

Planning Commission Agenda
DATE , 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 Business
Election of Vice Chair
5. Public Hearings
 - 5.I. In The Matter Of File No. CUP-4-16,
a request for approval of a conditional use permit to operate a short term vacation rental at 840 Third Street, a .18 acre parcel located on Assessor's Map No. 41-13-06BA; tax lot 332. Applicant/owner Smithers. 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 Brookings Municipal Code (BMC). This is a Quasi-judicial hearing and the Planning Commission will make a decision on the matter.

Documents:

[STAFF REPORT.PDF](#)
[FINDINGS.PDF](#)
[UTILITY CONFORMATION.PDF](#)
[FINAL ORDER.PDF](#)

- 5.II. In The Matter Of File No. CUP-5-16,
a request for approval of a conditional use permit to operate a short term vacation rental at 523 Railroad Street, a .13 acre parcel located on Assessor's Map No. 41-13-05CC; tax lot 1700. Applicant/owner Seymour. The criteria used to decide this matter are found in Section 17.124.170 - Short Term Rentals, Chapter 17.136 - Conditional Uses, and Section 17.28.040(R) Multiple-Family Residential (R-3) Conditional uses of the BMC. This is a Quasi-judicial hearing and the Planning Commission will make a decision on the matter.

Documents:

[STAFF REPORT.PDF](#)
[FINDINGS.PDF](#)
[UTILITY CONFORMATION.PDF](#)
[FINAL ORDER.PDF](#)

- 5.III. In The Matter Of File No. LDC-1-16,
revision of BMC Section 17.124.170 Specific Standards Applying to Conditional Uses, Short-term rentals to disallow the permit approval to transfer upon sale of property. City initiated. The criteria used to decide this matter are found in Chapter 17.140 Amendments, of the BMC. This is a legislative hearing and the Planning Commission will make a recommendation to City Council on the matter.

Documents:

[STAFF REPORT.PDF](#)
[DRAFT TEXT.PDF](#)

6. Minutes For Approval

6.I. 8-2-2016 PC Minutes

Documents:

[8-2-16 PC MINUTES.PDF](#)

7. Unscheduled Public Appearances

8. Report From The Planning Staff

9. Commission Final Comments

10. Adjournment

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

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Conditional Use Permit
FILE NO: CUP-4-16
HEARING DATE: October 4, 2016

REPORT DATE: September 22, 2016
ITEM NO: 5.1

GENERAL INFORMATION

OWNER/APPLICANT: Brandon & Danielle Smithers

REQUEST: A short term vacation rental.

TOTAL LAND AREA: 0.18 acre (7,840 sq. ft.)

LOCATION: Subject property is located adjacent to the eastern boundary of Third Street approximately 220 feet north of its intersection with Ransom Avenue; more specifically 840 Third Street.

ASSESSOR'S NUMBER: 41-13-06BA, Tax Lot 332.

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 on the north, east, and south with residential zoned parcels. The parcel to the west is zoned Public/Open Space (P/OS).

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, east, and south. Bud Cross Park 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 7,840± sq. ft. in size, located adjacent to the eastern boundary of Third Street. The property is accessed from Third Street which has a two paved travel lanes within a 70 foot right-of-way. Third Street is developed with curb, gutter, and sidewalks on both sides of the street in the vicinity of the subject property.

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 state requirements for placement and upkeep of smoke detectors be followed. This is a proposed condition of approval.

ANALYSIS, FINDINGS, AND CONCLUSIONS

17.136.050 Conditional Use Permit

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

Criterion 1, Adequate size and shape.

The subject property is approximately 7,840 sq. ft in size and contains a single family dwelling with three (3) bedrooms and two (2) bathrooms. The dwelling has an attached two-car garage that the applicant has advised will be available to guests. The driveway apron is of sufficient size to accommodate two parking spaces. With a total of four parking spaces, the property has enough parking area to accommodate the proposed use. Criterion 1 is met.

Criterion 2, Relation of streets.

The subject property is accessed by Third Street which has a two-lane travel surface as well as curb, gutter and sidewalks on both sides. On street parking is available on both sides of the street as well. 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. Third Street 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. The applicants have

advised that since they reside on Cameo Court, approximately 1000 feet from the subject property, they will manage the rental. With this as a condition of approval, Criterion 3 is met.

Criterion 4, Historic, scenic or cultural attributes.

There are no listed historic, scenic or cultural attributes 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-4-16, 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**).

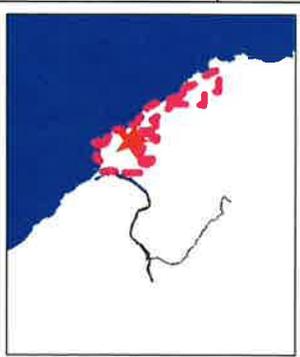
840 3rd St



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



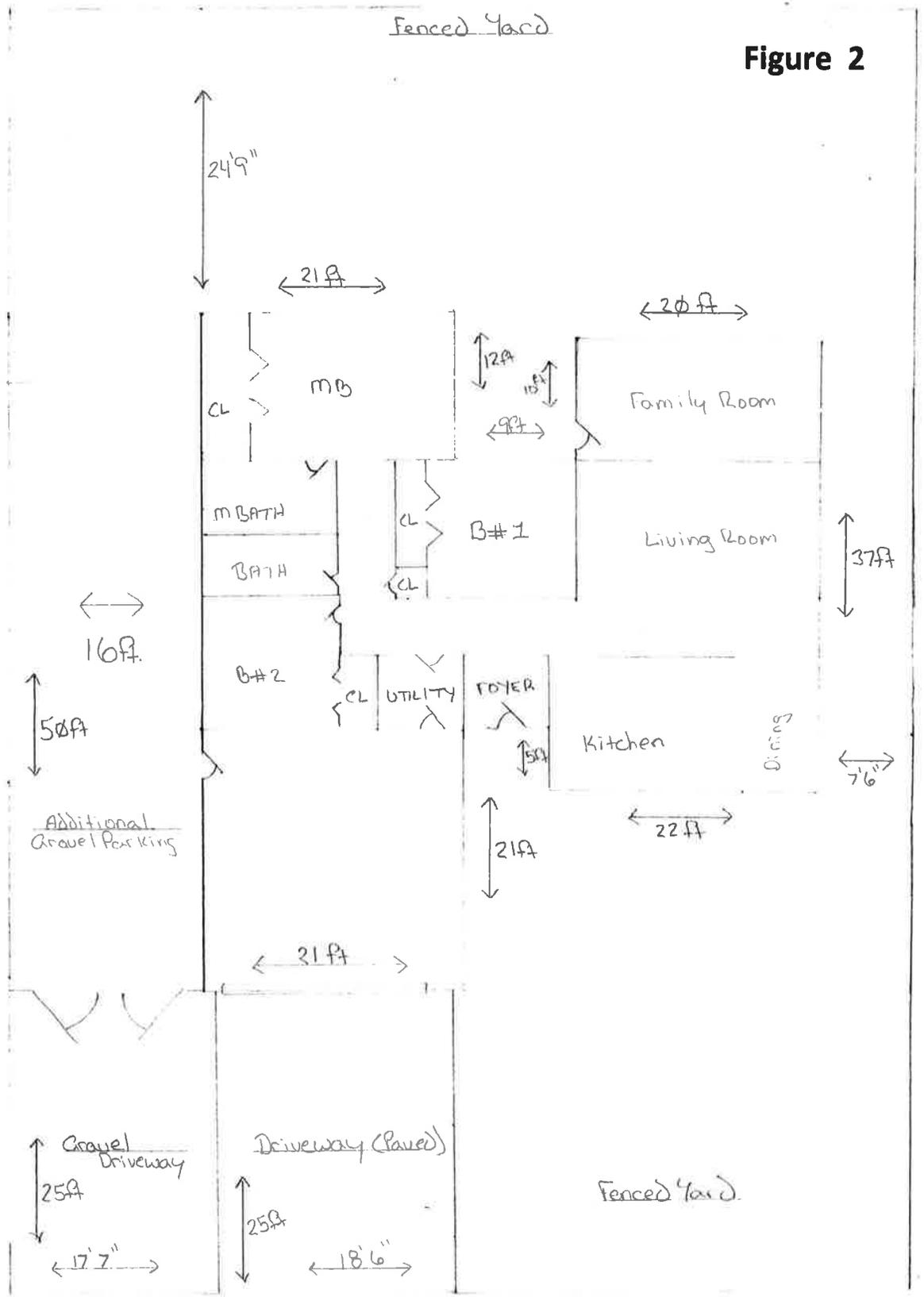
Map center: 42° 3' 41.7" N, 124° 17' 34.1" W



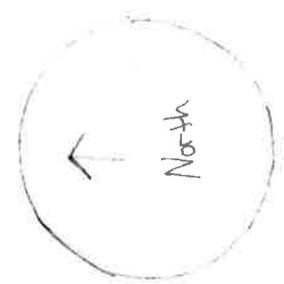
- ### Legend
- OWNER
 - RIVERS
 - ROADS
 - PARCELS
 - URBAN GROWTH BOUNDARY
 - OCEAN



Figure 2



3rd Street



Attachment A

August 1st, 2016

To Whom It May Concern:

I am the owner of a single family residence at 840 3rd Street, within the city limits of Brookings, Oregon. I have used this home as my own residence, a long-term rental and would now like to use it as a short-term rental property as well.

The residence is located on a roadway within the city that only has residences on one side. Across from the home is Bud Cross baseball field and the basketball court. The house to the right of my home (if looking towards it from the roadway) is vacant and used by its owner sporadically throughout the year for short stays. Both homes next to that home are currently long-term rentals. The home to the left of ours is owned by Duke and Sue Bottorff. The home next to them is a commercial care provider business. Our plans to turn the home into a long-term and short-term rental have been discussed with both Duke and Sue, which they had no opposition to.

There is plenty of off-road parking at the residence. There are two separate parking locations. The parking areas are a two car garage and a 2 car paved driveway. The total number of vehicles which could park on the property would be 4.

The amount the home will be used throughout the year will go down tremendously from when it was a traditional single family residence. Thus the amount of vehicle damage done from the occupants at the residence to the roadway with normal driving will also go down. This home will also not be allowed to be rented to anyone under the age of 25 years, for parties, or for events.

The home site is within zone R-1-6 and meets Lot Width, Lot Coverage, and Yard Requirements as stated in Brookings Municipal Code 17.20.060.

Thank you for your consideration in this matter.

Sincerely,



Brandon Smithers

Property Owner



Danielle Smithers

Property Owner



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

9/14/2016

CUP change at 840 3rd St.

Donna,

My only comment in regards to the CUP change, is that the Oregon Administrative Rule, OAR 837-045-0050 and Oregon Revised Statutes, ORS 479.250 to 479.300 with regards to the placement and upkeep of smoke detectors be followed.

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: Brandon Smithers Date: Aug 17 2016
Assessor Map #: 33 41-13-460A Tax Lot: 332
Site Address: 840 3RD STREET, Brookings OR 97415
Proposal: Subdivision/ Partition Variance
 Conditional Use Permit Other
For Vacation Rental

II. Utility Provider Confirmation:

Utility Provider: Coos-Curry Electric

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 changes to existing electrical infrastructure.

Signature: Walter Jumbo Title: Staking Engineer

Date: 8/18/16

CITY OF BROOKINGS
Public Works Department
898 Elk Drive, Brookings, OR 97415
Telephone – 541-469-1103
FAX – 541-469-3650

FOR CITY USE ONLY:	
Date - <u>8-23-16</u>	to <input checked="" type="checkbox"/> Admin Services
Date - _____	to <input type="checkbox"/> Planning
Date - <u>8/24/16</u>	to <input checked="" type="checkbox"/> PW
Date - _____	to <input type="checkbox"/> Building
Received: _____	
Applicant notified: _____	

WATER/SEWER/STORM DRAIN SERVICE AVAILABILITY REQUEST

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

Applicant: Brandon Smithers Date: AUG 17 2016
 Telephone: 541-254-1105 email: brandon.danielle.smithers@yahoo.com
 Current Owner: Brandon Smithers and Danielle Smithers
 Property Address: 840 3RD STREET Map/Tax Lot No. 41-13-06BA / 332
 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: No new piping needed on property. cup for short-term rental

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
Planning			
In City Limits: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	*Out of city limits, DIA Forms Submitted: YES NO		In UGB: YES NO
Public Works			
Location and size of existing infrastructure:	Adequate?		
Water: <u>8" 3rd st</u>	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/> NO
Sewer: <u>8" 3rd st</u>	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/> NO
Stormdrain: <u>drain into street, into catchbasin @ 850 3rd st into storm drain system</u>	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/> NO
Additional Comments: _____			
Building			
Pay Backs \$ <u>0</u>	SDC's \$ <u>0</u>	Other: <u>0</u>	

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

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

**In the matter of Planning Commission File No.) Final ORDER
CUP-4-16; an application for approval of a) and Findings of
Conditional Use Permit to use an existing) Fact
dwelling as a Short Term Rental; Owner,
Brandon and Danielle Smithers.**

ORDER Approving an application for a Conditional Use Permit to authorize a Short Term Rental at 840 Third Street; Assessor's Map 41-13-06BA, Tax Lot 332; 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 October 4, 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 September 22, 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 7,840 sq. ft in size and contains a single family dwelling with three (3) bedrooms and two (2) bathrooms. The dwelling has an attached two-car garage that the applicant has advised will be available to guests. The driveway apron is of sufficient size to

accommodate two parking spaces. With a total of four parking spaces, the property has enough parking area to accommodate the proposed use. Criterion 1 is met.

Criterion 2, Relation of streets.

The subject property is accessed by Third Street which has a two-lane travel surface as well as curb, gutter and sidewalks on both sides. On street parking is available on both sides of the street as well. 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. Third Street 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. The applicants have advised that since they reside on Cameo Court, approximately 1000 feet from the subject property, they will manage the rental. With this as a condition of approval, Criterion 3 is met.

Criterion 4, Historic, scenic or cultural attributes.

There are no listed historic, scenic or cultural attributes 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 **4th** day of October, 2016.

Gerald Wulkowicz, Chairperson

ATTEST:

Donna Colby-Hanks, Planning Manager

CONDITIONS OF APPROVAL
CUP-4-16
Smithers 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. Smoke detectors must be installed and maintained in accordance with Oregon Revised Statutes 479.250 to 479.300 and Oregon Administrative Rule 837-045-0050.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Conditional Use Permit
FILE NO: CUP-5-16
HEARING DATE: October 4, 2016

REPORT DATE: September 22, 2016
ITEM NO: 5.2

GENERAL INFORMATION

OWNER/APPLICANT: Rhonda Seymour

REQUEST: A short term vacation rental.

TOTAL LAND AREA: 0.13 acre (6,030 sq. ft.)

LOCATION: Subject property is located adjacent to the southern boundary of Railroad Street at its intersection with Matot Street; more specifically 523 Railroad Street.

ASSESSOR'S NUMBER: 41-13-05CC, Tax Lot 1700.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: R-3 (Multiple-family residential).

PROPOSED: Same.

SURROUNDING: Subject property is adjacent to R-3 parcels on the south side of Railroad Street. The parcels on the north side of Railroad Street are zoned General Commercial (C-3).

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 property to the south is developed with a condominium complex, the property to the west is developed with an apartment complex, the property to the east is developed with Curry County Human Services offices. The properties to the north, across Railroad Street, are developed with the Community Food Bank and the Railroad Market & Deli.

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 17.28 – Multiple-Family Residential (R-3)
Chapter 17.124.170 – Short-term rentals
Chapter 17.136 – Conditional Use Permits

BACKGROUND INFORMATION

The subject property is 6,030± sq. ft. in size, located adjacent to the southern boundary of Railroad Street. The property is accessed from Railroad Street which has two paved travel lanes within a 75 foot right-of-way. There are no other improvements in the vicinity of the subject property. However, Railroad Street is scheduled for a city improvement project to break ground in 2018.

PROPOSED CONDITIONAL USE PERMIT

The Applicant is requesting to use the single family dwelling as a Short Term Rental. The R-3 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 state requirements for the placement and upkeep of smoke detectors be followed. This is a proposed condition of approval.

ANALYSIS, FINDINGS, AND CONCLUSIONS

17.136.050 Conditional Use Permit

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

Criterion 1, Adequate size and shape.

The subject property is approximately 6,030 sq. ft in size and contains a single family dwelling with three (3) bedrooms. The dwelling has an attached one-car carport that the applicant has advised will be available to guests. The driveway apron is of sufficient size to accommodate two parking spaces. The applicant has proposed developing a new driveway off Matot Street as well as one additional parking space. The access/parking space improvement from Matot is proposed as a condition of approval. With four or five parking spaces, the property has enough parking area to accommodate the proposed use. Criterion 1 is met.

Criterion 2, Relation of streets.

The subject property is currently accessed by Railroad Street which has a two-lane travel surface within a 75 foot right-of-way. There are no improvements such as curb, gutter and

sidewalks on either side. The City has an improvement project scheduled for 2018 on Railroad Street that will provide for curb, gutter, and sidewalk abutting the subject property.

The subject property is adjacent to Matot Street on the west. The applicant submitted a proposal and received preliminary approval from the City for a new driveway to access the property from Matot Street. The approval requires the new driveway to be located at least 20 feet from the Matot/Railroad intersection and that the improvements connect to the existing sidewalk on the neighboring property to the south. The Railroad Street project includes sidewalk improvements on Matot that will connect to the new proposed driveway creating a complete sidewalk. Pedestrian mobility will be improved with these projects.

Vehicular traffic generated by a short term rental would only be a factor when the dwelling is rented and no traffic would be generated when the unit is vacant. This use involves less traffic than dwellings rented or occupied on a full time basis. Both Railroad and Matot Streets will accommodate the 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. The applicants have advised that citizens residing on Morrison Lane, within the Urban Growth Boundary, will manage the rental. With this as a condition of approval, Criterion 3 is met.

Criterion 4, Historic, scenic or cultural attributes.

There are no listed historic, scenic or cultural attributes 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.

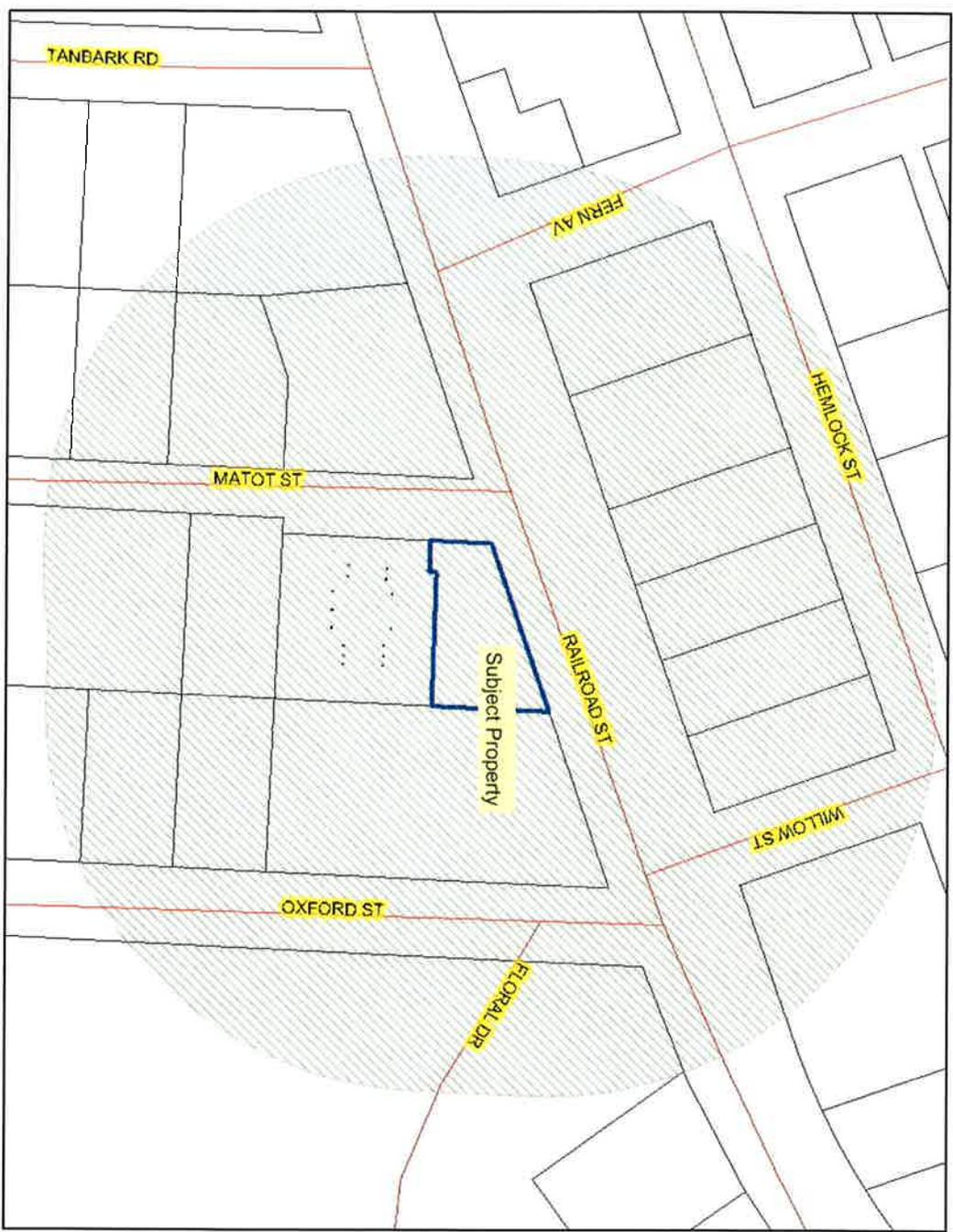
These criteria will be included in the conditions of approval. The Applicant has submitted Findings stating these criteria will be met (**Attachment A**).

RECOMMENDATION

Staff recommends APPROVAL of Case File No. CUP-5-16, 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**).

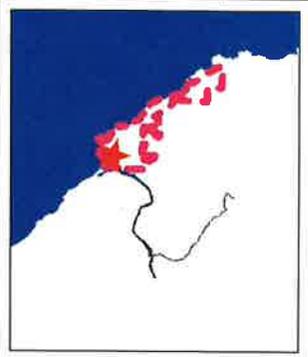
523 Railroad



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



Map center: 42° 3' 3.9" N, 124° 16' 45.8" W



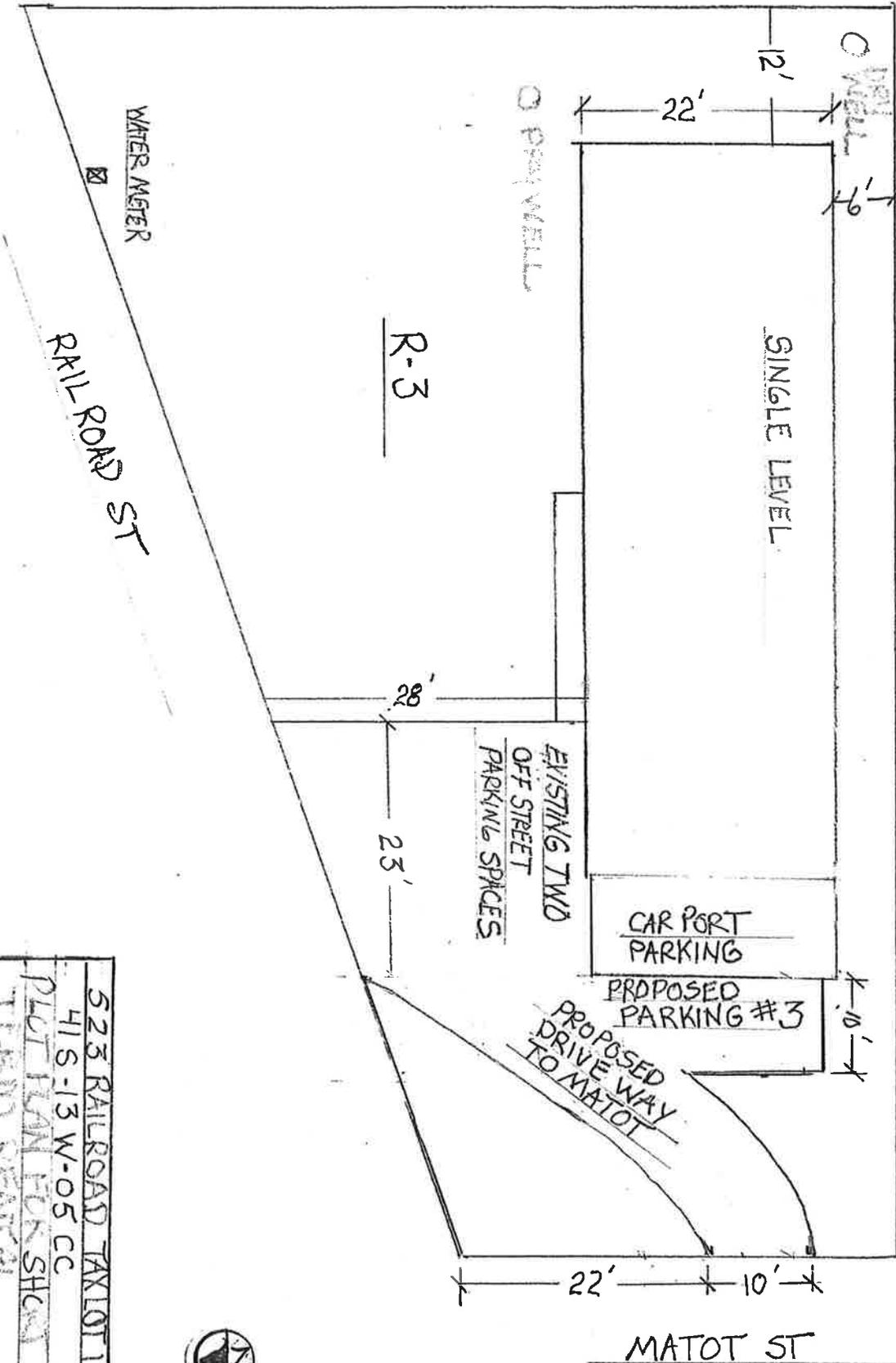
Legend

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



Scale: 1:1,300

Figure 2



523 RAILROAD TAXLOT 170D
415-13 W-05 CC
PLAT MAN FOR SHCA
1:392 sq ft RESIDENCE
BY RANDY WARREN 08/20/16
SCALE
3/4" = 10ft.



FINDINGS FOR A CONDITIONAL USE PERMIT FOR:
SHORT-TERM RENTAL AT 523 RAILROAD ST, BROOKINGS OR 57415
FINDINGS ADDRESSING CRITERIA 17.136.050 (C), AND 17.124.170

1. THE HOME IS 1,392 SQUARE FEET. THE LOT SIZE IS .16 ACRES. THE HOME IS A THREE BEDROOM SINGLE LEVEL RANCH STYLE HOME WITH A CARPORT. THERE ARE TWO OFF STREET PARKING SPACES THAT IN ALL CAN ACCOMADATE THREE CARS. ADDITIONAL PARKING AND DRIVEWAY ACCESS IS BEING PROPOSED FROM MATOT STREET. THE PROPOSED SHORT-TERM RENTAL WILL ACCOMMADATE SIX ADULTS MAKING THE PRESENT OFF STREET PARKING ADAQUATE FOR THE PROPOSED USE.
2. THE PROPOSED SHORT-TERM RENTAL BORDERING RAILROAD STREET HAS ADEQUATE STREET ACCESS TO HANDLE THE QUANTITY AND KIND OF VEHICULAR TRAFFIC THAT WILL BE GENERATED BY THE USE.
3. THIS PROPERTY IS ZONED R-3, WITH CONDOMINIUMS ON THE SOUTH PROPERTY LINE, MATOT STREET ON THE WEST PROPERTY LINE, CURRY COUNTY HUMAN SERVICES ON THE EAST PROPERTY LINE, AND RAILROAD STREET ON THE NORTH PROPERTY LINE. A SHORT-TERM RENTAL WILL HAVE NO ADVERSE AFFECT ON ADJACENT BORDERING PROPERTIES. THE PROPOSED IMPROVEMENTS OF A DRIVEWAY ACCESSING MATOT WILL ALLOW ADDITIONAL GUESTS VEHICULAR EGRESS/INGRESS AND INTERNAL CIRCULATION. CURRENT PEDESTRIAN ACCESS IS ADEQUATE AND FUTURE RAILROAD STREET IMPROVEMENTS WILL INAHNCE PEDESTRIAN ACCESS. THE SET BACKS OF THE HOME ARE ALL WITHIN THE CITY CODE REQUIREMENTS. THERE ARE NO SIGNAGE REQUIREMENTS NEEDED OR PROPOSED FOR THE SHORT TERM RENTAL USE. THERE ARE OUTSIDE POURCH LIGHTS ON BOTH FRONT, SIDE AND REAR DOORS OFFERING ADEQUATE LIGHTING FOR ACCESS THAT DOES NOT AFFECT THE SURROUNDING PROPERTIES. A FENCE WILL BE CONSTRUCTED ALONG RAILROAD STREET ONCE THE CITY IMPROVMENTS ARE DETERMINED.
4. THE PROPOSED HOME IS NOT IN A HISTORICAL OR CULTURAL AREA.
5. UPON APPROVAL, A POST WILL BE PLACED IN THE HOME PROVIDING THE CONTACT INFORMATION OF LOCAL RESIDENTS DONNA AND JIM GREEN (FAMILY) LOCATED AT 15502 MORRISON LANE, HARBOR.

FINDINGS FOR A CONDITIONAL USE PERMIT FOR:
SHORT-TERM RENTAL AT 523 RAILROAD ST, BROOKINGS OR 97415
FINDINGS ADDRESSING CRITERIA 17.136.050 (C), AND 17.124.170
(CONTINUED)

6. UPON APPROVAL, A BUSINESS LICENCE WILL BE OBTAINED AND TRANSIENT TAXES WILL BE PAYED TO THE CITY OF BROOKINGS
7. TRASH SERVICE IS IN PLACE.
8. THE HOME IS UNIQUELY LOCATED TO ALLOW MY GUEST TO ENJOY ALL THAT BROOKINGS HAS TO OFFER WITHOUT ADDING TO ANY ADDITIONAL CAR TRIPS. OVER TWELVE RESTAURANTS, SEVERAL BEACHES (CHETCO POINT, MILL BEACH) AND SHOPS ARE IN WALKING DISTANCE OF THE HOME. WE SUPPORT THE LOCAL BUSINESSES AND RECOMMEND THEM TO ALL GUESTS.
9. THE RENTERS HAVE TO ADHERE TO STRICT HOUSE RULES THAT PROTECT MY NEIGHBORS AND MYSELF. THERE IS NO LOUD NOICE ALLOWED AFTER 10:00 PM. I ALSO HAVE A VERY STRICT POLICY STATING I DO NOT ALLOW PARTIES. I ALSO DO NOT ALLOW MORE THEN 6 PEOPLE TO SLEEP IN THE HOME AT ONE TIME. VIOLATION OF THESE RULES WOULD RESULT IN IMMEDIATE EVICTION OF THE GUEST AND A FORFIET OF THEIR SECURITY DEPOSIT.



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

9/14/2016

CUP change at 523 Railroad St.

Donna,

My only comment in regards to the CUP change, is that the Oregon Administrative Rule, OAR 837-045-0050 and Oregon Revised Statutes, ORS 479.250 to 479.300 with regards to the placement and upkeep of smoke detectors be followed.

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: RHONDA SEYMOUR Date: 8/22/2016
Assessor Map #: 415-13W-05CC Tax Lot: TL1700
Site Address: 523 RAILROAD ST, BROOKINGS OR 97415
Proposal: Subdivision/ Partition Variance
 Conditional Use Permit Other
SHORT TERM RENTAL

II. Utility Provider Confirmation:

Utility Provider: CCEC

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 changes to electrical infrastructure.

Signature: Walter Jung Title: Staking Engineer

Date: 8/23/16



PUBLIC WORKS UTILITY CONFIRMATION FORM

This form must be sign by Public Works Division and then submitted with your application. Bring a copy of your plot plan or plat when discussing your proposal with Public Works.

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

Applicant Name: RHONDA SEYMOUR Date: 8/22/2016
Assessor Map #: 415-13W-05CC Tax Lot: TL1700
Site Address: 523 RAILROAD ST, BROOKINGS OR 97415
Proposal: Subdivision/ Partition Variance
 Conditional Use Permit Other
SHORT TERM RENTAL

II. Utility Information – This section to be filled out and signed by Public Works

City Water Lines – Location and size of existing lines _____
8" MATOT
4" Railroad st
City Sanitary Sewer Lines – Location and size of existing lines _____
8" Railroad St
City Storm Drain Lines – Location and size _____
20" RAILROAD ST

Location and size of proposed utility lines must be submitted by applicant. Plans may need to be prepared by a engineer licensed in the State of Oregon

Required Street Improvement - curb gutter & sidewalk on Matot St. * Permit required for work in R.O.W and must GET approval for new driveway location

Signature JR Snook

Title PWDS DIRECTOR

Date 8/22/16

** portion not included in R.R. STREET project. LOCATE DRIVEWAY minimum 20' from INTERSECTION*

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

**In the matter of Planning Commission File No.) Final ORDER
CUP-4-16; an application for approval of a) and Findings of
Conditional Use Permit to use an existing) Fact
dwelling as a Short Term Rental; Owner,
Rhonda Seymour.**

ORDER Approving an application for a Conditional Use Permit to authorize a Short Term Rental at 523 Railroad Street; Assessor's Map 41-13-05CC, Tax Lot 1700; zoned Multiple-family Residential (R-3).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with the Brookings Municipal Code, pursuant to Section 17.28.040(R), Multiple-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 October 4, 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 September 22, 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 6,030 sq. ft in size and contains a single family dwelling with three (3) bedrooms. The dwelling has an attached one-car carport that the applicant has advised will be available to guests. The driveway apron is of sufficient size to accommodate two parking spaces. The applicant has proposed developing a new driveway off Matot Street as well as one additional parking

space. The access/parking space improvement from Matot is proposed as a condition of approval. With four or five parking spaces, the property has enough parking area to accommodate the proposed use. Criterion 1 is met.

Criterion 2, Relation of streets.

The subject property is currently accessed by Railroad Street which has a two-lane travel surface within a 75 foot right-of-way. There are no improvements such as curb, gutter and sidewalks on either side. The City has an improvement project scheduled for 2018 on Railroad Street that will provide for curb, gutter, and sidewalk abutting the subject property.

The subject property is adjacent to Matot Street on the west. The applicant submitted a proposal and received preliminary approval from the City for a new driveway to access the property from Matot Street. The approval requires the new driveway to be located at least 20 feet from the Matot/Railroad intersection and that the improvements connect to the existing sidewalk on the neighboring property to the south. The Railroad Street project includes sidewalk improvements on Matot that will connect to the new proposed driveway creating a complete sidewalk. Pedestrian mobility will be improved with these projects.

Vehicular traffic generated by a short term rental would only be a factor when the dwelling is rented and no traffic would be generated when the unit is vacant. This use involves less traffic than dwellings rented or occupied on a full time basis. Both Railroad and Matot Streets will accommodate the 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. The applicants have advised that citizens residing on Morrison Lane, within the Urban Growth Boundary, will manage the rental. With this as a condition of approval, Criterion 3 is met.

Criterion 4, Historic, scenic or cultural attributes.

There are no listed historic, scenic or cultural attributes 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 herby made a part of this Final Order.

Dated this **4th** day of October, 2016.

Gerald Wulkowicz, Chairperson

ATTEST:

Donna Colby-Hanks, Planning Manager

CONDITIONS OF APPROVAL
CUP-5-16
Seymour 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. Smoke detectors must be installed and maintained in accordance with Oregon Revised Statutes 479.250 to 479.300 and Oregon Administrative Rule 837-045-0050.
10. The new parking space and driveway providing access to Matot Street must be constructed as approved by the City. All surfaces used for parking and maneuvering of vehicles shall have a dust-free, asphaltic or concrete surface, or other materials approved by the site plan committee.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-1-16
HEARING DATE: October 4, 2016

REPORT DATE: September 22, 2016
ITEM NO: 5.3

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.124.170 Specific Standards Applying to Conditional Uses, Short-term rentals, to disallow the permit to be transferred upon sale of the property, Brookings Municipal Code (BMC).

PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

The Planning Commission expressed concern with the lack of limitations on short-term rentals. After receiving support from Site Plan Committee, the Planning Commission conducted a workshop acting in their role of *Committee for Citizen Involvement* on May 26, 2016 to consider revisions to the approval criteria. The Planning Commission directed staff to conduct additional research regarding separation distances and to draft language to disallow the transfer of an approved conditional use permit upon sale of a subject property.

Staff contacted Dave Perry, the south coast representative for the Department of Land Conservation and Development. Perry advised that the revision would require a Measure 56 Notice to be mailed to each affected property owner within 20 to 40 days of the initial hearing on the matter. The notice is required to advise property owners that the adoption of the proposed regulation may affect the permissible uses of the property and may change the value of their property. This would affect approximately 3,407 properties.

Due to the financial impact a Measure 56 notice would have, the matter was discussed at the July 6, 2016 City Council Workshop. During the discussion, City Council indicated that at this time the number of short-term rentals was such a low percentage that the expense for mailing the notice was not warranted. Therefore, separation requirements are not being proposed.

Of the six cities identified that address short-term rentals, five do not allow the approval to transfer with a change of ownership of the property. This is a proposed criteria. See draft text in **Attachment A**. This criteria would only applied to those short-term rental permits issued after the adoption of this amendment. All previously approved short-term rentals would continue to be transferred with a change in ownership of the property.

RECOMMENDATION

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-1-16, revisions to BMC Chapter 17.124.170 Specific Standards Applying to Conditional Uses, Short-term rentals to add criteria disallowing the transfer of an approved conditional use permit for a short-term rental upon sale of the property.

Proposed new text is **bold**.

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 within the Brookings urban growth boundary, who has the authority to make or have repairs made, resolve disputes and/or terminate occupancy if necessary.

D. Representative's name and telephone number shall be posted within the dwelling.

E. Applicant shall subscribe to a scheduled waste collection service and provide garbage receptacles on the property.

F. Short-term rental conditional use permits are specific to the owner of the dwelling unit. The approved conditional use permit shall not run with the land, but shall terminate with the sale or transfer of the real property.

MINUTES
BROOKINGS PLANNING COMMISSION
August 2, 2016

The regular meeting of the Brookings Planning Commission was called to order by Acting Chair Gerry Wulkowicz 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, Cheryl McMahan, Gerry Wulkowicz, Ray Hunter,
Joseph Vogl

Staff Present: Planning Manager - Donna Colby-Hanks; Administrator - Lauri Ziemer; City
Manager - Gary Milliman; City Attorney - Martha Rice

Others Present: 10 audience members

PLANNING COMMISSION BUSINESS

City Manager Gary Milliman introduced City Attorney Martha Rice. Rice provided a handout to the Planning Commission, reviewed the history of public meeting laws, and explained land use decisions. The Commission thanked both Milliman and Rice for attending the meeting to present the information.

PUBLIC HEARINGS

Public hearing procedures were addressed by Acting Chair Wulkowicz.

- Acting Chair Wulkowicz opened the quasi-judicial hearing regarding File No. CPZ-2-16.

File Description: In the matter of the File No. **CPZ-2-16**, Owner: David and Janet Snazuk, Representative: John Bischoff, Wildwood Planning have requested a zone change from Single Family Residential (R-1-6) to Multiple-Family Residential (R-3) on approximately 4.22 acres of a 5.17 acre parcel located at 302 Lundeen Road, Assessors Map 41-13-05B Tax lot 1403. The criteria used to decide this matter can be found in Chapter 17.140 Amendments 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 7:29pm. Planning Manager Colby-Hanks reviewed the staff report. Commissioner Wulkowicz asked if it would be clearer if the zone boundary were described by mete and bounds.

The representative, John Bischoff, Wildwood Planning, verified that the Planning Commission had received the addendum that requested the zoning for the western 4.22 acres of the parcel be changed to R-3. The eastern portion would remain R-1-6 and act as a buffer to the existing single family dwellings. Bischoff discussed the maximum number of dwelling units that could be sited on the property.

Richard Wise, P.O. Box 7682 Brookings spoke in support of the application but questioned the property being split zone. Wise owns a parcel to the east and described the issues that he has encountered in development of his property. Colby-Hanks explained that the Wise property was more challenging as it is located within both the City and Curry County. Wise confers with two jurisdictions for development. The Department of Land Conservation and Development representative, Dave Perry, was contacted regarding the split zone proposal. Perry did not see any issues and felt the R-1-6 portion of the subject property would provide a buffer.

Ted Freeman, Jr, 357 Gardner Ridge Road, Brookings supported the application. Freeman stated his employees are struggling to find apartments and the R-3 zone would provide for needed housing.

There was no one in opposition and no interested parties. Applicant, David Snazuk, P.O. Box 1096, Gold Beach, OR 97444 provided rebuttal and stated that the zone boundary was a surveyed easement.

No participant requested additional time to submit materials and the representative did not request additional time for written rebuttal. The public hearing was closed at 7:55pm.

The Commission deliberated on the matter . By a 5-0 vote (motion: Wulkowicz, 2nd Vogl) the Planning Commission voted to approve File No. CPZ-2-16 to authorize a zone change from R-1-6 to R-3 on the western 4.22 acres of property identified as Assessor's map 41-13-05B; tax lot 1403 located at 302 Lundeen Road, based on the findings and conclusions stated in the staff report and subject to the condition of approval as well as the addition of a condition that the zone boundary be described by metes and bounds.

Commissioner McMahan made a motion to approve the final order with the additional condition of approval, which was seconded by Hunter. The final order was approved by unanimous vote.

- Acting Chair Wulkowicz opened the quasi-judicial hearing regarding File No. APP-1-16.

File Description: In the matter of File No. **APP-1-16**, an appeal of the Public Art Committee's (PAC) denial of a mural permit for a mural proposed at 630 Fleet Street in the General Commercial (C-3) District, Appellant: K. Kresa, Representative: D. Flanagan. The criteria used to decide this matter is found in Chapter 17.156, Appeal to Planning Commission, of the BMC and Resolution 13-R-998. 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 7:27pm. Planning Manager Colby-Hanks reviewed the staff report. The representative, David Flanagan, 1013 7th Street, Sacramento, CA, explained the artist, Kathleen Kresa, was his sister. He stated there was a conflict of interest with the Public Art Committee and the other mural permit should be expired. Flanagan explained that there are currently no murals in the neighborhood.

There was no one in opposition and no interested parties. No participant requested additional time to submit materials and the representative did not request additional time for written rebuttal. The public hearing was closed at 8:20pm.

The Planning Commission deliberated on the matter discussing the written findings provided by the appellant as well as the documentation regarding progress on the 2014 mural. Tony Barron, Brooking Parks & Technical Services Supervisor, explained that the 2014 mural continues to make progress as indicated by the PAC minutes. By a 5-0 vote (motion: McMahan, 2nd Hunter) the Planning Commission voted to approve File No. APP-1-16 and overturn the Public Art Committee's decision to deny the mural application on property identified as Assessor's map 41-13-06DA; tax lot 10100, bases on the appellant's findings, the findings and conclusions stated in the staff report, the Planning Commissions conclusions and subject to the conditions of approval. Commissioner Wulkowicz made a motion to approve the final order, which was seconded by Commissioner McMahan. The final order was approved by unanimous vote.

- Acting Chair Wulkowicz opened the legislative hearing regarding File No. LDC-2-16.

File Description: In the matter of File No. **LDC-2-16**, revision of BMC Section 17.124.140 Specific Standards Applying to Conditional Uses, Bed and breakfast facilities to clarify this section applies to bed and breakfast facilities renting more than one room and Section 17.104.030, Home Occupation Criteria to add a one room bed and breakfast. City initiated. The criteria used to decide this matter are found in Chapter 17.140 Amendments, of the BMC. This is a legislative hearing and the Planning Commission will make a recommendation to City Council on the matter.

There was no 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 8:29pm. Planning Manager Colby-Hanks reviewed the staff report.

Ilona Gyurko, 19 Otter Terrace, Brookings, stated she was supportive of the code change and felt this would be good for Brookings. Mary Geyer, 3 Otter Terrace, Brookings, stated that she was supportive of this and felt the reduced fee for a home occupation is more reflective of the level of income from the use.

There was no one in opposition and no interested parties. No participant requested additional time to submit materials. The public hearing was closed at 8:42pm.

The Planning Commission deliberated on the matter discussing the best way for citizens utilizing this provision to become aware of any requirement for changes to their homeowners insurance. Due to no other application having this requirement, Staff will conduct research on the matter.

By a 5-0 vote (motion: Wulkowicz, 2nd Vogl) the Planning Commission voted to made a positive recommendation to City Council on File No. LDC-2-16 for revisions to BMC Section 17.124.140 Specific Standards Applying to Conditional Uses, Bed and breakfast facilities to clarify this section applies to bed and breakfast facilities renting more than one room and Section 17.104.030, Home Occupation Criteria to add a one room bed and breakfast.

APPROVAL of MINUTES

By a 3-0 vote (motion: Hartzell, 2nd Rings) the Planning Commission approved the minutes of the July 5, 2016 Planning Commission meeting as presented. Commissioners Hunter and Vogl abstained due to being absent from the meeting.

STAFF REPORT

The September meeting will be cancelled due to a lack of applications. A code revision regarding short-term rentals will be ready for the October meeting.

ADJOURNMENT

Meeting adjourned at 8:50 pm.
Respectfully submitted,

Gerald Wulkowicz, Chair of the Brookings Planning Commission
(Approved at the 10/04/16 meeting)