 12-inch mains connected to 18 and 21-inch interceptors and lift stations. There are approximately 32.7 miles of 6-inch to 21-inch gravity mains and 2.75 miles of 4-inch to 14-inch diameter force mains in the collection system. The system provides service connections to individual properties within the service area. The interconnection with the HSD also functions as a part of the collection system.

LIFT STATIONS

The City currently operates 13 lift/pump stations located to serve areas which cannot be served with gravity-fed sewer mains.

TREATMENT

Treatment involves removal of solids from the sewage received at the wastewater treatment plant, and clarification of processed solids after biological treatment and disinfect using U.V. bulbs in the effluent stream, to meet federal and state standards prior to discharge into the ocean. Treatment includes the processing, reprocessing and disposal of solids removed from the sewage.

The wastewater treatment plant has been located at Chetco Point since the early 1950's. Major modifications to the plant were made in 1973, 1991, and 2000.

Treated water, or effluent, produced by the wastewater treatment plant is discharged to the Pacific Ocean. The Oregon Department of Environmental Quality establishes discharge limitations for discharge to ocean waters. A new Class B sludge dewatering facility was constructed and brought on line in December, 1012 which eliminated the need for sludge trucking to Grants Pass.

RELATIONSHIP TO HARBOR SANITARY DISTRICT

In 1976, the Harbor Sanitary District was formed to serve an area just south of the City. The City and HSD have entered into a series of intergovernmental agreements whereby the City accepts sewage from HSD for treatment. See below for a description of the HSD system.

BROOKINGS WASTEWATER MASTER PLAN

The City adopted a Wastewater Facilities Master Plan in April, 2016. That Master Plan is incorporated herein by reference. A detailed discussion of the treatment system and plant capacity can be found in the Plan. Until sewer service can be extended to properties, interim urban-level treatment systems may be allowed only if specifically provided for in master plans which set forth appropriate standards and conditions and which have been adopted as post-acknowledgement plan amendments or periodic review work task elements.

HARBOR SANITARY DISTRICT WASTE WATER SYSTEM

The community of Harbor is an unincorporated residential, commercial, and industrial area south of the Chetco River and the City of Brookings. The Harbor Sanitary District (HSD) has served this area since June 1976. The HSD operates only a collection system. Wastewater is piped to the Brookings wastewater treatment plant for treatment. The area's land use is predominantly residential, but a regional shopping center and an extensive commercial and industrial complex surround the Brookings-Harbor Boat Basin. The Harbor Bench area south of Harbor, an area experiencing steady growth, currently is out of the sewer service area; however, it is an area that potentially may become part of the service area. In 1979 the Oregon Health Division directed the HSD to annex an adjoining area, the Oceanview Mobile Home Estates, due to wastewater treatment concerns.

POPULATION

The following population data was taken from the "City of Brookings Comprehensive Utilities Plan" dated September 1981. Population projections were based on the 1970s, a growth period.

Harbor Sanitary District Population Growth				
Year	1980	1990	2000	2010
Population	1,968	2,645	3,555	2,770

COLLECTION SYSTEM

In 1976, the HSD was formed. The collection system consists of four pump stations and a network of gravity lines. Wastewater is pumped across the Chetco River to the south portion of the City of Brookings service area. There a 20-inch gravity main conveys the wastewater to the Brookings treatment plant. The daily flow rate is approximately 0.28 mgd.

The collection system consists of 16.5 miles of 8-inch and 12-inch transite pipe.

PUMP STATIONS

Flows from the entire Harbor collection system enter HSD pump station No. 14. Discharge from this station is to the Brookings WWTP by means of an 8-inch force main over the Chetco River or a 12-inch force main under the Chetco River. Space for additional force mains is available. Pump station No. 14 is rated at 2,000 gpm and 125 feet. The other three pump stations are small and serve limited areas.

HARBOR SANITARY DISTRICT MASTER PLAN

HSD completed and adopted a Master Plan in December.

Until sewer service can be extended to properties, interim urban-level treatment systems may be allowed only if specifically provided for in master plans which set forth appropriate standards and conditions and which have been adopted as post-acknowledgement plan amendments or periodic review work task elements.

CITY OF BROOKINGS STORM DRAINAGE

The City of Brookings operates a storm drainage system within the city boundaries. **A large portion of the storm drain infrastructure within the city limits is on private property, and is not maintained by the City. The infrastructure crossing Chetco Avenue is owned and maintained by ODOT. Storm water collected within private development and the City is typically conveyed through a series of constructed open channels or piping and is discharged to the nearest natural water body (local streams, Chetco River, Pacific Ocean). Portions of the infrastructure are old and have exceeded their life expectancy. Drainage basins flow to the ocean or the Chetco River. Generally local area flows are conveyed via pipes to discharge points at surface drainage ways. The majority of the existing piping system is located in the western old portions of the city draining to the Chetco. Highway 101 presents a major flow obstruction to natural drainage pattern, requiring culvert crossings. Some limited historical flooding has occurred, but the problems are related to site-specific causes.**

The existing storm drain system includes approximately 23 miles of gravity piping that range in size from 8 inches to 60 inches in diameter, and is both publicly and privately owned. Pipe materials typically consist of high density polyethylene (HDPE), polyvinyl chloride (PVC), reinforced concrete pipe (RCP), and corrugated metal pipe (CMP). A significant portion of the City's storm water conveyance system consists of natural and constructed open channels.

For storm drain infrastructure design, a storm with a recurrent interval of 25 years is appropriate for city streets and neighborhoods. The rainfall total for a 25-year storm is 8 inches in a 24-hour period. A storm with a recurrent interval of 50 years is appropriate for drainage facilities intersection or passing through Chetco Avenue. The rainfall total for a 50-year storm is 9 inches in a 24-hour period.

STORM DRAINAGE SYSTEM MASTER PLAN

The City adopted a Storm Drainage Master Plan prepared by The Dyer Partnership Engineers & Planners, Inc. on (date of adoption). The plan is hereby incorporated by this reference.

CURRY COUNTY

Curry County services all public storm drainage in the study areas north and south of the Chetco outside City limits. The service level is mainly rural road maintenance that consists of ditch culvert cleaning associated with road maintenance. All other drainage features are privately owned. The Harbor Bench area, which is outside the urban growth area, has experienced flooding and erosion due to upstream growth and diversion of flows due to culvert placement.

CITY/ COUNTY STORM DRAINAGE MASTER PLAN

On January 12, 2009, the City and the County adopted the “Storm and Surface Water Facilities Plan for Brookings-Harbor Area.” In the Plan are design and development standards and proposed improvements to the storm drainage facility. There are also maps depicting the various basin areas in City limits and the Urban Growth Area, hydrologic/ hydraulic analysis, and the discussion of the effects on specific areas in the Plan. The Plan is hereby incorporated by this reference.

The Storm and Surface Water facilities Plan for Brookings Harbor Area” contains the following policies:

- Low impact development is preferred.
- Negative impacts to natural watercourses are to be avoided.
- Piping of a natural watercourses is to be avoided, where practicable.
- Protection of ground water sources is critical.
- Proposed facilities should address water quality impacts and mitigation measures.
- Erosion and sediment must be controlled using the City, County, and Department of Environmental Quality requirements.
- Stormwater discharges shall be maintained at current levels.
- A public education program is recommended to disseminate information on the importance of preventing negative impacts from stormwater.

The “Storm and Surface Water Facilities Plan for Brookings-Harbor Area” contains specific design and development standards and proposed improvements to the storm drainage facility. To avoid adverse impacts created by development, the Plan contains five strategies to be generally utilized:

1. There should be no post-development net increase in storm drainage discharge downstream.
2. Low impact development practices as described in the 2007 “Storm and Surface Water Facilities Plan” shall be implemented.
3. The capacity of the downstream drainage infrastructure is improved to convey the increased flow. Usually this means constructing larger culverts and storm drains. Generally, the natural drainage channels are improved, but because of the study area’s proximity to the ocean and the steep rocky terrain, these channel improvements may not be necessary.

4. A regional detention facility is constructed to capture the additional runoff and release the flow at a slower natural rate. A regional facility is normally associated with a single drainage way or creek.
5. An onsite detention facility is constructed for each individual development. The goal for a regional or onsite detention facility is that the runoff from the post-development condition be reduced to flow equaling the pre-development condition.

The Harbor Hills Master Plan Area within the UGA is required to prepare a comprehensive surface water management plan prior to any land use approvals. The details required and the review and approval process are described in the "City of Brookings and Curry County Joint Management Agreement", dated June 30, 2010.

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GOAL 11 PUBLIC FACILITIES AND SERVICES

GOAL:

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to provide a framework for urban and rural development.

FINDINGS:

1. The City has adopted a Public Facilities and Services Plan that establishes the framework for the distribution of water and sanitary sewer services and storm drainage systems throughout the expanded Urban Growth Boundary.
2. The City has adopted a Water Master Plan/Conservation Management Plan. On July 28, 2014, the City adopted "City of Brookings Water Master Plan Update". This update included data in the appendices from the 2007 "Water System Master Plan Update" regarding the Harbor Water People's Utility District which serves the Brookings Urban Growth Area south of the Chetco River Bridge.
3. The City has adopted a Water Curtailment ordinance that provides the city with the mechanisms to curtail water use in emergencies, including low surface water flows in the Chetco River.
4. **On (adoption date), the City adopted "City of Brookings Storm Drainage Master Plan". This update included data in the appendices from the** ~~On January 12, 2009, the City adopted the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area."~~ **New policies from this Plan are found in the "Public Facilities Plan for Urban Growth Expansion."**
5. On April 11, 2016 the City adopted a Wastewater Facilities Plan developed by the Dyer Partnership dated November 2015.
6. The city currently provides the following facilities and services within the City Limits:
 - A. Public Works
 - 1) Water Treatment - 2.0 to 2.6 mgd capacity.
 - 2) Water Distribution, Pumping and Storage - (Total connections 3,354 -3,053 of the connections are residential, 2012).
 - 3) The **Wastewater** service area includes the incorporated area of Brookings plus the Harbor Sanitary District to the South. (Total of 3358 connections within the City limits. The Harbor Sanitary District has approximately 895 connections, which are pumped to the City's treatment plant., November 2015). Current capacity provides for an average dry weather flow of 1.7 MGD, peak day average flow of 10.9 MGD and a peak wet weather hydraulic capacity of 15.5 MGD.
 - 4) Wastewater Collection and Pumping - All public facilities within the city limits

are the responsibility of the City of Brookings. All such facilities in the Harbor Sanitary District are owned, operated and maintained by that district.

- 5) Street and Infrastructure Maintenance - The City's Public Works Department provides maintenance of City streets, water mains, sewer mains, storm drains, and other infrastructure systems.

B. Solid Waste Removal - is presently done by franchised contract

C. Fire Prevention and Protection Services

These services are provided with two paid employees (Operations Chief and Captain) and 24 volunteers. Ratings outlined in the Inventory document show an adequate program with primary need being in the area of improved water system. However, improvements have been made that resulted in the classification being upgraded from a 7 to a 4B.

D. Police Protection

- 1) Existing police facilities in the city hall were rated as having a moderate risk of failure in a major seismic event by FEMA through the Rapid Visual Screening Score. The location was rated as a very high risk seismic zone in the same screening process.
- 2) If population growth exceeded significantly the number projected or if the city boundaries were considerably expanded through annexation, or if the incident of crime jumped radically, it is conceivable that new facilities and additional manpower might be required.

E. Parks and Recreation Facilities and Services

- 1) One state park, Harris Beach State Park, is located within the City of Brookings. See adopted Harris Beach Master Plan, 2003.
- 2) The city owns and maintains approximately 54.4 acres of parkland.
 - a. Azalea Park (formally Azalea State Park)
 - 33 -.2 acres
 - 2 Softball fields
 - Outdoor amphitheater/bandshell
 - 2 Volleyball Courts
 - Kidtown (.25 ac.)
 - Walking and biking trails
 - Capella by the Sea (weddings and passive meditation)
 - Gazebo
 - 4 Horseshoe pits
 - 2 Bar-ba-que grills
 - 11 Picnic tables
 - Flower garden/natural area
 - Restroom facilities
 - Snack shack
 - b. Bud Cross Park
 - 6.4 acres
 - 3 lighted tennis courts
 - 2 baseball fields
 - swimming pool and bathhouse
 - restroom facilities
 - concession stand
 - Skate park
 - 3 Picnic tables
 - Basketball courts
 - c. Chetco Point Park
 - 8.9 acres
 - 4 Horseshoe pits

- walking trails
- 5 picnic tables
- ocean access/ beach access
- Fire pit
- Restroom facilities
- 4 Seating benches
- d. Easy Manor Park
 - .8 acres
 - playground facilities (remodeled in 2010)
 - 4 Picnic tables
 - 4 Seating benches
 - 2 Bar-ba-que grills
 - Restroom facilities
- e. Stout Park
 - 3.3 acres
 - walking paths
 - 8 Seating benches
 - Model railroad garden
 - Manley Arts Center
- f. Numerous mini parks around the City (pocket parks).

3) The City adopted a Parks Master Plan in Aug., 2002. This Plan is incorporated herein by reference.

F. Other facilities and services provided in the City of Brookings are

- 1) Schools
- 2) Transportation for the elderly.
- 3) Regional recreational facilities such as state parks and harbor facilities.

7. The following entities will provide services outside of the city limits within the Urban Growth Boundary.

A. Wastewater Collection

- 1) The Harbor Sanitary District.
 - a. Collects wastewater within their district south of the Chetco River and pumps to the City's wastewater treatment plant.
 - b. Has stated, expansion of the District will only occur when it is in compliance with the Districts adopted Growth Management Policy (Resolution 07-18-R).
- 2) The City of Brookings
 - a. Will provide wastewater collection in the Urban Growth Boundary, south of the Chetco River outside of the Harbor Sanitary District boundaries when land is annexed to the city.
 - b. Will provide wastewater collection in the Urban Growth Boundary north of the Chetco River when land is annexed to the city.

B. Water Distribution

- 1) The Harbor Water District People's Utility District
 - a. Pumps from an intake on the south bank of the Chetco River.
 - b. District boundaries include the entire Urban Growth Boundary expansion south of the Chetco River except for the areas north of its intake facility and the top of the Harbor Hills.
 - c. Is willing to expand its boundaries to include the entire Urban Growth Boundary south of the Chetco River.

- 2) The City of Brookings
 - a. The City currently provides water service to some areas of the Urban Growth Boundary north of the Chetco River.
 - b. The City will provide service to the entire Urban Growth Boundary north of the Chetco River.
 - c. The right to furnish the inhabitants of said City with water shall be forever vested in the City of Brookings, and no franchise, right or privilege shall hereafter be granted to or contract made with any person or corporation by said City to furnish or supply the said City or its inhabitants with water, without the authorization of the legal voters of said City.

C. Fire Protection

- 1) Brookings Rural Fire Protection District.
 - a. Is located around the City in the area north of the Chetco River.
 - b. Is served under contract by the Brookings Fire Department
- 2) Harbor Rural Fire Protection District
 - a. Provides service to the entire Urban Growth Boundary south of the Chetco River.
 - b. Fire station is located on Benham Lane.

D. Police protection

All of the Urban Growth Boundary outside of the city limits is provided police protection by the Curry County Sheriff's Department.

E. Storm Drain Maintenance

- 1) The Oregon Department of Transportation maintains all drainage facilities within a state road or highway rights-of-way.
- 2) The Curry County Road Department maintains all drainage facilities within county road or street rights-of-way.
- 3). Drainage facilities on private property **without City easements** are maintained by the property owner.

POLICIES:

To insure timely, orderly and efficient arrangement of public facilities and services the following policies will be implemented by the City of Brookings.

1. Public Works

- A. Water treatment facilities. Facilities will be maintained with the proper observation and planning to expand facilities on a timely basis to provide continued service to existing customers and projected growth. Expansion programs will be funded through the most cost-effective methods utilizing all available federal, state and local funds.
- B. Water distribution, pumping and storage. New development requiring extension of water mains, pumping and storage facilities will be paid for and constructed by the developer pursuant to the provisions of the current City of Brookings Engineering

Requirements and Standard Specifications for Public Works Infrastructure document.

- C. Water Master Plan/Conservation Management Plan. The City will maintain a Water Master Plan/Water Conservation Management Plan, which will be updated as required.
- D. A Backflow Prevention Program was adopted in 2012.
- E. Wastewater treatment facility. Expansion programs will be funded through the most cost-effective methods utilizing all available federal, state and local funds.
- F. Wastewater collection facilities. New development requiring extension of sewer mains and new pumping stations will be paid for and constructed by the developer pursuant to the provisions of the current City of Brookings Engineering Requirements and Standard Specifications for Public Works Infrastructure document.
- G. Streets and other infrastructure facilities. The City's Public Works Department will inspect and maintain all public street and subsurface infrastructure facilities. The extension of existing streets for new development shall be paid for and constructed by the developer pursuant to the provisions of the current City of Brookings Engineering Requirements and Standard Specifications for Public Works Infrastructure document.
- H. Storm drain facilities. New development requiring new storm drain systems or the extension of existing systems including provision of detention basins, will be paid for and constructed by the developer pursuant to the provision of the current City of Brookings Engineering Requirements and Standard Specifications for Public Works Infrastructure document.

2. Fire Prevention and Protection

The Fire Operations Chief will continue to serve as the head of prevention and protection services. He will continue to maintain the high level of training and service that the community has come to expect through the conduct of local and regional training sessions and a continued education for himself.

3. Police Protection

The Chief of Police shall be responsible for continually monitoring the department's facility requirements and operations. In conjunction with the annual preparation of his budget request, a written evaluation shall be prepared for the City Manager, who in turn, may call attention to specific items for consideration by Planning Commission, Council or staff.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Conditional Use Permit
FILE NO: CUP-2-16
HEARING DATE: May 3, 2016

REPORT DATE: April 21, 2016
ITEM NO: 5.3

GENERAL INFORMATION

OWNER/APPLICANT: Zoltan Gyurko
REQUEST: A short term vacation rental.
TOTAL LAND AREA: 0.17 acre (7,405 sq. ft.)
LOCATION: Subject property is located at the southern terminus of Otter Terrace; more specifically 18 Otter Terrace.
ASSESSOR'S NUMBER: 41-13-08BB, Tax Lot 2002.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: R-1-6 (Single-family residential, 6,000 sq. ft. minimum lot size).
PROPOSED: Same.
SURROUNDING: Subject property is surrounded by other residential zoned and developed parcels.
COMP. PLAN: Residential.

LAND USE INFORMATION

EXISTING: Subject property is developed with a single family dwelling.
PROPOSED: Use of the single family dwelling as a short term vacation rental.
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: Land Development Code – Ordinance No. 06-O-572
Chapter 17.20 – Single-Family Residential (R-1-6)
Chapter 17.124.170 – Short-term rentals
Chapter 17.136 – Conditional Use Permits

BACKGROUND INFORMATION

The subject property is 7,405± sq. ft. in size and located between the southern boundary of Otter Terrace and the Pacific Ocean. The property is accessed from Otter Terrace which has two paved travel lanes within a 20 foot right-of-way.

PROPOSED CONDITIONAL USE PERMIT

The Applicant is requesting to use the single family dwelling as a Short Term Rental. The R-1-6 zone allows for Short Term Rentals with approval of a Conditional Use Permit. Standards for Short Term Rentals are found in BMC 17.124.170. These criteria will be required as Conditions of Approval if approved. The Applicant's findings (**Attachment A**) discuss their plans in regard to these standards. Conformation of utilities is found in **Attachment B**. Jim Watson, Operations Fire Chief, requests that access to and around the structure remain and that smoke detectors be maintained in accordance with Oregon Fire Code 2014 Edition. These are proposed conditions of approval.

ANALYSIS, FINDINGS, AND CONCLUSIONS

17.136.050 Conditional Use Permit

The following is staff's analysis of the proposed conditional use permit in relation to the criteria cited above.

Criterion 1, Adequate size and shape.

The subject property is approximately 7,405 sq. ft in size and contains a single family dwelling with two (2) bedrooms and one (1) bathroom. There is no garage. However, the applicant states there are parking areas that will accommodate three (3) vehicles. See Figure 2. A site visit verified the area is available for parking but is not paved as required by Chapter 17.92.100(D). The paving of the parking spaces is a proposed condition of approval. With this condition and considering the limited number of bedrooms, the property has enough parking to accommodate the proposed use. Criterion 1 is met.

Criterion 2, Relation of streets.

The subject property is accessed by Otter Terrace which has 20 feet of right-of-way (ROW). The entire ROW is paved and there are "No Parking" signs posted, a requirement of the subdivision that created the subject property.

Traffic generated by a short term rental would only be a factor when the dwelling is rented and no traffic would be generated when the unit is vacant. This use involves less traffic than dwellings rented or occupied on a full time basis. Otter Terrace currently accommodates the traffic from the single family dwelling occupied full time and will accommodate traffic generated by the proposed use. Criterion 2 is met.

Criterion 3, Neighborhood impact.

The impact on the surrounding neighborhood is the primary issue concerning residents in the neighborhood where a Short Term Rental is being proposed. The proposed conditions of approval require the owners of the property to provide a local manager for the property pursuant to the provisions of 17.124.170, BMC, who has the authority to resolve issues that may arise from the operation of the dwelling as a short term rental. With this as a condition of approval, Criterion 3 is met.

Criterion 4, Historic, scenic or cultural attributes.

There are no listed historic, scenic or cultural attributes 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 proposal is to use the existing single family dwelling for residential use. Criterion 5 is met.

BMC 17.124.170 Short Term Rentals

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

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

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

RECOMMENDATION

Staff recommends APPROVAL of Case File No. CUP-2-16, based on the findings and conclusions stated in the staff report and subject to the conditions of approval.

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

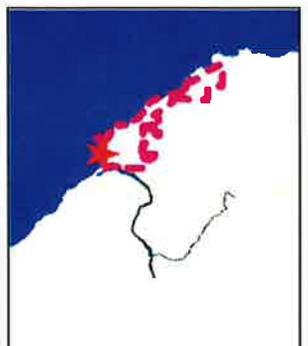
Figure 1

18 Otter Terrace



Map center: 42° 2' 43.8" N, 124° 16' 46.4" 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.

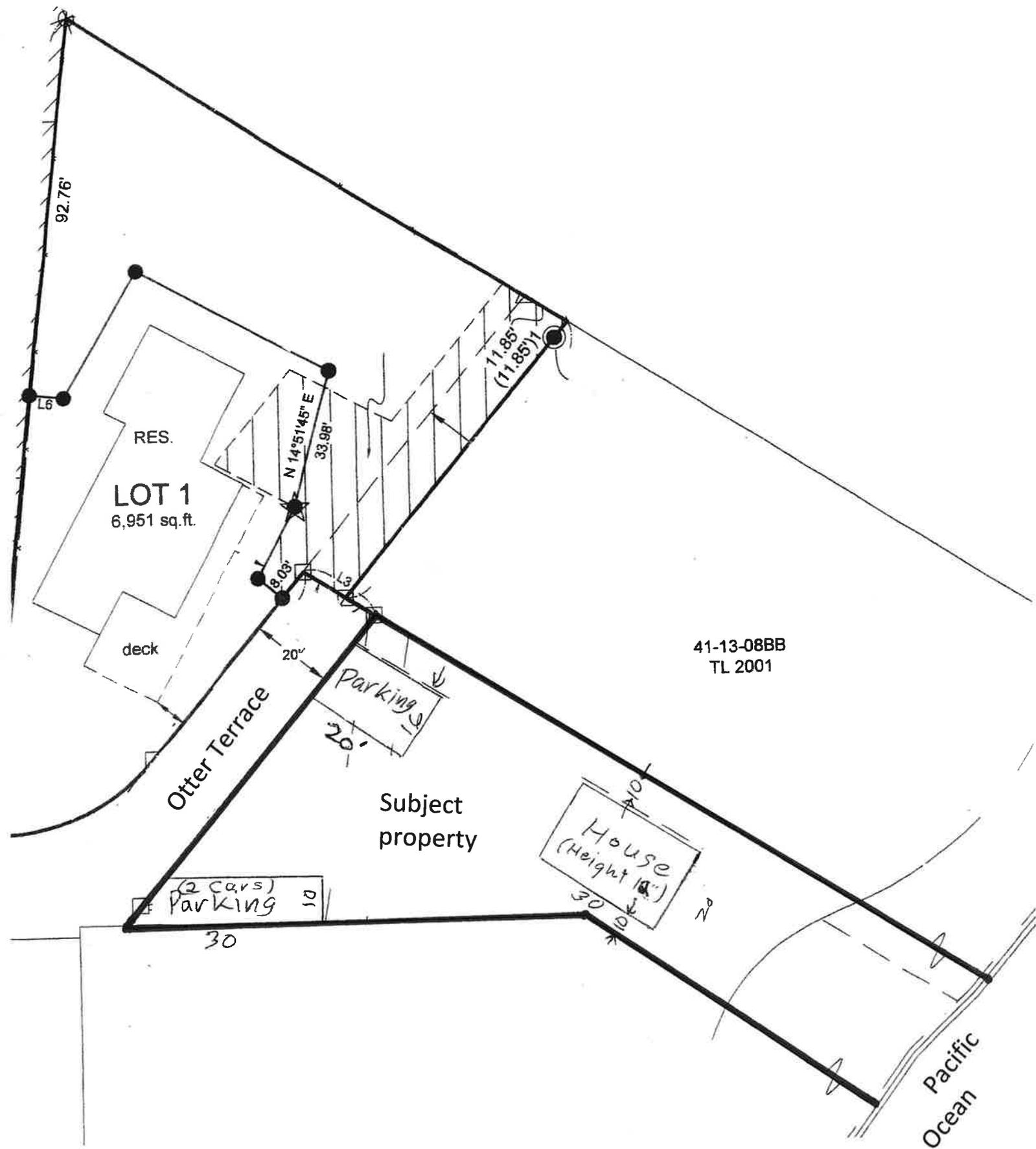


- Legend**
- RIVERS
 - ROADS
 - PARCELS
 - URBAN GROWTH BOUNDARY
 - OCEAN



Scale: 1:1,275

Figure 2



Zoltan Gyurko 18 Otter Terrace CU Permit for Short Term Rental use

--Addressing criteria in Conditional Use Permit Chapter 17.136

1) The property 18 Otter Terrace currently has parking space for three vehicles, and should be more than adequate for short term rental use.

2) The oceanfront 18 Otter Terrace house has two bedrooms, a large bathroom, and a living room with high ceilings and wonderful views of the ocean. There is a large deck with outdoor chairs for watching whales and boats coming in and out of the harbor. There is a large front grass yard and a cherry tree near the home's entrance.

3) There are "No Parking" signs posted on Otter Terrace to keep the road clear and make short term renters park using the property's off-street parking.

4) The property is an excellent property for short term renters to use and discover Brookings and the surrounding area. Public access to the ocean is just a few minute walk away, and guests can also easily walk to downtown Brookings for shopping and eating.

Zoltan Gyurko
18 Otter Terrace, Brookings, OR 97415
Zoltgyurko@gmail.com
541-661-6346

Zoltan Gyurko 18 Otter Terrace Short Term Rental application Findings
541-661-6346
zoltan_istvan@yahoo.com

1) Ilona Gyurko will be the local representative and property manager overseeing the property. She lives at 19 Otter Terrace, Brookings, OR 97415. Her phone number is: 541-661-4338

2) I will be applying for a City of Brookings business license for the property and paying the transient room tax.



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

April 18, 2016

In regards to the CUP short term rental at 18 Otter Terrace, the comments are as follows:

- 1) That Fire Department access to and around the structure remain accessible.
- 2) That smoke detectors be maintained in accordance with OFC 2014 Ed.

Jim Watson
Operations Fire Chief
Brookings Fire & Rescue

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 - 03/09/16 to Admin Services
Date - 3/14/16 to Planning
Date - 3-14-16 to PW

Final Approval
Date - 3/14/16 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: Zoltan Gyurko Date: 3/8/16
Telephone: 541 661 6346 Fax: (-) email: Zoltgyurko@gmail.com

Current Property Owner: Zoltan Gyurko
Property Address: 18 Otter Terrace Map & Tax Lot No. 2012-13 And 4113-08BB-02D02-00

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: I am applying for a "short term rental" conditional use permit for my home. It already has all approved utilities (including water, sewer, storm drain)

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 type="checkbox"/> NO	
Is there a current sewer account/service for this property?	<input checked="" type="checkbox"/> YES/How many <u>1</u>	<input type="checkbox"/> NO	
Are there any liens on this property?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Planning <u>inside city limits</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>6" C-900 WITH 3/4" SERVICE</u>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Sewer: <u>8" CONCRETE WITH 4" 3034 LATERAL</u>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Stormdrain: <u>PRIVATE</u>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Additional Comments: <u>ALL WATER & SEWER SERVICE INSTALLED SEVERAL YEARS AGO.</u>			
<u>Paul Holt</u>			
Building			
Pay Backs: \$ <u>N/A</u>	SDC's: \$ <u>N/A</u>	Other: <u>N/A</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

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: Zoltan Gyurko Date: 3/08/16
 Assessor Map #: 2012-03 Tax Lot: 4113-08BB-02002-00
 Site Address: 18 Otter Terrace, Brookings, OR
 Proposal: Subdivision/ Partition Variance
 Conditional Use Permit Other

(I'm seeking a "short term rental" status. My home already has power.)

II. Utility Provider Confirmation:

Utility Provider: Coos Curry Electric Cooperative Inc.

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.

No change to existing infrastructure

Signature: Walter Gyurko Title: Staking Engineer

Date: 3-9-16

Zoltan Gyurko contact info:
 cell: 541-661-6346
 email: Zoltgyurko@gmail.com

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

**In the matter of Planning Commission File No.) Final ORDER
CUP-2-16; an application for approval of a) and Findings of
Conditional Use Permit to use an existing) Fact
dwelling as a Short Term Rental; Owner,
Zoltan Gyurko.**

ORDER Approving an application for a Conditional Use Permit to authorize a Short Term Rental at 18 Otter Terrace; Assessor's Map 41-13-08BB, Tax Lot 2002; zoned Single-family Residential (R-1-6).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with the Brookings Municipal Code, pursuant to Section 17.20.040(Q), Single-family Residential; Section 17.124.170, Short-term Rentals; Chapter 17.136, Conditional Use Permits; and
2. Such application is required to show evidence that all of the above criteria have been met; and
3. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on May 3, 2016; and
5. At the public meeting on said conditional use permit application, evidence and testimony was presented by the Applicant and recommendations were received from and presented by staff in the form of a Staff Agenda Report, dated April 21, 2016 and oral presentation of same; and
6. At the conclusion of the public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and **APPROVED** the request for the subject conditional use permit and directed staff to prepare a Final Order and Findings of Fact to that affect.

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

CRITERIA, FINDINGS, AND CONCLUSIONS

17.136.050 Conditional Use Permit

The following is staff's analysis of the proposed conditional use permit in relation to the criteria cited above.

Criterion 1, Adequate size and shape.

The subject property is approximately 7,405 sq. ft in size and contains a single family dwelling with two (2) bedrooms and one (1) bathroom. There is no garage. However, the applicant states there are parking areas that will accommodate three (3) vehicles. See Figure 2. A site visit verified the area is available for parking but is not paved as required by Chapter 17.92.100(D). The paving of the parking

spaces is a proposed condition of approval. With this condition and considering the limited number of bedrooms, the property has enough parking to accommodate the proposed use. Criterion 1 is met.

Criterion 2, Relation of streets.

The subject property is accessed by Otter Terrace which has 20 feet of right-of-way (ROW). The entire ROW is paved and there are "No Parking" signs posted, a requirement of the subdivision that created the subject property.

Traffic generated by a short term rental would only be a factor when the dwelling is rented and no traffic would be generated when the unit is vacant. This use involves less traffic than dwellings rented or occupied on a full time basis. Otter Terrace currently accommodates the traffic from the single family dwelling occupied full time and will accommodate traffic generated by the proposed use. Criterion 2 is met.

Criterion 3, Neighborhood impact.

The impact on the surrounding neighborhood is the primary issue concerning residents in the neighborhood where a Short Term Rental is being proposed. The proposed conditions of approval require the owners of the property to provide a local manager for the property pursuant to the provisions of 17.124.170, BMC, who has the authority to resolve issues that may arise from the operation of the dwelling as a short term rental. With this as a condition of approval, Criterion 3 is met.

Criterion 4, Historic, scenic or cultural attributes.

There are no listed historic, scenic or cultural attributes 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 proposal is to use the existing single family dwelling for residential use. Criterion 5 is met.

BMC 17.124.170 Short Term Rentals

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

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

The above regulations are made Conditions of Approval.

CONDITIONS OF APPROVAL

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

Dated this **3rd** day of May, 2016.

Bryan Tillung, Chairperson

ATTEST:

Donna Colby-Hanks, Planning Manager

CONDITIONS OF APPROVAL
CUP-2-16
Gyurko Short Term Rental

1. Approval of this conditional use permit will expire two years from approval, unless the applicant applies for and receives a business license from the City of Brookings. The Planning Commission may extend the permit for an additional one-year period at the request of the Applicant. Annual renewal of the business license is required to keep the conditional use permit active.
2. The conditions stated herein are mandatory and must be completed. Failure to comply with any condition will result in the review and possible revocation of your permit pursuant to BMC 17.136.110, Violation of Conditions. Violations may result in the loss of your conditional use permit.
3. The property owner or holder shall obtain a business license from the City of Brookings and register the dwelling on a separate form.
4. A transient room tax will be applied pursuant to Chapter 3.10, BMC.
5. The property owner shall provide the name, address and telephone number of a local representative, either a property management business or an individual living in the Brookings Urban Growth Boundary, who has the authority to, make or have repairs made, resolve disputes and/or terminate occupancy if necessary.
6. The representative's name and telephone number shall be posted within the dwelling.
7. The Applicant shall subscribe to a scheduled waste collection service and provide garbage receptacles on the property.
8. Ongoing neighborhood disturbances can result in Planning Commission review and possible revocation of the conditional use permit pursuant to BMC 17.136.110.
9. Access for firefighting equipment to and around the structure must be maintained.
10. Smoke detectors must be maintained in accordance with Oregon Fire Code 2014 Ed.
11. The three (3) parking spaces shown on Figure 2 must be constructed with a asphaltic or concrete surface, or other materials approved by the site plan committee.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Conditional Use Permit
FILE NO: CUP-3-16
HEARING DATE: May 3, 2016

REPORT DATE: April 21, 2016
ITEM NO: 5.4

GENERAL INFORMATION

OWNER/APPLICANT: Matt & Sharyn Lyons

REQUEST: A short term vacation rental.

TOTAL LAND AREA: 0.60 acre (26,136 sq. ft.)

LOCATION: Subject property is located adjacent to the Pacific Ocean between the terminuses of Iris Street and Rowland Lane; more specifically 1266 Rowland Lane.

ASSESSOR'S NUMBER: 41-13-06CB, Tax Lot 4901.

ZONING / COMPREHENSIVE PLAN INFORMATION

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

PROPOSED: Same.

SURROUNDING: Subject property is surrounded by other residential zoned parcels.

COMP. PLAN: Residential.

LAND USE INFORMATION

EXISTING: Subject property is developed with a single family dwelling.

PROPOSED: Use of the single family dwelling as a short term vacation rental.

SURROUNDING: The subject property is surrounded by residentially developed parcels on the north and east. A vacant parcel lies to the south and the Pacific Ocean lies to the west.

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

APPLICABLE CRITERIA: Land Development Code – Ordinance No. 06-O-572
Chapter 17.20 – Single-Family Residential (R-1-6)
Chapter 17.124.170 – Short-term rentals
Chapter 17.136 – Conditional Use Permits

BACKGROUND INFORMATION

The subject property is 26,136± sq. ft. in size, located adjacent to the Pacific Ocean and between the western terminuses of Iris Street and Rowland Lane. The property is accessed from Rowland Lane by a 12 foot, paved access easement.

PROPOSED CONDITIONAL USE PERMIT

The Applicant is requesting to use the single family dwelling as a Short Term Rental. The R-1-6 zone allows for Short Term Rentals with approval of a Conditional Use Permit. Standards for Short Term Rentals are found in BMC 17.124.170. These criteria will be required as Conditions of Approval if approved. The Applicants' findings (**Attachment A**) discuss their plans in regard to these standards. Conformation of utilities is found in **Attachment B**. Jim Watson, Operations Fire Chief, requests that access to and around the structure remain and that smoke detectors be maintained in accordance with Oregon Fire Code 2014 Edition. These are proposed conditions of approval.

ANALYSIS, FINDINGS, AND CONCLUSIONS

17.136.050 Conditional Use Permit

The following is staff's analysis of the proposed conditional use permit in relation to the criteria cited above.

Criterion 1, Adequate size and shape.

The subject property is approximately 26,136 sq. ft in size and contains a single family dwelling with three (3) bedrooms and three and one half (3 1/2) bathrooms. The property also contains a guest house with two (2) bedrooms and one (1) bathroom. A site visit verified the paved area will accommodate approximately ten (10) average vehicles in addition to a one-car carport and a two-car garage that the applicant has indicated will be available to guests. The property has enough parking area to accommodate the proposed use. Criterion 1 is met.

Criterion 2, Relation of streets.

The subject property is accessed by 12 foot paved access easement over property at 1257 Rowland Lane. The access easement benefits the subject property and the vacant lot to the south. The Operations Fire Chief requested in his comments that the structure remain accessible to firefighting equipment. To aid in keeping the accessway available, a proposed condition of approval will require a "no parking" sign to be installed on the subject property along the access easement.

Rowland Lane has two paved travel lanes within a 45 foot right-of-way (ROW). Rowland Lane is developed with curb, gutter and a sidewalk on the north side. There are no improvements on the south side.

Traffic generated by a short term rental would only be a factor when the dwelling is rented and no traffic would be generated when the unit is vacant. This use involves less traffic than dwellings rented or occupied on a full time basis. Rowland Lane currently accommodates the traffic from the single family dwelling occupied full time and will accommodate traffic generated by the proposed use. Criterion 2 is met.

Criterion 3, Neighborhood impact.

The impact on the surrounding neighborhood is the primary issue concerning residents in the neighborhood where a Short Term Rental is being proposed. The proposed conditions of approval require the owners of the property to provide a local manager for the property pursuant to the provisions of 17.124.170, BMC, who has the authority to resolve issues that may arise from the operation of the dwelling as a short term rental. With this as a condition of approval, Criterion 3 is met.

Criterion 4, Historic, scenic or cultural attributes.

There are no listed historic, scenic or cultural attributes 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 proposal is to use the existing single family dwelling for residential use. Criterion 5 is met.

BMC 17.124.170 Short Term Rentals

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

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

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

An email was received from the property owner of 1257 Rowland Lane, Tom Lopresti (**Attachment C**). He expressed concerns regarding security issues with unknown vehicles, possible property damage due to bad angle of the gate, responsibility of access maintenance, noise from late night parties, and loss of the quiet neighborhood. Some of these issues are civil matters between Mr. Lopresti and the previous property owner. Any noise and party issues will need to be addressed by the property manager. If problems persist, the matter can be brought back before the Planning Commission for review and possible revocation of the conditional use permit pursuant to BMC 17.136.110.

RECOMMENDATION

Staff recommends APPROVAL of Case File No. CUP-3-16, based on the findings and conclusions stated in the staff report and subject to the conditions of approval.

Staff has prepared a FINAL ORDER with Conditions of Approval to be considered at this meeting (**Attachment D**).

Figure 1

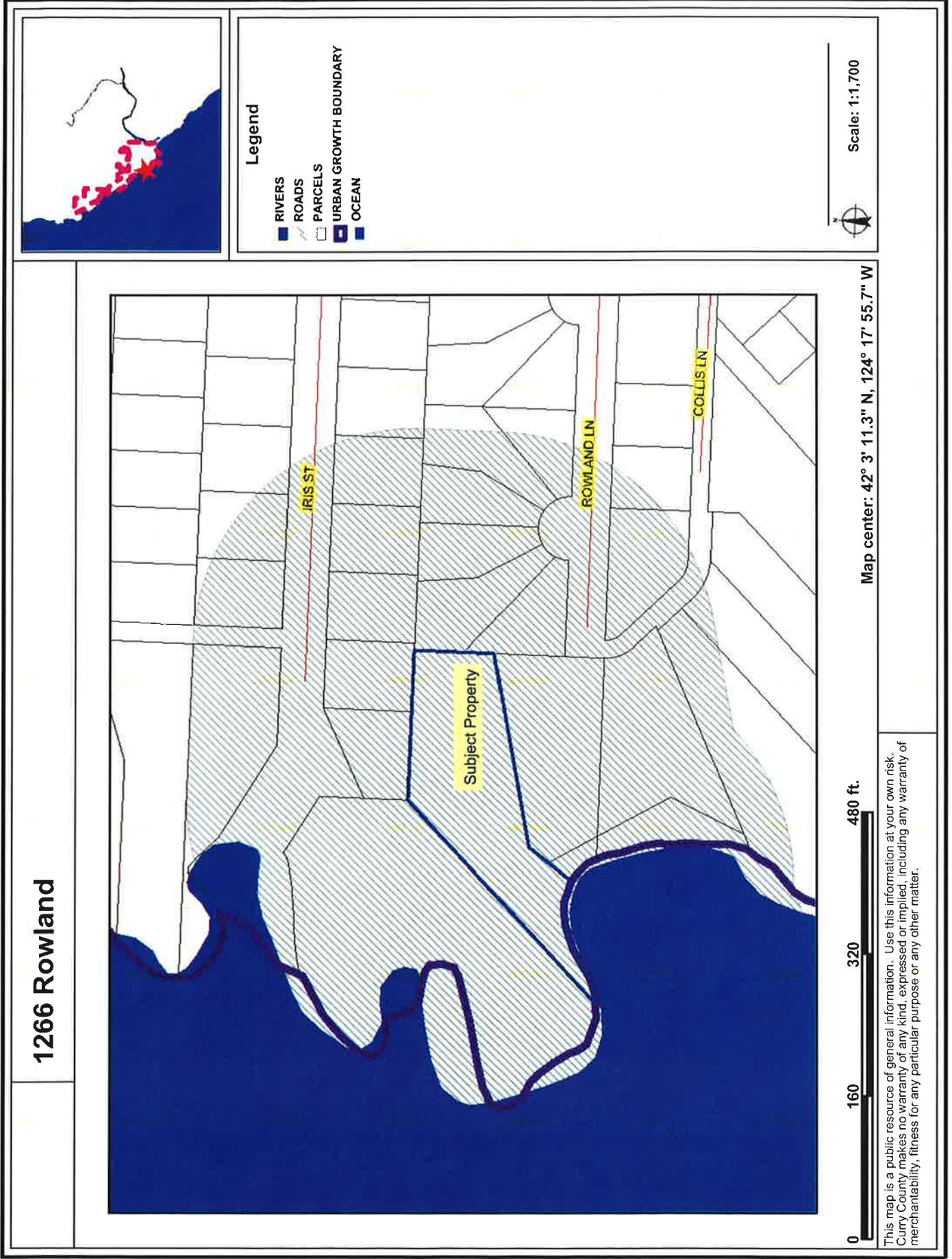


Figure 2

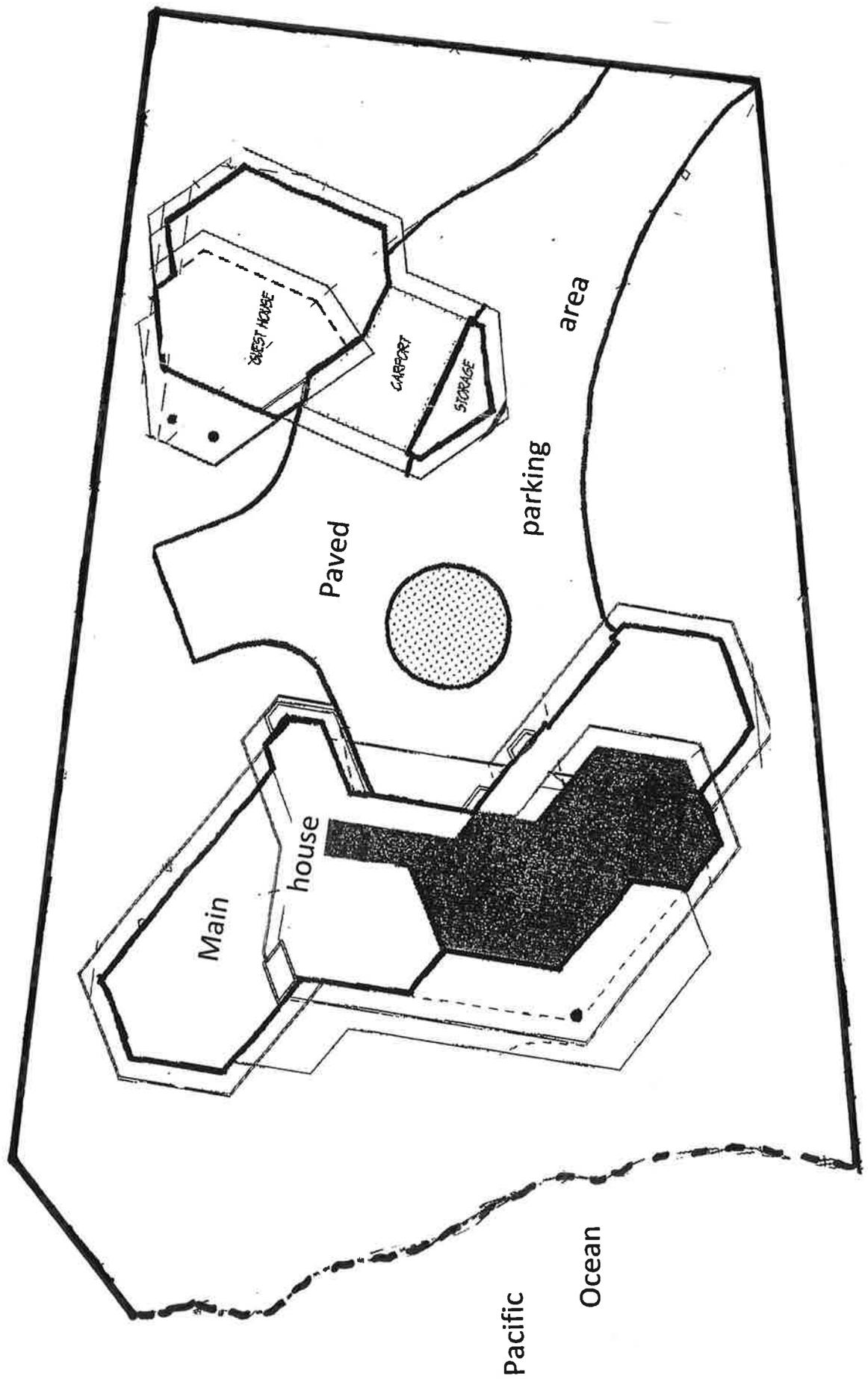
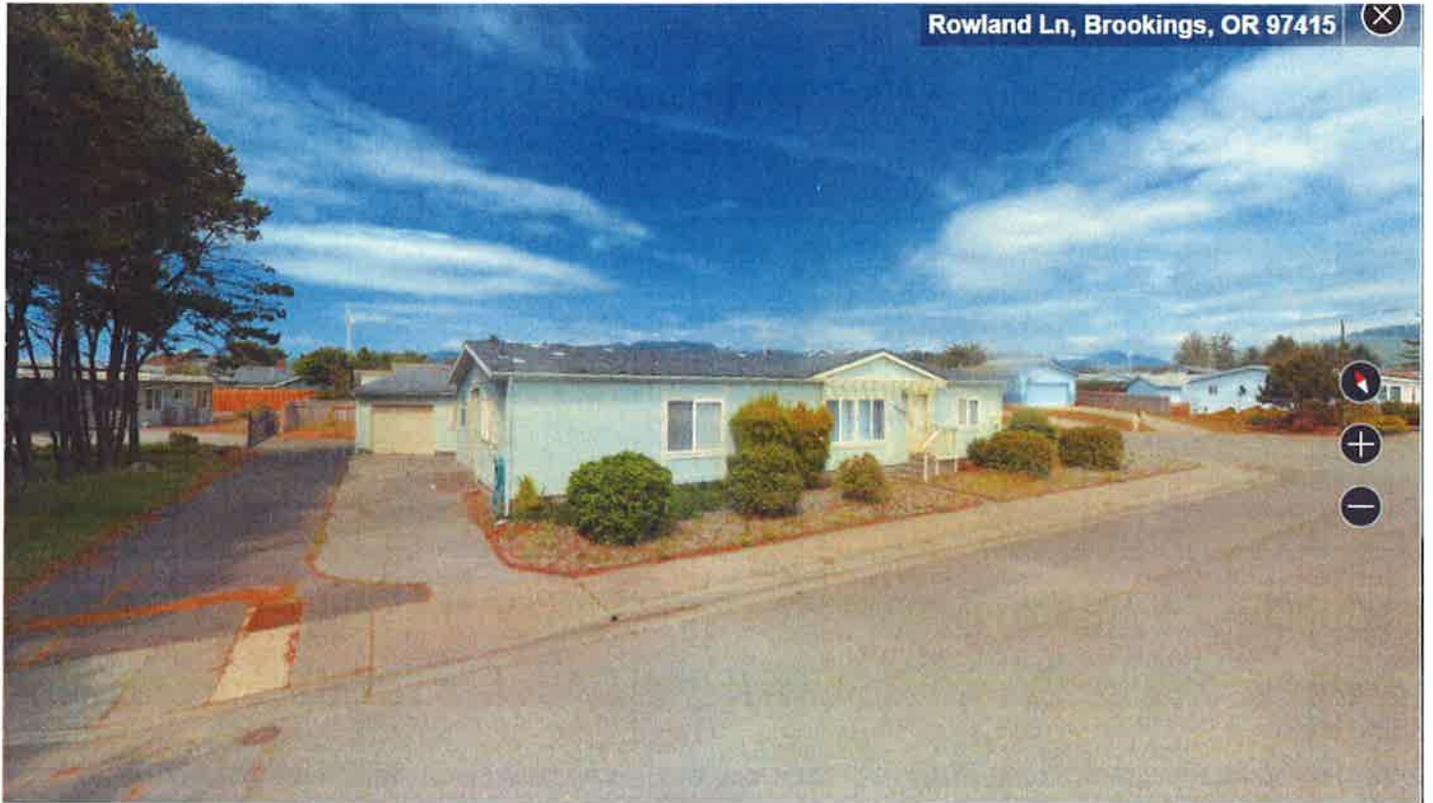


Figure 3

Looking north from Rowland Lane at access easement.



Sharyn Lyons
7176 Ranchito Cir
Las Vegas, NV 89120
March 22, 2016

Donna Colby-Hanks
City Of Brookings City Hall
Planning Manager
898 Elk Dr.
Brookings, OR 97415

Dear Donna Colby-Hanks:

I am interested in obtaining a conditional use permit for the short-term rental of my property at 1266 Rowland Ln. I will comply with the following code sections of the submittal requirements as described below:

- 17.20.040 Q: I understand that a short-term rental of my property is permitted with a conditional use permit.
- 17.136.050(C): Findings of Fact
 - 1.) The property is situated on top of a cliff with beautiful ocean views (see Appendix A) on a 20,000 square foot lot, with 4116 square feet of indoor space, including 5 bedrooms and 4.5 baths, 2 car garage, a carport and a large paved driveway with ample parking (see Appendix B) and plenty of outdoor living space with a large covered patio and a wraparound balcony. There are two structures, the main house with 3 bedrooms, 3.5 baths, large eat-in kitchen with an island, dining room, great room, loft/office, laundry room and a casita with 2 bedrooms, 1 bath, great room, wet bar, nook, laundry room (see Appendix C). As you approach the property there is a long driveway with a gated entrance and lush no-mow landscaping surrounding the house (Appendix D).
 - 2.) The property has easy accessibility from a non-shared paved driveway which was put in when the house was built (see Appendix E)
 - 3.) The property is located at the end of a street on a flag lot and is not visible from the main road. The land adjacent to the property on the left is a vacant undeveloped lot. The property to the right has a separate entrance from one street over.
 - 4.) Not Applicable
 - 5.) I have reviewed the Comprehensive Plan and propose to help support the rapidly rising tourism demand.
- 17.124.170:
 - I am applying for a business license from the city of Brookings and will register the dwelling on a separate form.
 - I will pay all transient room taxes.
 - I will employ the following property management company to manage the property:

Donna Colby-Hanks

March 22, 2016

Page 2

Barbara Rockfort
Vacation Rentals
Premier Properties
Brookings, OR 97415
Office Hrs: M-F 9-4
541-469-7400 (ext 19)~ 800-221-8175 ~ fax 541-469-7054
www.premierpropertiesbrookings.com

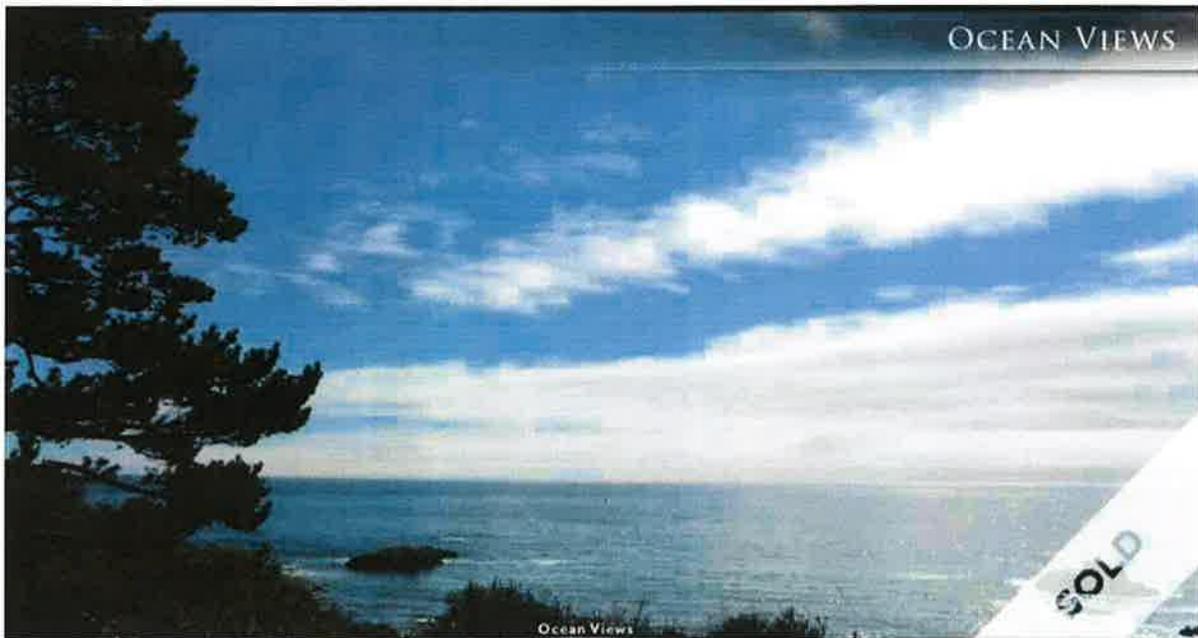
- I will post within the dwelling the property management company's contact information.
- I have subscribed to Curry Transfer & Recycle and ordered garbage receptacles and will post the detailed garbage collection rules within the dwelling.

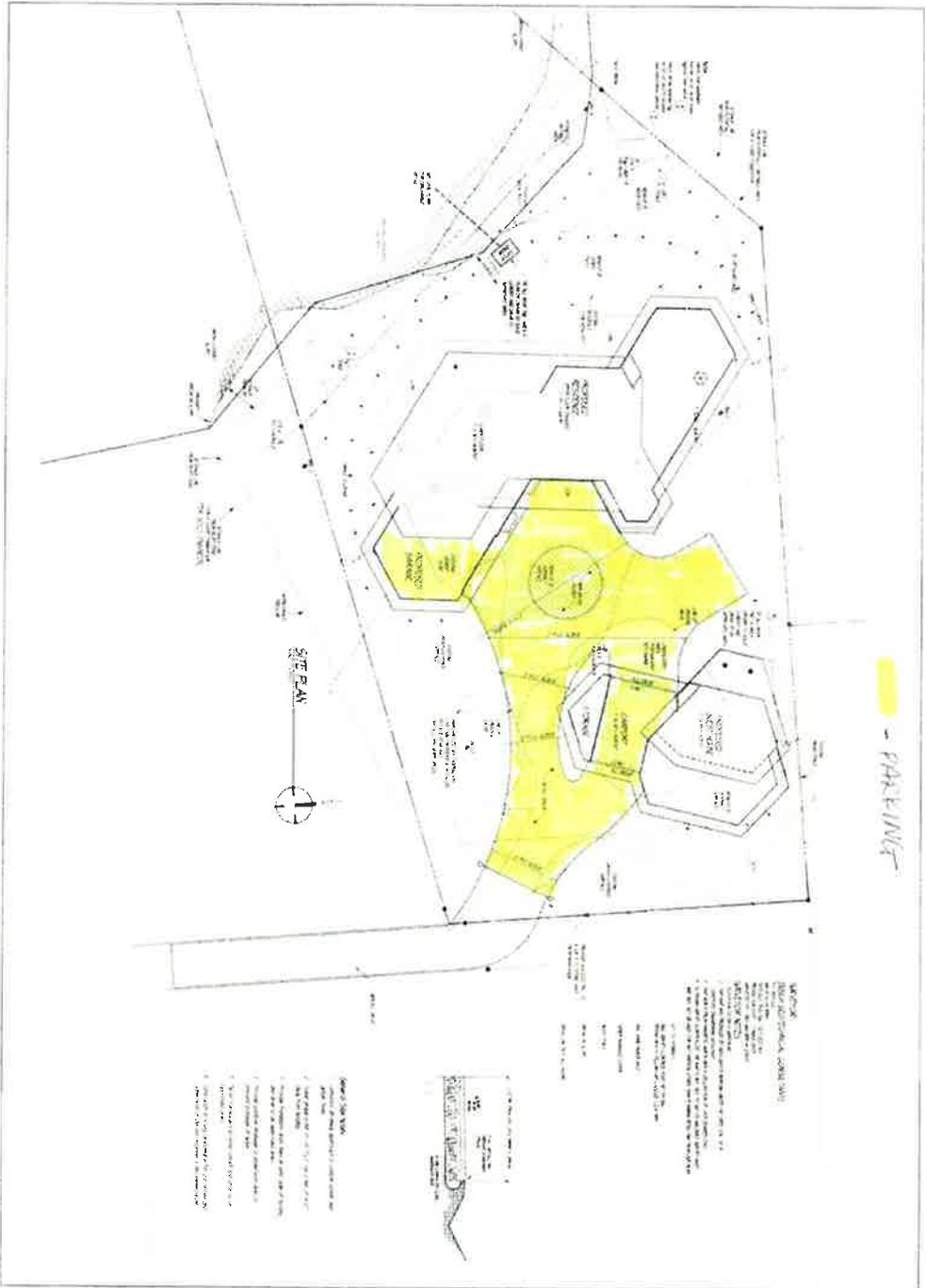
Sincerely,

A handwritten signature in black ink, appearing to read 'Sharyn Lyons', written in a cursive style.

Sharyn Lyons

Appendix A





Appendix C

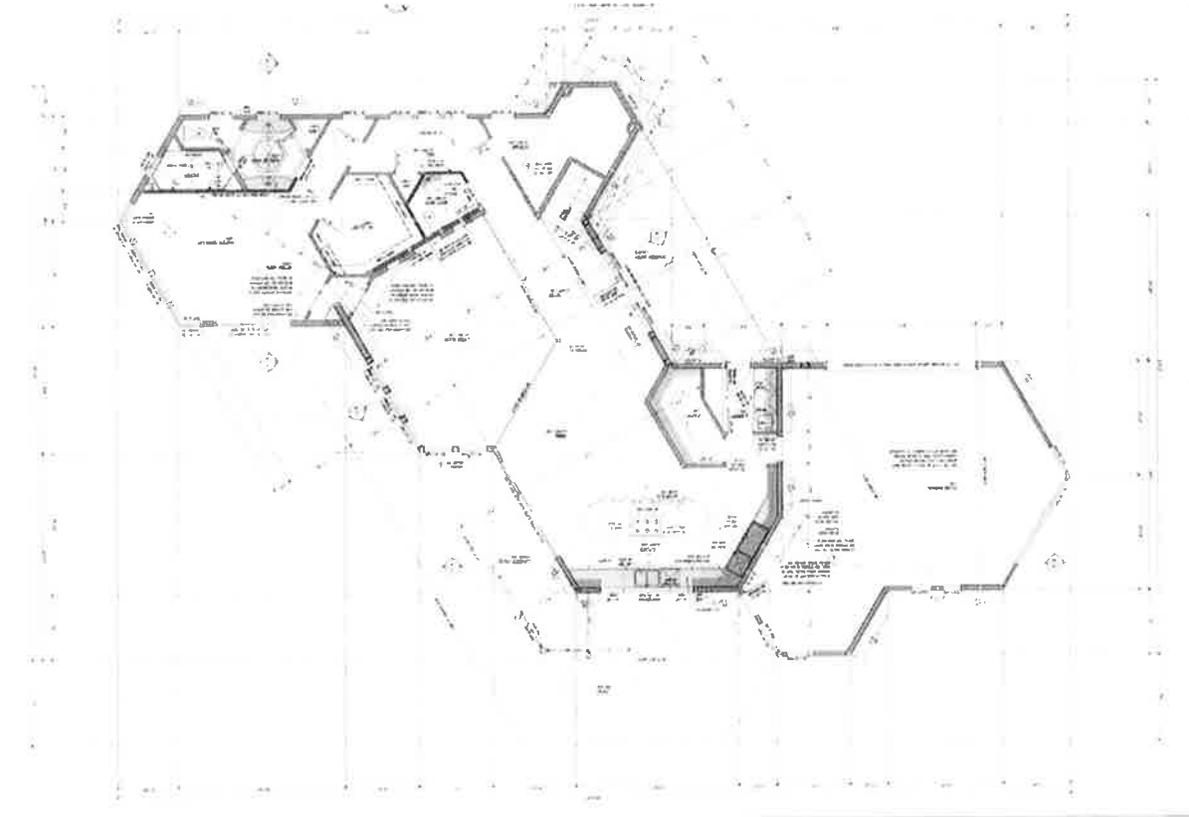


Figure 1: First Floor of Main House

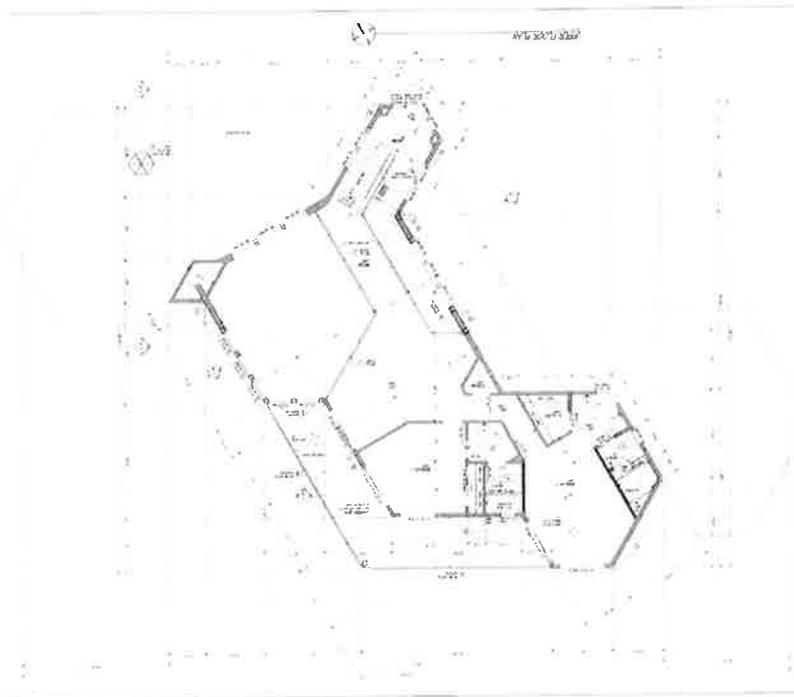


Figure 2: Second Floor of Main House

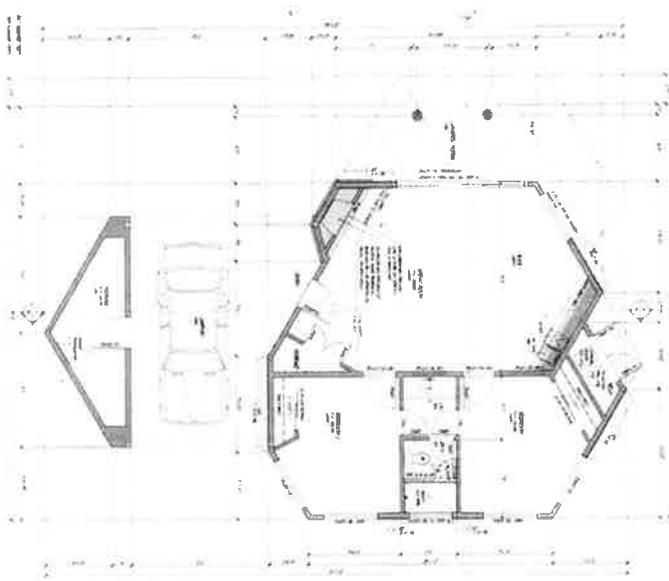
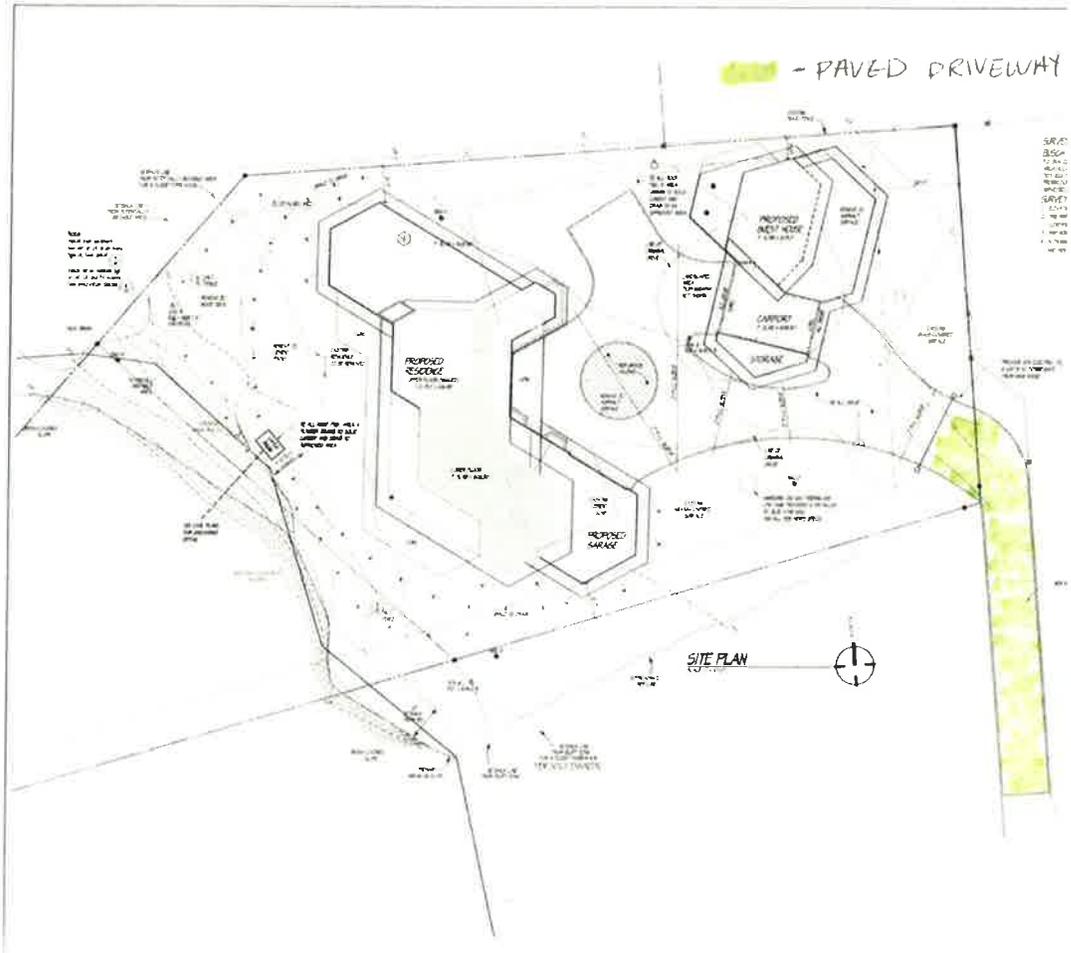


Figure 3: Casita and Carport

Appendix D



Appendix E





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

April 18, 2016

In regards to the CUP short term rental at 1266 Rowland Ave., the comments are as follows:

- 1) That Fire Department access to and around the structure remain accessible.
- 2) That smoke detectors be maintained in accordance with OFC 2014 Ed.

Jim Watson
Operations Fire Chief
Brookings Fire & Rescue



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: SHARYN LYONS Date: 3/21/16
Assessor Map #: 4113-06CB-04901 Tax Lot: R21499
Site Address: 1266 EDWLAND LN

Proposal: Subdivision/ Partition Variance
 Conditional Use Permit Other
short term rental

II. Utility Provider Confirmation:

Utility Provider: _____

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:  Title: Staking Engineer

Date: 4-5-16

dcolbyhanks@brookings.or.us

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 - 3-18-16 to Admin Services
 Date - _____ to Planning
 Date - 3-25-16 to PW

Final Approval
 Date - 3/28/16 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: SHARYN LYONS Date: 3/18/16
 Telephone: (702) 754-6952 Fax: (702) 754-6952 email: sharyn.lyons@gmail.com
 Current Property Owner: SHARYN LYONS
 Property Address: 1266 ROWLAND LN Map & Tax Lot No. 4113-06CB-04901/R21499
 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: _____

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 type="checkbox"/> NO	
Is there a current sewer account/service for this property?	<input checked="" type="checkbox"/> YES/How many <u>1</u>	<input type="checkbox"/> NO	
Are there any liens on this property?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Public Works			
*Out of city limits. DIA Forms Submitted: <u>N/A</u> <input type="checkbox"/> YES <input type="checkbox"/> NO		In UGB: <input type="checkbox"/> YES <input type="checkbox"/> NO	
Location and size of existing infrastructure:		Adequate?	
Water: <u>8" ON ROWLAND</u>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Sewer: <u>18" IN EASEMENT ON THIS PROPERTY</u>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Stormdrain: <u>PRIVATE TO OCEAN BLUFF</u>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Additional Comments: <u>12" CITY STORM DRAIN ON ROWLAND IS ADEQUATE</u>			
<i>Shirley H. A.</i>			
Pay Backs: \$ _____	Building SDC's: \$ _____	Other: <u>N/A</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

To: dcolbyhanks@www.brookings.or
Subject: 1266 Rowland:

Hello, I am the owner of 1257 Rowland and the one that grants the easement for access to said property. I cannot attend the meeting so I am emailing my concerns about this proposal.

1. Security issue of not knowing who is coming or going, different vehicles coming and going in/out
2. My property has received damage during and after the property was renovated, because of the bad angle of the gate installed my landscaping and borders continually get damaged because the radius is to tight my garage has been run into also.
3. Since I am the only home owner that shared the burden of paving and upkeep for this granted access, I need some kind of repair and damage control in place.
4. I have three young grandchildren that play in our driveway and out front of the house, as you can see this poses issues with unknown people coming and going and the injury risk to the children by driving unsafe entering and exiting the property.
5. I have a bad feeling about this property becoming a party house and late-night noise and problems from could be an issue with sleeping grandchildren.
6. My paved driveway has been saw cut for the installation of utilities put in on said property, this damage was never fixed by the home owner, but will be continuing to damage and degrade my driveway, maybe it would make sense to have the new owner would fix the driveway now rather than let it deteriorate further.
7. These people that are going to vacation here aren't from around here and won't care about being respectful of others, this is a QUIET neighborhood with lots of retired folks that live here. THAT IS THE REASON WE BOUGHT HERE IN BROOKINGS, PEACEFUL, QUIET, RESPECT, ALL OF THAT AND MORE!
8. I AM HOPEFUL THAT THIS IS NOT THE FUTURE BROOKING HAS PLANS FOR, MAYBE WE INVESTED UN- WISELY OR BROOKINGS IS GOING TO START CHANGING FOR THE WORST, ASK AROUND! THIS IS NOT WHAT THE PEOPLE OF BROOKINGS WANTS TO SEE HAPPENING TO OUR TOWN.

Thomas J LoPresti

Transportation Engineering Technician
DES-Materials Engineering and Testing Services
5900 Folsom Blvd, Sacramento, CA 95819-12
Translab room 213
(916)227-5714
tom.lopresti@dot.ca.gov

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

**In the matter of Planning Commission File No.) Final ORDER
CUP-3-16; an application for approval of a) and Findings of
Conditional Use Permit to use an existing) Fact
dwelling as a Short Term Rental; Owner, Matt
and Sharyn Lyons.**

ORDER Approving an application for a Conditional Use Permit to authorize a Short Term Rental at 18 Otter Terrace; Assessor's Map 41-13-06CB, Tax Lot 4901; zoned Single-family Residential (R-1-6).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with the Brookings Municipal Code, pursuant to Section 17.20.040(Q), Single-family Residential; Section 17.124.170, Short-term Rentals; Chapter 17.136, Conditional Use Permits; and
2. Such application is required to show evidence that all of the above criteria have been met; and
3. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on May 3, 2016; and
5. At the public meeting on said conditional use permit application, evidence and testimony was presented by the Applicant and recommendations were received from and presented by staff in the form of a Staff Agenda Report, dated April 21, 2016 and oral presentation of same; and
6. At the conclusion of the public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and **APPROVED** the request for the subject conditional use permit and directed staff to prepare a Final Order and Findings of Fact to that affect.

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

CRITERIA, FINDINGS, AND CONCLUSIONS

17.136.050 Conditional Use Permit

The following is staff's analysis of the proposed conditional use permit in relation to the criteria cited above.

Criterion 1, Adequate size and shape.

The subject property is approximately 26,136 sq. ft in size and contains a single family dwelling with three (3) bedrooms and three and one half (3 1/2) bathrooms. The property also contains a guest house with two (2) bedrooms and one (1) bathroom. A site visit verified the paved area will accommodate approximately ten (10) average vehicles in addition to a one-car carport and a two-car garage that the

applicant has indicated will be available to guests. The property has enough parking area to accommodate the proposed use. Criterion 1 is met.

Criterion 2, Relation of streets.

The subject property is accessed by 12 foot paved access easement over property at 1257 Rowland Lane. The access easement benefits the subject property and the vacant lot to the south. The Operations Fire Chief requested in his comments that the structure remain accessible to firefighting equipment. To aid in keeping the accessway available, a proposed condition of approval will require a "no parking" sign to be installed on the subject property along the access easement.

Rowland Lane has two paved travel lanes within a 45 foot right-of-way (ROW). Rowland Lane is developed with curb, gutter and a sidewalk on the north side. There are no improvements on the south side.

Traffic generated by a short term rental would only be a factor when the dwelling is rented and no traffic would be generated when the unit is vacant. This use involves less traffic than dwellings rented or occupied on a full time basis. Rowland Lane currently accommodates the traffic from the single family dwelling occupied full time and will accommodate traffic generated by the proposed use. Criterion 2 is met.

Criterion 3, Neighborhood impact.

The impact on the surrounding neighborhood is the primary issue concerning residents in the neighborhood where a Short Term Rental is being proposed. The proposed conditions of approval require the owners of the property to provide a local manager for the property pursuant to the provisions of 17.124.170, BMC, who has the authority to resolve issues that may arise from the operation of the dwelling as a short term rental. With this as a condition of approval, Criterion 3 is met.

Criterion 4, Historic, scenic or cultural attributes.

There are no listed historic, scenic or cultural attributes 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 proposal is to use the existing single family dwelling for residential use. Criterion 5 is met.

BMC 17.124.170 Short Term Rentals

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

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

- D. The Representatives name and telephone number shall be posted within the dwelling.
- E. The Applicant shall subscribe to a scheduled waste collection service and provide garbage receptacles on the property.

The above regulations are made Conditions of Approval.

CONDITIONS OF APPROVAL

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

Dated this **3rd** day of May, 2016.

Bryan Tillung, Chairperson

ATTEST:

Donna Colby-Hanks, Planning Manager

CONDITIONS OF APPROVAL
CUP-3-16
Lyons Short Term Rental

1. Approval of this conditional use permit will expire two years from approval, unless the applicant applies for and receives a business license from the City of Brookings. The Planning Commission may extend the permit for an additional one-year period at the request of the Applicant. Annual renewal of the business license is required to keep the conditional use permit active.
2. The conditions stated herein are mandatory and must be completed. Failure to comply with any condition will result in the review and possible revocation of your permit pursuant to BMC 17.136.110, Violation of Conditions. Violations may result in the loss of your conditional use permit.
3. The property owner or holder shall obtain a business license from the City of Brookings and register the dwelling on a separate form.
4. A transient room tax will be applied pursuant to Chapter 3.10, BMC.
5. The property owner shall provide the name, address and telephone number of a local representative, either a property management business or an individual living in the Brookings Urban Growth Boundary, who has the authority to, make or have repairs made, resolve disputes and/or terminate occupancy if necessary.
6. The representative's name and telephone number shall be posted within the dwelling.
7. The Applicant shall subscribe to a scheduled waste collection service and provide garbage receptacles on the property.
8. Ongoing neighborhood disturbances can result in Planning Commission review and possible revocation of the conditional use permit pursuant to BMC 17.136.110.
9. A "no parking" sign shall be installed adjacent to the access easement on the subject property.
10. Access for firefighting equipment to and around the structure must be maintained.
11. Smoke detectors must be maintained in accordance with Oregon Fire Code 2014 Ed.

MINUTES
BROOKINGS PLANNING COMMISSION
April 5, 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, Joseph Vogl
Staff Present: Planning Manager - Donna Colby-Hanks; Administrator - Lauri Ziemer
Others Present: 8 audience members

CHAIR PERSON ANNOUNCEMENT

Chair Tillung introduced Lauri Ziemer who will be operating the audio and video equipment for the meeting as well as polling the Commission. The Commissioners welcomed her.

PUBLIC HEARINGS

Public hearing procedures were addressed by Chair Tillung

- Chair Tillung opened the quasi-judicial hearing regarding File No. M3-1-16.

File Description: 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 (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 7:04pm. Planning Manager Colby-Hanks reviewed the staff report and entered Exhibit B, a letter from K. Thompson expressing support, into the record. The co-applicant, Pam Savage, 313 Memory Lane, Brookings, asked some questions of staff regarding the criteria and the ability to build a home on Parcel 1.

Ken Thompson, 313.5A Memory Lane, Brookings, stated he owned the adjacent property and expressed support for the application. Nancy Owens, 16725 Thomspson Road, Brookings, OR stated she had no comments. There was no testimony in opposition of the application.

No participants requested additional time to present evidence and the public hearing portion of the meeting was closed at 7:18pm.

The Commission deliberated on the matter and agreed that this was a straight forward application. By a 7-0 vote (motion: Tillung, 2nd Wulkowicz) the Planning Commission approved File No. M3-1-16 requesting authorization to divide a 1.29 acre parcel into two parcels. Tillung made a motion to

approve the final order, which was seconded by McMahan. The final order was approved by unanimous vote.

- Chair Tillung opened the quasi-judicial hearing regarding File No. MC-1-16/MC-1-12/CUP-2-98.

File Description: 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 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 7:21pm. Planning Manager Colby-Hanks reviewed the staff report and entered Exhibit B-1, proposed conditions of approval omitted from packet and B-2, a letter from P. Broock, First Church of Christ, Scientist into the record. Broock clarified that the Church of Christ, Scientist is not willing to excute a parking agreement that cannot be revoked.

Lon Samuels, 960 Central, Coos Bay, reviewed the grant that is making this project possible and the future transfer of ownership from SWOCC to Curry County to Headstart. In response to the letter stating that a parking agreement would not be recorded, Samuels stated that he had walked the property and felt that the parking lot of the Brookings Presbyterian Church was a possibility for the needed spaces. He entered Exhibit C, a map of the area, into the record. Samuels stated that Curry County owns a single family dwelling in the area that may be near the end of its useful life and could provide an area for parking. Samuels discussed the desire of the applicant to level the play area to better accommodate small children. Samuels explained this component of the project was not necessary to meet any of the criteria for the application. The Commissioners asked numerous questions regarding the parking situation, the steepness of the play area, noise buffers, and the lighting requirements. Commissioners Wulkowicz, Tillung, and Hunter expressed concerns regarding the unresolved issues.

Several citizens spoke as interested parties. Jeff Holmes, 17350 Holmes Drive, Brookings, stated he felt they could reduce the number of staff or find someone else who would be willing to guarantee the parking spaces.

Paula Broock, First Church of Christ, Scientist, 825B Brookhaven Drive, Brookings, stated they were supportive of the Headstart program. The Church provided the letter in response to a request but were not aware the agreement would be irrevocable while Headstart operated at the Redwood Spur location. This agreement could prevent the Church from expanding in the future. The Church may want to relocate to a larger site in the future and the recorded agreement may limit who would buy the property.

Samuels provided rebuttal and clarified that the grant funds could not be spent off-site for the needed parking. He stated that he understood the Church's concerns but felt the Commission could revise condition #12 and approve the request.

Staff commented that existing condition #7 addresses lighting, the parking requirements are based on the number of employees, Public Works reviews and approves any work proposed to be conducted in the right-of-way, as well as advising the Curry County property is zoned residential. The Curry County property has not been a component of the request and there are no provisions in the code for the development of an unattached parcel as a parking lot in residential zones. Addition notice and consideration would be required for the property to be developed as a parking lot. Staff suggested either revising condition #12 to require the applicant to obtain 10 parking spaces in compliance with Section 17.92.080 or continue the matter to a future meeting to allow the applicant additional time to resolve the parking issue.

The Commission discussed the matter. By a 7-0 vote (motion: Wulkowicz, 2nd MaMahan) the Planning Commission voted to continue the matter to the May 3, 2016 meeting at 7:00 pm to allow the applicant additional time to resolve the issues. The hearing for the matter was closed at 8:18pm.

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

File Description: 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 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 8:18pm. Planning Manager Colby-Hanks reviewed the staff report.

Lon Samuels, 960 Central, Coos Bay, described the methods of construction in detail and used the white board to better illustrate the construction needed to raise the roof and resolve the water issues.

There was no testimony from any participants regarding the application. No one requested additional time to present evidence and the public hearing portion of the meeting was closed at 8:36pm.

The Commission deliberated on the matter and discussed condition #3 regarding the two-roof system. Commission Wulkowicz moved to approve File No. MC-1-16/MC-1-12/CUP-2-98 with Condition of Approval #3 to read "A two-roof shall not be allowed. The lower roof must be removed to ensure firefighter safety." The motion was seconded by Commissioner Hunter and was unanimously approved.

By a 7-0 vote (motion: Tillung, 2nd Hartzell) the Planning Commission approved the final order with condition #3 revised.

APPROVAL of MINUTES

By a 6-0 vote (motion: McMahan, 2nd Rings) the Planning Commission approved the minutes of the March 1, 2016 Planning Commission meeting as presented. Commissioner Vogl abstained as he was absent from the meeting.

STAFF REPORT

The Planning Commission will be considering the storm water master plan and two requests for conditional use permits for short term rentals as well as continuation of the minor change request for Headstart at the May 3rd meeting. The Commission discussed have a second meeting but with several members unavailable suggested delaying until the June meeting the consideration of an additional application as well as a workshop to consider revisions to the criteria for short-term rentals.

ADJOURNMENT

Meeting adjourned at 8:47 pm.
Respectfully submitted,

Bryan Tillung, Chair of the Brookings Planning Commission
(Approved at the 5/3/16 meeting)