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, 2nd 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.

Ilona 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, 2nd 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, 2nd 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, 2nd 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,

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