

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

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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.MC-1-16/CUP-1-05

In the matter of File No. **MC-1-16/CUP-1-05**, a request for a minor change to an approved conditional use permit to operate an auto lubrication and car wash facility. The minor change is to remove the requirement for the access easement to be named. The subject property is a 1.57 acre parcel; located at 336 Fifth Street; Assessor's Map 41-13-06DB, tax lot 1600; zoned General Commercial (C-3). Applicant, City of Brookings and owner, Newcomb. The criteria used to decide this matter are found in Chapter 17.52.040 General Commercial Conditional Uses, Chapter 17.136.140 Conditional Use Permits Minor Change, and Chapter 17.116.090 Minor Change of the Brookings Municipal Code (BMC). This is a quasi-judicial hearing and the Planning Commission will make a decision on this matter.

Documents:

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

6. Minutes For Approval

6.I. Minutes Of Regular Planning Commission Meeting May 3, 2016

Documents:

[5-3-16 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: MC-1-16/CUP-1-05  
HEARING DATE: June 7, 2016

REPORT DATE: May 26, 2016  
ITEM NO: 5.1

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**GENERAL INFORMATION**

OWNER: Mark Newcombe, Four N

APPLICANT: City of Brookings

REQUEST: Minor change to an approved conditional use permit to remove the condition to name the access easement.

TOTAL LAND AREA: 1.57 acre

LOCATION: Subject property is located on the east side of Fifth Street between Kentucky Fried Chicken and U.S. Bank. More specifically 336 Fifth Street.

ASSESSOR'S NUMBER: 41-13-06DB, Tax Lot 1600.

**ZONING / COMPREHENSIVE PLAN INFORMATION**

EXISTING: General Commercial (C-3)

PROPOSED: Same.

SURROUNDING: Subject property is surrounded by other parcels zoned C-3.

COMP. PLAN: Commercial.

**LAND USE INFORMATION**

EXISTING: Subject property is developed with a fast lube and car wash facility.

PROPOSED: Same.

SURROUNDING: The subject property is surrounded with commercial uses of various types.

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 17.52.040(C) General Commercial (C-3) Conditional uses.  
Chapter 17.136.140 – Conditional Use Permits, minor change  
Chapter 17.116.090 Minor Change

## **BACKGROUND INFORMATION**

During a recent proposal for development of property adjacent to Railroad Street and Henry Loop, the City discovered that Henry Loop is not on any formal maps. The maps used by emergency and delivery services as well as service providers do not include Henry Loop. It is not a platted street, either city or private, but is an access easement. The easement was created as a component of partition approvals to provide connectivity to the surrounding properties.

In 2005, Oil Can Henry's submitted an application to City for a Conditional Use Permit (CUP) to operate a fast lube and car wash facility. Their proposal was reviewed and received approval from the Planning Commission. In addition to the conditions of approval drafted by staff, the Planning Commission required the applicant to name the access easement (Henry Loop) and install street signs. There is no information in the record or the minutes to indicate why the Planning Commission felt this would be beneficial for the surrounding neighborhood.

With the vacant property located at 840 Railroad proposed for development of a Veterans Affairs (VA) clinic and to avoid confusion, it was proposed by Site Plan Committee to have the street name signs removed. This requires a minor change to the approved CUP.

## **ANALYSIS, FINDINGS, AND CONCLUSIONS**

### **17.136.140 Minor change.**

*A minor change to the approved conditional use permit may be allowed through the procedure set forth in BMC 17.116.090.*

### **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.*

This request is city initiated due to Staff safety concerns and no filing fee was required.

*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.*

The proposed removal of the street signs does not change the physical site plan of the project. Removal of the street signs are proposed to avoid confusion for emergency service providers (fire, police, ambulance) as well as general service providers such as Coos-Curry Electric, Frontier Communications, and Charter Communications. The street name, Henry Loop, does not appear on any of their maps.

Jim Watson, the Operations Fire Chief, has provided comments (**Attachment A**) regarding the minor change request. Maintaining the address as discussed by Watson is a requirement of the fire code under the authority of the Fire Chief.

*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.*

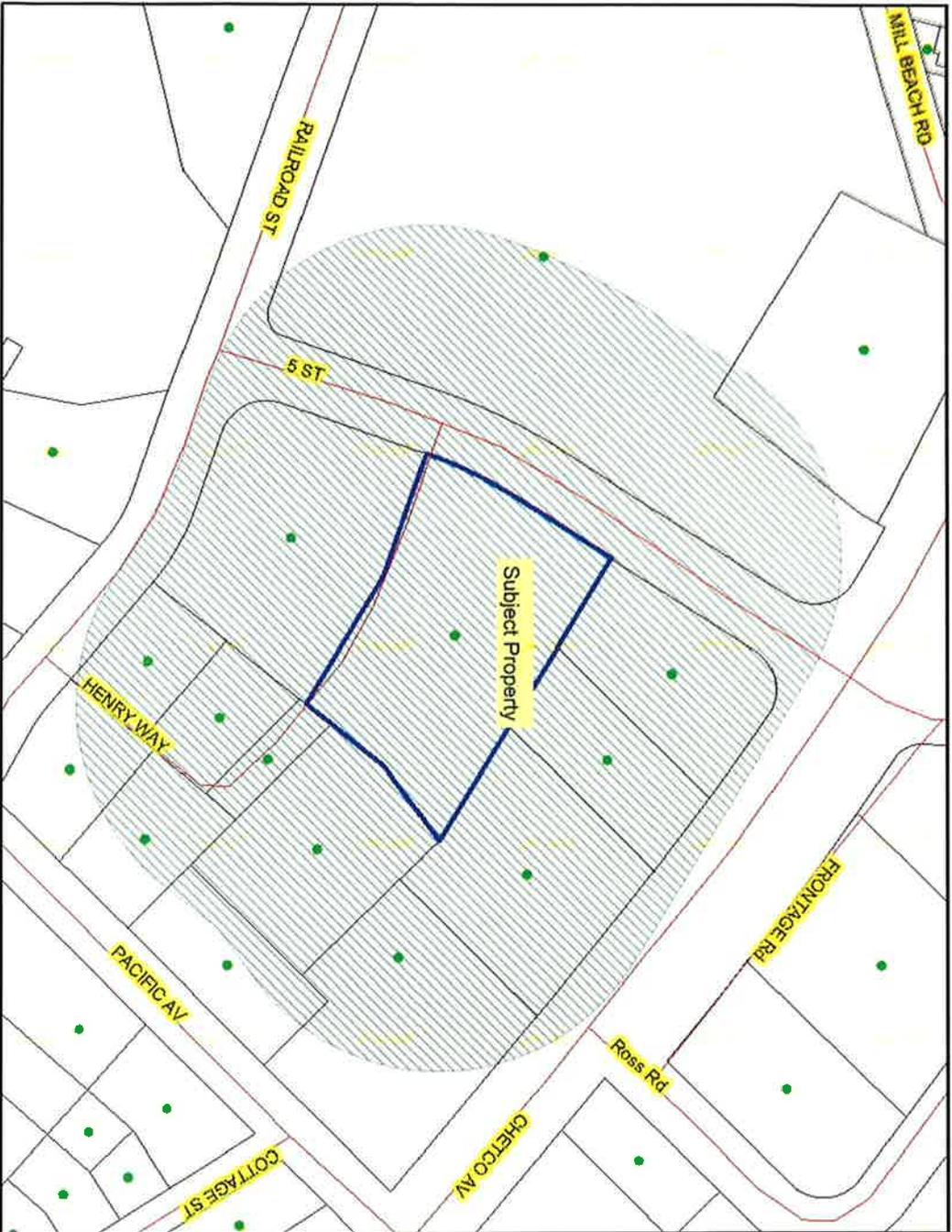
The proposed removal of the street name signs will not impact any businesses. They have all been assigned either Fifth Street or Railroad Street addresses. See Figure 3.

## **RECOMMENDATION**

Staff recommends APPROVAL of Case File No. MC-1-16/CUP-1-05, 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 B**).

# Oil Can Henrys



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' 11.7" N, 124° 17' 17.9" W

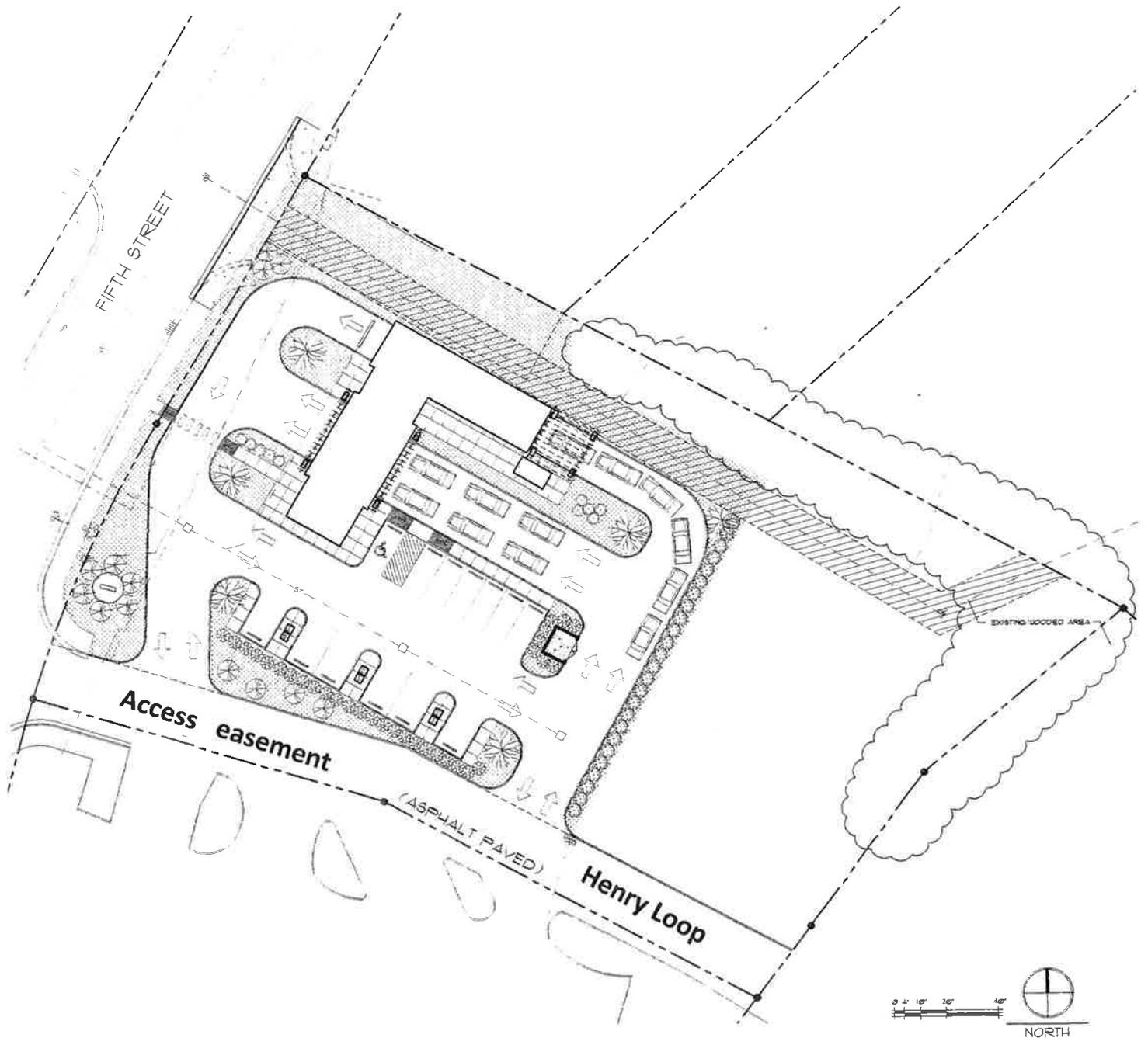


- Legend**
- OWNER
  - RIVERS
  - ROADS
  - PARCELS
  - URBAN GROWTH BOUNDARY
  - OCEAN



Figure 1

Figure 2



# Henry Loop

Figure 3



-- Vicinity Map --



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Projections: NAD83 ORSOUTH  
Brookings GIS File: 2.12.2016  
0 50 100 ft



# 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](mailto:jwatson@brookings.or.us)

5/23/2016

In regards to the minor changes in the Oil Can Henrys CUP these are the comments I have. If the Henry Way signs are taken down as this is not a street on any map, then all businesses in this business park need to have addresses that are visible from the street they are addressed to, i.e. U.S. Bank 326 5th street needs to be seen from 5th street etc.

Jim Watson  
Operations Fire Chief

**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 - 2-8-16 to  Admin Services  
 Date - \_\_\_\_\_ to  Planning  
 Date - 2/8 2/5/16 to  PW  
 Final Approval [Signature] 2/15/16  
 Date - [Signature] 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: City of Brookings Date: \_\_\_\_\_  
 Telephone: ( ) 469-1137 Fax: ( ) \_\_\_\_\_ email: \_\_\_\_\_  
 Current Property Owner: Michael Newcombe, Four N  
 Property Address: 336 Fifth St. Map & Tax Lot No. 41-13-06 DB; 1600  
 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: minor change to approved CUP to remove requirement for access easement to be named.

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

<b>For City Use Only:</b>			
<b>Administrative Services</b>			
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	
<b>Planning</b>			
*Out of city limits, DIA Forms Submitted: YES NO		In UGB: YES NO	
<b>Public Works</b>			
Location and size of existing infrastructure:		Adequate?	
Water: <u>N/A</u>		<input type="checkbox"/> YES	<input type="checkbox"/> NO
Sewer: _____		<input type="checkbox"/> YES	<input type="checkbox"/> NO
Stormdrain: _____		<input type="checkbox"/> YES	<input type="checkbox"/> NO
Additional Comments: _____			
<b>Building</b>			
Pay Backs: \$ <u>0</u>	SDC's: \$ <u>0</u>	Other: <u>0</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**



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

In the matter of Planning Commission File No. MC-1- )      **Final ORDER**  
16 / CUP-1-05; a request for a minor change to a )      **And Findings of**  
conditional use permit to authorize the removal of )      **Fact**  
the condition for the access easement to be named for )  
an automobile lubrication and carwash facility; )  
Newcombe, Owner, and City of Brookings, Applicant. )

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**ORDER APPROVING** a request for a minor change to a Conditional Use Permit (CUP) authorizing the name of the access easement to be removed for an automotive lubrication and carwash facility on a 1.57 acre parcel, located at 336 Fifth Street ; Assessor’s Map 41-13-06DB, taxlot 1600; zoned C-3 (General Commercial).

**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

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.
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 7, 2016; and
  4. At the public meeting on said minor change application, evidence, testimony, and recommendations were received from and presented by the Planning Manager in the form of a Staff Agenda Report, dated May 26, 2016 and oral presentation of same; and
  5. At the conclusion of the presentation of the Planning Manager and the public, after consideration and discussion the Brookings Planning Commission, upon a motion duly seconded, approved the request for the minor change and directed staff to prepare a Final ORDER with the findings set forth therein for the approval of said application.

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

#### **FINDINGS AND CONCLUSIONS**

1. The subject site is zoned C-3 (General Commercial) and is designated as Commercial by the Comprehensive Plan.
2. A Conditional Use Permit was approved for the operation of a fast lube and car wash facility by the Planning Commission in 2005, CUP-1-05.
3. A condition of approval required the access easement to be named, Henry Loop.
4. Minor changes to Conditional Use Permits are allowed if the criteria in Chapter 17.116.090 BMC are met.
5. Removal of the street name signs are proposed to avoid confusion for emergency service providers (fire, police, ambulance) as well as general service providers such as Coos-Curry Electric, Frontier Communications, and Charter Communications. The street name, Henry Loop, does not appear on any of their maps.

6. The removal of the street signs does not change the physical site plan of the project.
7. The removal of the street name signs will not impact any businesses as they have all been assigned either Fifth Street or Railroad Street addresses.

**CONDITIONS APPLICABLE PRIOR TO FINAL APPROVAL**

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

Dated this 7<sup>th</sup> day of **June, 2016**.

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Bryan Tillung, Chairperson

ATTEST:

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Donna Colby-Hanks, Planning Manager

CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT  
MC-1-16/CUP-1-05  
*June 7, 2005*  
*As amended by the Planning Commission*  
**June 7, 2016**  
**As amended by the Planning Commission**

General Conditions

1. Approval of this conditional use permit will expire one year from approval, unless the project comes under substantial construction and continues under construction. The Planning Commission may extend the permit for an additional one-year period at the request of the applicant.
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 Section 140.110, Violation of Conditions, of the Land Development Code. The loss of your permit will result in the closure of your business.
3. The new facility shall be constructed in substantial conformance as approved by the conditional use permit.
4. Prior to any construction or grading on the site, the contractor will place, in a location visible from an existing public street, a sign containing the name of the contractor, a telephone number and address where the contractor can be reached.
5. Prior to any construction or grading on the site, the contractor will submit to the city staff for approval, a plan showing how mud and debris from construction on the site will be kept from the sidewalk, private street and Fifth St.
6. Prior to obtaining an occupation permit for the operation of the facility, the applicant shall demonstrate to the city that all required federal and state permits applicable to the operation of the facility and the storage of associated materials, including oil storage tanks.
7. Water used to wash vehicles shall be recycled to the extent possible. Disposal of any wash water shall be into the city sanitary sewer system pursuant to the requirements of the State Department of Environmental Quality.

Street Conditions

8. The applicant shall construct a curb along the private street frontage of its property, maintaining a total width of 30 feet.
9. All street construction plans must be reviewed and approved by the City Engineer prior to the start of any construction.
10. The existing driveway cut from Fifth St. shall be removed and replaced with a sidewalk segment.

### Storm Drainage Conditions

11. All storm drainage including roof drains from the subject property shall be collected and conveyed from the site in a manner that protects all down stream property.
12. Storm drainage systems shall be equipped with approved oil/water separators as approved under the Uniform Plumbing Code.
13. All storm drainage plans must be approved by the city prior to any construction.

### Parking and Landscaping Conditions

14. The applicant shall provide 7, on-site, marked parking spaces that comply with the provisions of Section 92, Off-Street Parking and Loading Regulations, of the Land Development Code.
15. All parking and vehicle maneuvering areas shall be paved with asphalt or concrete
16. Landscaped areas shall be maintained in a healthy and clean manner. The use of conifers and other drought resistant trees is encouraged and all landscaping shall be irrigated until such time as they are well established.
17. Prior to the issuance of an occupancy permit, all landscaping shall be installed in substantial conformance with the approved parking plan.
18. All outdoor lighting shall be directed and/or shielded so as to prevent light from falling directly on adjoining properties.
19. A trash bin shall be located on the site in a location accessible to the collection truck and enclosed by a 6 foot high sight obscuring fence.
20. *The applicant shall install a STOP sign at the intersection of the private street and Fifth St. (Added by the Planning Commission June 7, 2005)*
21. *The applicant shall install two (2) "No Parking" signs along the subject frontage of the private street. (Added by the Planning Commission June 7, 2005)*
22. *The applicant shall provide either landscaping in the form of a hedge or a fence of sufficient height to deflect noise from the outdoor vacuums away from adjoining uses. The fence or hedge cannot block the view of vehicles entering the private street from the facility. (Added by the Planning Commission June 7, 2005)*
23. *The applicant shall provide the city with a fifteen (15) foot wide easement over the storm sewer main along the northerly boundary of the property.*
24. *The applicant shall provide a hard surface walking path along the easement required in Condition N0. 23. (Added by the Planning Commission June 7, 2005)*
25. ~~*The applicant shall provide a name for the private street for consideration by the Planning Commission. (Added by the Planning Commission, June 7, 2005)*~~ **(Removed by the Planning Commission, June 7, 2016)**

**MINUTES**  
**BROOKINGS PLANNING COMMISSION**  
**May 3, 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: 7 audience members

**PUBLIC HEARINGS**

Public hearing procedures were addressed by Chair Tillung

- 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 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.

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 E, an email from L. Samuels, requesting a continuance due to issues in obtaining the required shared parking. The applicant was not present and no members of the audience spoke.

The Commission discussed the matter. By a 7-0 vote (motion: Wulkowicz, 2<sup>nd</sup> MaMahan) the Planning Commission voted to continue the matter to the July 5, 2016 meeting at 7:00 pm to allow the applicant additional time to resolve the issues. The hearing for the matter was closed at 7:10pm.

- Chair Tillung opened the legislative hearing regarding File No. CP-2-14.

File Description: 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.

There was no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:10pm. Public Works Development Services Director, LauraLee Snook reviewed the staff report and addressed many questions posed by Commissioners.

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 7:26pm.

The Commission deliberated on the matter. Commissioner Vogel made a motion, which was seconded by Commissioner Rings to continue the matter to the June 7, 2016 meeting. After further discussion, the motion and second were rescinded. Commissioner Tillung made a motion, which was seconded by Commissioner Rings to make a positive recommendation to City Council to include all revisions as discussed. The motion was unanimously approved.

- Chair Tillung opened the quasi-judicial hearing regarding File No. CUP-2-16.

**File Description:** 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.

There was no ex parte contact, bias or personal interest (Commissioner Vogel declared that seeing the audience, he may know friends of the applicant), 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 7:30pm. Planning Manager Colby-Hanks reviewed the staff report and entered Exhibits B-1, B-2 and B-3 into the record. Exhibit B-1 being a memo from Jim Watson, Operations Fire Chief revising his recommendation that smoke detectors be in accordance with Oregon Revised Statutes. Exhibit B-2 being comments and a photo from Michael and Nancy Dessauer expressing concerns with an additional short term rental in the neighborhood. Exhibit B-3 being comments and photos from John and Barbara Gauger expressing concerns with safety on a narrow street. Staff recommended that condition #10 regarding smoke alarms be revised as well as the addition of a condition to not allow guests to tow trailers or bring recreational vehicles and requiring the address be posted on the dwelling clearly visible from the street.

Iona Gyurko (representing the applicant), 19 Otter Terrace, Brookings, stated there were three smoke detectors in the home.

Neil Frank, 3 Otter Terrace, Brookings, stated Otter Terrace is a private street serving five homes. He stated most of the comments were from folks not affected by the project.

Mary Geyer, 3 Otter Terrace, Brookings, had no comments. John Adam, 18 Seascape Court, Brookings, left the meeting before speaking.

In rebuttal, Gyurko explained the street was privately owned and maintained by the applicant.

No participants requested additional time to present evidence and the public hearing portion of the meeting was closed at 7:58pm.

The Commission deliberated on the matter. By a 7-0 vote (motion: Tillung, 2<sup>nd</sup> Wulkowicz) the Planning Commission approved File No. CUP-2-16 requesting authorization to operate a short term rental to include the additional conditions as recommended. Wulkowicz made a motion to approve the final order with the additional conditions, which was seconded by Tillung. The final order was approved by unanimous vote.

- Chair Tillung opened the quasi-judicial hearing regarding File No. CUP-3-16.

**File Description:** 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.

There was no ex parte contact, bias or personal interest, or conflict of interest declared although Commissioner Tillung declared that he had listed this property in the past; he was not the agent for the seller. There was no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 8:02pm. Planning Manager Colby-Hanks reviewed the staff report and entered Exhibit B into the record. Exhibit B-1 being a memo from Jim Watson, Operations Fire Chief revising his recommendation that smoke detectors be in accordance with Oregon Revised Statutes. Exhibit B-2 being comments from Stacy Williams, owner of property to the north, expressing concerns about the lack of delineation of the property boundary.

Matt Lyons, 1266 Rowland Lane, Brookings advised that they were considering putting up a fence and would be coordinating with their neighbor. Lyons stated they would be limiting the number of guests to 12.

Marty Grodin, 1245 Iris Street, Brookings expressed concerns regarding the method of resolution of problems, the appropriateness of the use, and the affect on a quiet neighborhood.

In rebuttal, Lyons states they also want a quiet neighborhood and felt that long term renters can be more difficult. Short term renters typically stay only a couple of days where a difficult long term renter could affect the neighborhood for a extended period of time.

No participants requested additional time to present evidence and the public hearing portion of the meeting was closed at 8:39pm.

The Commission deliberated on the matter. By a 7-0 vote (motion: McMahan, 2<sup>nd</sup> Tillung) the Planning Commission approved File No. CUP-3-16 requesting authorization to operate a short term rental to include the additional conditions as recommended. Wulkowicz made a motion to approve the final order with the additional conditions, which was seconded by McMahan. The final order was approved by unanimous vote.

### **APPROVAL of MINUTES**

By a 7-0 vote (motion: McMahan, 2<sup>nd</sup> Hartzell) the Planning Commission approved the minutes of the April 5, 2016 Planning Commission meeting as presented.

## **STAFF REPORT**

Staff reviewed a county referral for a home occupation on West Benham Lane, inside the Urban Growth Boundary. The only recommendation was compliance with the parking requirements. The Planning Commission will be considering a minor change to a conditional use permit for a property on Fifth Street at their June 7, 2016 meeting. The meeting will be followed by a workshop to consider revisions to the criteria for short term rentals.

## **ADJOURNMENT**

Meeting adjourned at 8:48 pm.

Respectfully submitted,

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Bryan Tillung, Chair of the Brookings Planning Commission  
(Approved at the 6/7/16 meeting)