

Planning Commission Agenda
June 6, 2017 , 7:00 pm City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415

1. Call To Order
2. Pledge Of Allegiance
3. Roll Call
4. Planning Commission Chairperson Announcements
5. Public Hearings
 - 5.I. In The Matter Of File No. CUP-3-17,
a request for approval of a Conditional Use Permit to operate a Short-term Rental facility at 1585 Beach Avenue, a 0.25 acre parcel located on Assessor's Map No. 41-13-01AA; tax lot 201. The applicant is Mark Vollmer/Owner is William J. Hoppe. 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:

[6-6-17 PC STAFF REPORT.PDF](#)
[6-6-17 PC FINDINGS.PDF](#)
[6-6-17 PC UTILITIES.PDF](#)
[6-6-17 PC PUBLIC COMMENT.PDF](#)
[6-6-17 PC FINAL ORDER.PDF](#)

6. Minutes For Approval
 - 6.I. Minutes Of Regular Planning Commission Meeting Of April 4, 2017

Documents:

[4-4-17 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-3-17
HEARING DATE: June 6, 2017

REPORT DATE: May 30, 2017
ITEM NO: 5.1

GENERAL INFORMATION

APPLICANT: Mark Vollmer.

PROPERTY OWNER: William J. Hoppe.

REQUEST: Authorize use of an existing single family dwelling as a Short-term Rental.

TOTAL LAND AREA: 0.25 acres/10,890 square feet

LOCATION: Subject property is located west of Beach Avenue and adjacent to the Pacific Ocean, more specifically 1585 Beach Avenue.

ASSESSOR'S NUMBER: 41-11-01AA, Tax Lot 201.

ZONING / COMPREHENSIVE PLAN INFORMATION

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

PROPOSED: Same.

SURROUNDING: Subject property is surrounded by R-1 (Single-family residential) zoned.

COMP. PLAN: Residential.

LAND USE INFORMATION

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

PROPOSED: A Short-term Rental in the existing single family dwelling.

SURROUNDING: The subject property is surrounded by residentially developed parcels with the exception of the adjacent parcel to the northwest which is vacant.

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

APPLICABLE CRITERIA: Land Development Code – Ordinance No. 06-O-572
Chapter 17.20.040(Q) – Single-Family Residential (R-1)
Chapter 17.124.170 – Short-term Rental
Chapter 17.136 – Conditional Use Permits

BACKGROUND INFORMATION

The subject property is irregular in shape, 0.25 acre in size and located on the west side of Beach Avenue, adjacent to the ocean. The property is accessed from Beach Avenue, which has a paved travel surface approximately 20 ft. in width. There are no other improvements such as sidewalks. The property is developed with a single-family dwelling, constructed in 1965. The dwelling contains approximately 2,464 square feet of living area.

PROPOSED CONDITIONAL USE PERMIT

The applicant is requesting to use the single-family dwelling as a Short-term Rental. The R-1-6 zone allows for Short-term Rentals with approval of a Conditional Use Permit. Standards for Short-term Rentals are found in 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, request's that state requirements for the placement and upkeep of smoke detectors and carbon monoxide alarms be followed. This is a proposed Condition of Approval.

ANALYSIS, FINDINGS, AND CONCLUSIONS

17.136.050 Conditional Use Permit

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

Criterion 1, Adequate size and shape.

The subject property is approximately 10,890 square feet in size and contains a single-family dwelling with four (4) bedrooms. Based on similar uses, four or five off-street vehicle parking spaces are needed in order for the subject property to accommodate the proposed Short-term Rental. The dwelling unit has an existing half circle driveway used for access and parking. The driveway and parking area is large enough to accommodate approximately eight off-street vehicle parking spaces. In addition, the applicant states in the findings there are eight vehicle parking spaces (**Figure 3**). There are adequate parking spaces to meet Criterion 1.

Criterion 2, Relation of streets.

The subject property is accessed by Beach Avenue, which has a paved travel surface of 20 feet with no other improvements. This street provides access to approximately 10 dwelling units and has the potential to provide access to several vacant parcels. Jim Watson, Operations Fire Chief, has provided comments (**Attachment B**) regarding the request. He requests that the property address be visible from Beach Avenue and that smoke detectors and Carbon Monoxide alarms be maintained in accordance with Oregon Administrative Rules, Division 46 and 47. These are proposed as Conditions of Approval.

Beach Avenue is accessed to the south of the subject property. The dedication of additional right-

of-way or street improvements would not be beneficial. A proposed Condition of Approval will prohibit guests from parking on the street.

Vehicular traffic generated by a Short-term Rental would only be a factor when the dwelling unit 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. Beach Avenue 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 Short-term Rental, pursuant to the provisions of BMC 17.124.170, who has the authority to resolve issues that may arise from the operation of the dwelling as a Short-term Rental. The applicants have advised that a manger residing on Hemlock Street, within the city limits, will manage the rental. With this as a Condition of Approval, Criterion 3 is met.

Criterion 4, Historic, scenic or cultural attributes.

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

Criterion 5, Comprehensive Plan.

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

BMC 17.124.170 Short Term Rentals

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

- A. The property owner or holder shall obtain a business license from the City of Brookings and register the dwelling on a separate form.
- B. A transient room tax will be applied pursuant to Chapter 3.10 BMC.
- C. The property owner shall provide the name, address and telephone number of a local representative, either a property management business or an individual 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**).

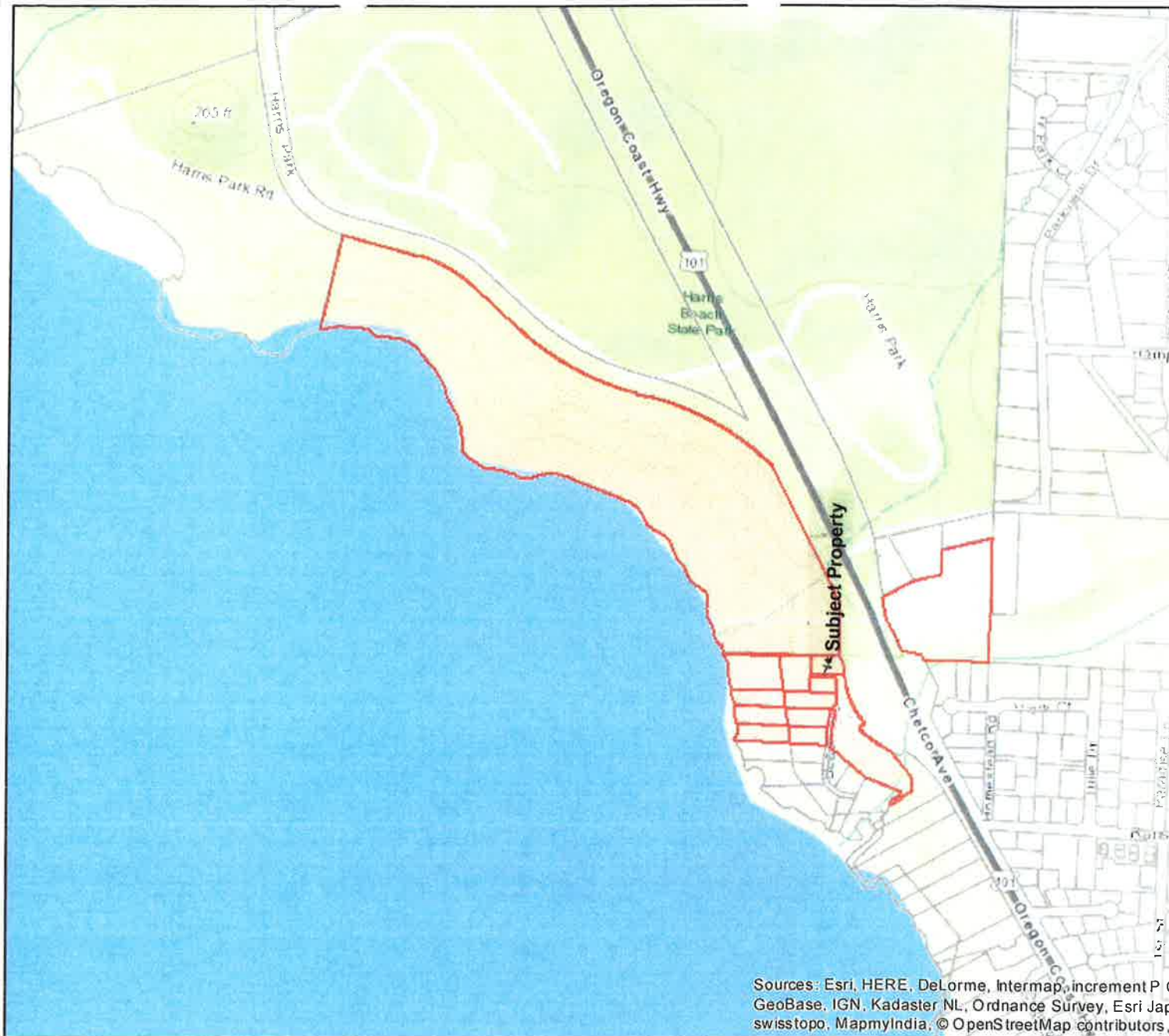
A letter was received from the property owner of 1565 Beach Avenue, Walter and Sara Seput

(Attachment C). They expressed concerns regarding the vehicle traffic generated by short-term rentals in the neighborhood. The applicants are required to provide all vehicle parking on-site in order to address the specific concern regarding ingress and egress to neighboring properties. Since a short-term rental is occupied on an irregular basis the impacts of vehicle traffic can be expected to be less than that generated by a permanent full-time residence overall.

RECOMMENDATION

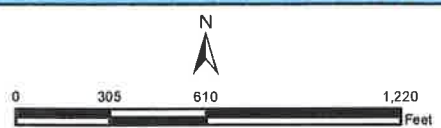
Staff recommends APPROVAL of CUP-3-17, based on the findings and conclusions stated in the applicant's findings, the staff report, and subject to the Conditions of Approval.

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



Sources: Esri, HERE, DeLorme, Intermap, increment P
GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Jap
swisstopo, MapmyIndia, © OpenStreetMap contributors,

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CUP-3-17 /

Figure 1

Figure 2

Down Stairs

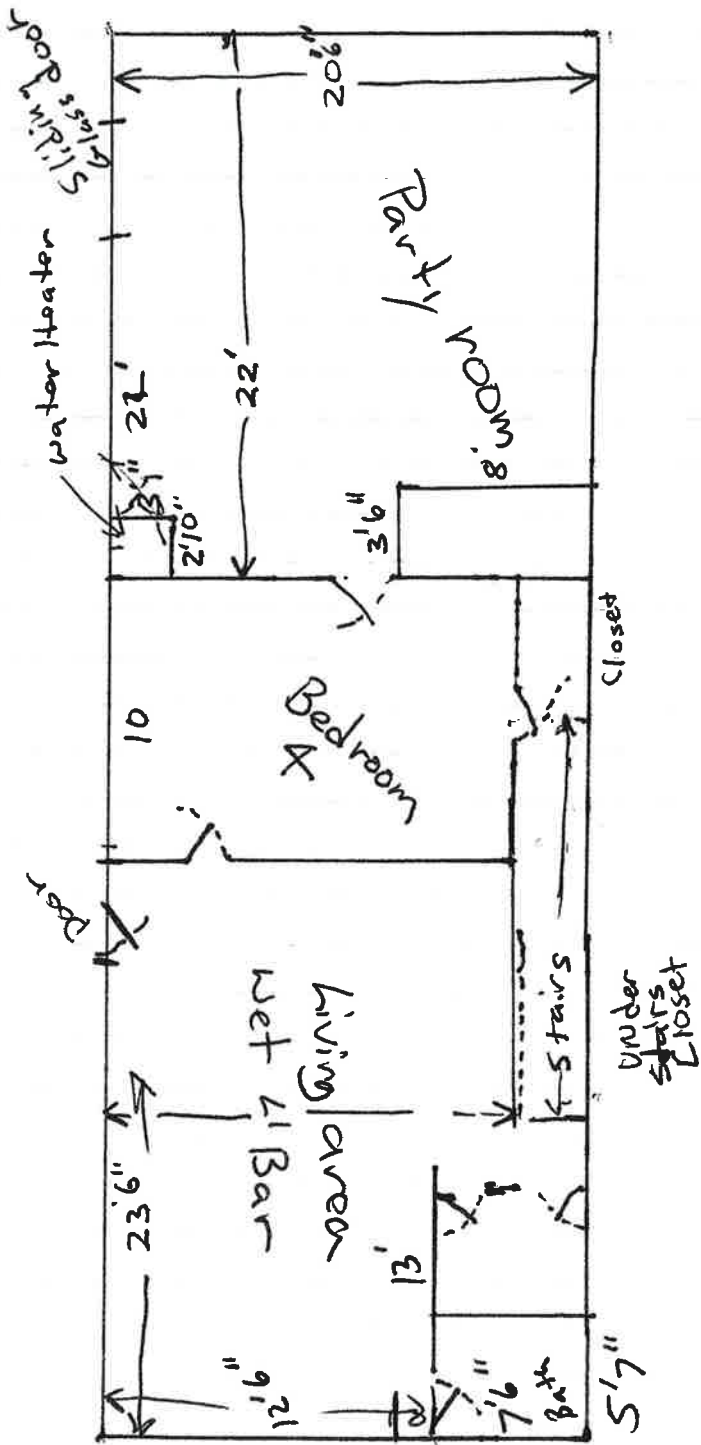
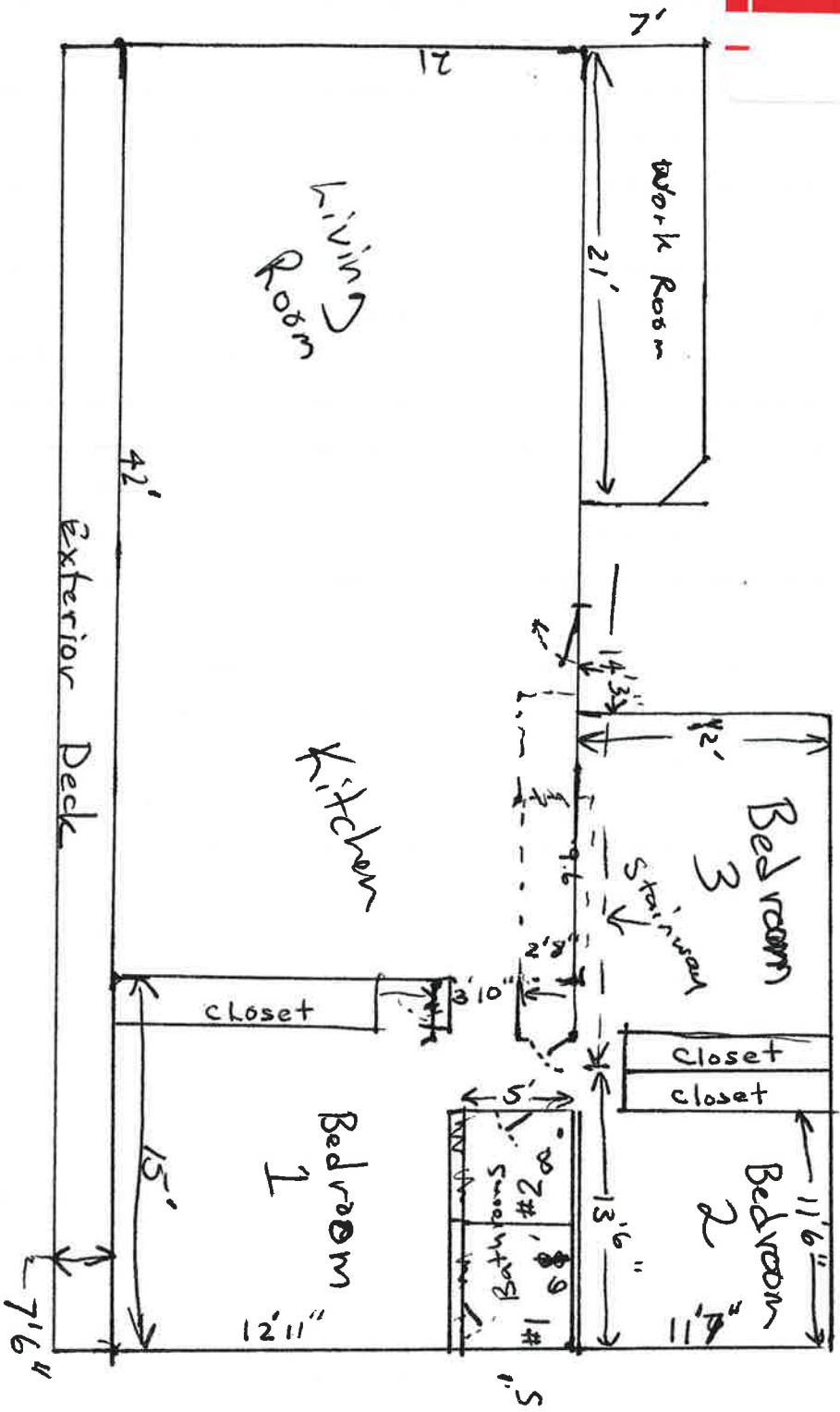
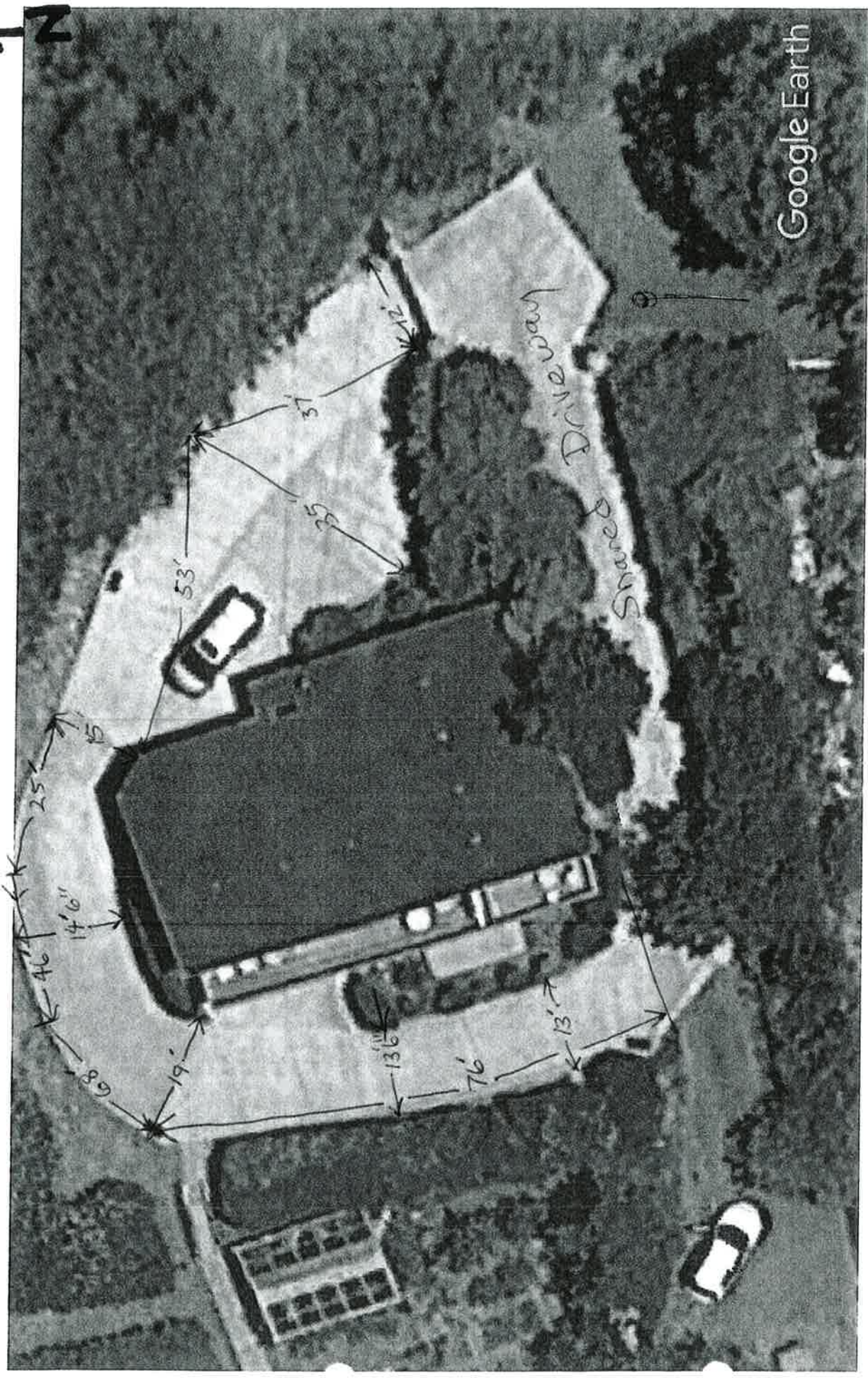


Figure 2

2nd FLOOR (Main Floor)





Google Earth



Google Earth



Figure 3

Conditional Use Permit Application Findings
1585 Beach Avenue, Brookings, Oregon
Proposal for use as a Vacation Rental

17.124.170 Findings

- A. A Business License Application has been submitted and will be kept current.
- B. Transient Tax will be collected and submitted by the Property Manager each month.

C. Local Representative:

Paragon Property Management, Contact Person Holly Hatch
PO BOX 4171
520 Hemlock Street
Brookings, OR 97415
Office Phone: 541-412-7995 After Hours Phone: 541-412-6249

D. Contact information for the Property Manager will be posted within the dwelling and is also provided to each guest on their registration information.

E. Curry Transfer and Recycling will be providing waste collection services.

F. Noted

Conditional Use Permit Application Findings
1585 Beach Avenue, Brookings, Oregon
Proposal for use as a Vacation Rental

17.136.050 Findings

C.1. The intent is to utilize this property as a vacation rental for 8-10 guests. The home has 4 bedrooms, 3 bathrooms, and adequate room for a group this size. The exterior space includes a private stairway to Harris Beach as well as ample parking (sufficient for 8-10 vehicles) on the circular driveway. Please reference photos.

C.2. Traffic should consist of passenger cars and similarly-sized vehicles. RV parking will not be allowed.

C.3. The adverse impact on adjoining properties will be minimal. As stated in C.1 and C.2, there is ample parking inside the property boundaries, a circular driveway allows two property accesses, and the size of vehicle allowed will be limited. In addition, two other properties on Beach Avenue are already being used as short-term rental properties. The use of this property will fall in line with what is already established in the neighborhood.

C.4. This property is not designated as a Historical, Scenic, or Cultural site, and there are no additional proposed structures at this time.

C.5. The Comprehensive Plan is residential and short-term rentals are considered a residential use so the use is in compliance with the Plan.



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



4/28/2017

To: Donna/Mark

RE: CUP change at 1585 Beach Ave.

My only comments in regards to the CUP for a short term rental, is that the Oregon Administrative Rules, Division 46 regarding smoke detectors and Oregon Administrative rules, Division 47 regarding Carbon Monoxide alarms be followed.

That the address be able to be seen from the street either before or on the gate. I have driven down there twice and the first time I could not find the residence in the application until I looked on a map.

Jim Watson
Operations Fire Chief
Brookings Fire & Rescue

Your Safety Is Our Business



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: Mark Vollmer Date: 4/17/17
Assessor Map #: 41.14-01AA Tax Lot: 201
Site Address: 1585 Beach Avenue
Proposal: Subdivision/ Partition Variance
 Conditional Use Permit Other

II. Utility Provider Confirmation:

Utility Provider: Coos Curry Electric Coop. Inc. (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.

Signature: Walter Jurczak Title: Staking Engineer
Date: 4-18-17

There are no proposed modifications to the existing electric utility infrastructure. Contact CCEC if there are changes.

Attachment C

May 26, 2017

Brookings Planning Department
898 Elk Drive
Brookings, Or 97415

Re: Request for approval of a Conditional Use Permit to operate a Short-term Rental at 1585 Beach Ave-file number CUP-3-17

To whom it may concern:

We own the property at 1565 Beach Avenue.

Beach Avenue is not designed for two way traffic. The street from highway 101 to the bike path is improved to a condition whereby two vehicles can pass, barely. After that point, the road becomes very narrow and there is a blind turn. The road is steep and you must rely on mirrors to make sure another vehicle is not approaching. Two cars cannot pass each other; in effect it becomes a blind corner to a one way road on a steep hill.

Within the last year, one vehicle coming down Beach Avenue, missed the curve and dropped almost 20 feet (over our retaining wall)...fortunately no one was seriously hurt. A police report was filed.

There is currently a bed and breakfast at 1545 Beach Avenue and another operating vacation rental at 1535 Beach Avenue. This is two out of nine existing houses in this single family area. The street is not designed for this sort of traffic, especially from people unfamiliar with the road.

Additionally there is almost no off street parking in this area. Anyone not parking within the gate of the subject property, who attempts off street parking, effects ingress and egress to neighboring properties including those attempting to turn south at the bottom of the hill.

This simply is not the correct location to approve a request for a conditional use permit. We are unable to attend the meeting and thank you in advance for your consideration of our comments.

Sincerely



Walter and Sara Seput
1565 Beach Avenue



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

In the matter of Planning Commission File No.) Final ORDER
CUP-3-17; an application for approval of a) and Findings of
Conditional Use Permit to use an existing) Fact
dwelling as a Short-term Rental; Owner,)
William J. Hoppe and Applicant, Mark)
Vollmer.

ORDER Approving an application for a Conditional Use Permit to authorize a Short-term Rental at 1585 Beach Avenue; Assessor's Map 41-14-01AA, Tax Lot 201; zoned Single-family Residential (R-1).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with the Brookings Municipal Code, pursuant to Section 17.20.040(Q), Single-family Residential; Section 17.124.170, Short-term Rentals; Chapter 17.136, Conditional Use Permits; and
2. Such application is required to show evidence that all of the above criteria have been met; and
3. The Brookings Planning Commission duly set this matter upon the agenda of a public meeting and considered the above described application with the public hearing a matter of record of the Planning Commission meeting of June 6, 2017; and
4. At the public meeting on said Conditional Use Permit application, evidence and testimony was presented by the Applicant and recommendations were received from and presented by staff in the form of a Staff Report, dated May 30, 2017 and oral presentation of same; and
5. At the conclusion of the public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and **APPROVED** the request for the subject Conditional Use Permit and directed staff to prepare a Final Order and Findings of Fact to that affect.

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

CRITERIA, FINDINGS, AND CONCLUSIONS

17.136.050 Conditional Use Permit

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

Criterion I, Adequate size and shape.

The subject property is approximately 10,890 square feet in size and contains a single-family dwelling with four (4) bedrooms. Based on similar uses, four or five off-street vehicle parking spaces are needed in order for the subject property to accommodate the proposed Short-term Rental. The dwelling unit has an existing half circle driveway used for access and parking. The driveway and parking area is

large enough to accommodate approximately eight off-street vehicle parking spaces. In addition, the applicant states in the findings there are eight vehicle parking spaces (**Figure 3**). There are adequate parking spaces to meet Criterion 1.

Criterion 2, Relation of streets.

The subject property is accessed by Beach Avenue, which has a paved travel surface of 20 feet with no other improvements. This street provides access to approximately 10 dwelling units and has the potential to provide access to several vacant parcels. Jim Watson, Operations Fire Chief, has provided comments (**Attachment B**) regarding the request. He requests that the property address be visible from Beach Avenue and that smoke detectors and Carbon Monoxide alarms be maintained in accordance with Oregon Administrative Rules, Division 46 and 47. These are proposed as Conditions of Approval.

Beach Avenue is accessed to the south of the subject property. The dedication of additional right-of-way or street improvements would not be beneficial. A proposed Condition of Approval will prohibit guests from parking on the street.

Vehicular traffic generated by a Short-term Rental would only be a factor when the dwelling unit 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. Beach Avenue 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 Short-term Rental, pursuant to the provisions of BMC 17.124.170, who has the authority to resolve issues that may arise from the operation of the dwelling as a Short-term Rental. The applicants have advised that a manager residing on Hemlock Street, within the city limits, will manage the rental. With this as a condition of approval, Criterion 3 is met.

Criterion 4, Historic, scenic or cultural attributes.

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

Criterion 5, Comprehensive Plan.

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

BMC 17.124.170 Short Term Rentals

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

- A. The property owner or holder shall obtain a business license from the City of Brookings and register the dwelling on a separate form.
- B. A transient room tax will be applied pursuant to Chapter 3.10 BMC.
- C. The property owner shall provide the name, address and telephone number of a local

representative, either a property management business or an individual living in the Brookings Urban Growth Boundary, who has the authority to, make or have repairs made, resolve disputes and/or terminate occupancy if necessary.

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

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

CONDITIONS OF APPROVAL

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

Dated this 6th day of June, 2017.

Bryan Tillung, Chairperson

ATTEST:

Mark Schexnayder, Community Planner

CONDITIONS OF APPROVAL
CUP-3-17
Vollmer/Hoppe Short-Term Rental

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

MINUTES
BROOKINGS PLANNING COMMISSION
April 4, 2017

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, Cheryl McMahan, Gerry Wulkowicz, Skip Hunter, Tim Hartzell, Bryan Tillung, Joseph Vogel

Staff Present: Planning Manager - Donna Colby-Hanks; Administrator - Lauri Ziemer

Others Present: 7 audience members

PUBLIC HEARINGS

Public hearing procedures were addressed by Chair Tillung.

- Chair Tillung opened the quasi-judicial hearing regarding File No. CUP-1-17.

File Description: In the matter of the File No. **CUP-1-17**, a request for approval of a conditional use permit to operate a bed and breakfast facility at 3 Otter Terrace, a 0.41 acre parcel located on Assessor's Map No. 41-13-08BB; tax lot 2001. Applicant is Mary Geyer/Owner is Donald Frank. The criteria used to decide this matter are found in Section 17.124.140 - Bed & breakfast facilities, Chapter 17.136 - Conditional Uses, and Section 17.20.040(N) 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.

There was no ex parte contact or conflict of interest declared. Commissioner Vogel declared that he had a social relationship with the applicant and recused himself from the matter. The public hearing was opened at 7:03pm. Planning Manager Colby-Hanks reviewed the staff report and entered Exhibit B, testimony from Zoltan Gyurko into the record. The concerns raised by Gyurko were addressed with suggestions for several additional conditions of approval.

Mary Geyer, 3 Otter Terrace, Brookings, stated she was the applicant and was there to answer any questions. The Commissioners asked questions regarding the parking are in front of the garage and the rental of rooms. Geyer explained the dwelling is currently being rented long term.

Iлона Gyurko, 19 Otter Terrace, Brookings stated she lived adjacent to the property and had concerns about traffic. She requested that a condition of approval be the removal of a parked trailer. She advised that the garage was being used for storage and would not be available for vehicles unless emptied.

Kristy Kleespies, 25 Otter Terrace, Brookings stated she had no comments.

Geyer, in rebuttal, advised that currently the dwelling was being rented long term.

APPROVAL of MINUTES

By a 6-0 vote (motion: Rings, 2nd Wulkowicz) the Planning Commission approved the minutes of the February 7, 2017 Planning Commission meeting as presented. Commissioner Vogel abstained due to being absent from the meeting.

STAFF REPORT

Staff presented the 2016 Committee for Citizen Involvement report and noted the number of survey responses increases each year. The survey is mailed directly to all meeting participants. The number of citizens signed up from the city's webpage to receive direct notification of meeting matters has increased as well. Following a formatting correction identified by Chair Wulkowicz, the Commission voted (motion: Wulkowicz, 2nd MaMahan) to accept the CCI annual report and forward to City Council.

No applications have been received and the March Planning Commission meeting will be cancelled. Commissioners Wulkowicz and Hartzell's terms are expiring on April 1, 2017. Staff encouraged them to reapply for the positions.

ADJOURNMENT

Meeting adjourned at 8:34 pm.

Respectfully submitted,

Bryan Tillung, Chair of the Brookings Planning Commission
(Approved at the 06/06/2017 meeting)