

## BROOKINGS PLANNING COMMISSION MINUTES

April 5, 2022

### CALL TO ORDER

The regular meeting of the Brookings Planning Commission was called to order by Chair Wulkowicz at 7:02 pm in the Council Chambers at Brookings City Hall followed by the Pledge of Allegiance.

### ROLL CALL

Commissioners Present: Anthony Bond, Cody Coons, Skip Hunter, Clayton Malmberg, Chair Gerald Wulkowicz

Commissioners Absent: Skip Watwood

Staff Present: PWDS Director Tony Baron, Planning Tech Lauri Ziemer

Audience – 4

### PLANNING COMMISSION CHAIR PERSON ANNOUNCEMENTS - None

### PUBLIC HEARINGS

4.1 In the matter of File No. M3-1-22, , a request for a partition to divide a 2.65 acre parcel into two (2) parcels; located in the 900 block of Marina Heights Road; Assessor's Map & Tax Lot No. 4013-32C-00300

There was no ex parte contact, bias, personal interest, or conflicts of interest declared and no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:09 pm. PWDS Director Tony Baron reviewed the staff report.

The applicant, Byron Brimm, was present to answer any questions.

No members of the public spoke in opposition and no participant requested additional time to submit materials. Public hearing was closed at 7:14 pm.

The Commission discussed and deliberated on the matter. **Motion made by Commissioner Malmberg to approve File No. M3-1-22, a request for a partition to divide a 2.65 acre parcel into two (2) parcels; located in the 900 block of Marina Heights Road, based on the findings and conclusions stated in the staff report and subject to the conditions of approval; motion seconded and with no further discussion by a 5-0 vote the motion carried.**

**Motion made by Chair Wulkowicz to approve the Final Order regarding file M3-1-22, based on the findings and conclusions stated in the Staff Report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 5-0 vote the motion carried.**

4.2 In the matter of File No. CUP-10-22, a request for approval of a Conditional Use Permit (CUP) to operate a Short Term Rental facility at 430 Pine Street; Assessors Map & Tax Lot No. 4113-05BC-06900

There was no ex parte contact, bias, personal interest, or conflicts of interest declared and no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:18 pm. PWDS Director Tony Baron reviewed the staff report.

The applicant, Julianne Chizek, was present by phone to answer any questions. No members of the public spoke in opposition and no participant requested additional time to submit materials. Public hearing was closed at 7:22 pm.

The Commission discussed and deliberated on the matter. **Motion made by Commissioner Coons to approve File No. CUP-10-22, a request for a Conditional Use Permit to operate a short term rental at 430 Pine Street based on the findings and conclusions stated in the Staff Report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 5-0 vote the motion carried.**

**Motion made by Chair Wulkowicz to approve the Final Order regarding file CUP-10-22, based on the findings and conclusions stated in the Staff Report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 5-0 vote the motion carried.**

4.3 In the matter of File No. CUP-11-22, a request for approval of a Conditional Use Permit (CUP) to operate a Short Term Rental facility at 96617 W Harris Heights Road; Assessors Map & Tax Lot No. 4014-36BD-01600

There was no ex parte contact, bias, personal interest, or conflicts of interest declared and no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:24 pm. PWDS Director Tony Baron reviewed the staff report.

The applicant's, Mark & Sabine Gattey, were not present to answer any questions.

George Kuppla, 96605 W Harris Heights, Brookings advised he is a neighbor and the applicant did advise the neighboring residents of his intentions for a CUP for a short term rental and he had no issues with its approval. No other members of the public spoke in support or opposition and no participant requested additional time to submit materials. The public hearing was closed at 7:27 pm.

The Commission discussed and deliberated on the matter. **Motion made by Commissioner Bond to approve File No. CUP-11-22, a request for a Conditional Use Permit to operate a short term rental at 96617 W Harris Heights based on the findings and conclusions stated in the Staff Report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 5-0 vote the motion carried.**

**Motion made by Chair Wulkowicz to approve the Final Order regarding file CUP-11-22, based on the findings and conclusions stated in the Staff Report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 5-0 vote the motion carried.**

4.4 In the matter of File No. CUP-12-22, a request for approval of a Conditional Use Permit (CUP) to operate a Short Term Rental facility at 542 Fern Avenue; Assessors Map & Tax Lot No. 4113-06AD-01502

There was no ex parte contact, bias, personal interest, or conflicts of interest declared and no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:29 pm. PWDS Director Tony Baron reviewed the staff report.

The applicant's, Matthew & Charity Heverly, were not present to answer any questions. No members of the public spoke in opposition and no participant requested additional time to submit materials. Public hearing was closed at 7:32 pm.

The Commission discussed and deliberated on the matter. **Motion made by Commissioner Hunter to approve File No. CUP-12-22, a request for a Conditional Use Permit to operate a short term rental at 542 Fern Avenue based on the findings and conclusions stated in the Staff Report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 5-0 vote the motion carried.**

**Motion made by Chair Wulkowicz to approve the Final Order regarding file CUP-12-22, based on the findings and conclusions stated in the Staff Report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 5-0 vote the motion carried.**

4.5 In the matter of File No. CUP-13-22, a request for approval of a Conditional Use Permit (CUP) to operate Short Term Rental facilities at 1310 Easy Street #A & B; Assessors Map & Tax Lot No. 4113-06AD-01502

There was no ex parte contact, bias, personal interest, or conflicts of interest declared and no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:34 pm. PWDS Director Tony Baron reviewed the staff report.

The applicant's, Michael & Jill Lange, were not present to answer any questions. No members of the public spoke in opposition and no participant requested additional time to submit materials. Public hearing was closed at 7:37 pm.

The Commission discussed and deliberated on the matter. **Motion made by Commissioner Malmberg to approve File No. CUP-13-22, a request for a Conditional Use Permit to operate short term rentals at 1310 Easy Street #A & B**

**based on the findings and conclusions stated in the Staff Report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 5-0 vote the motion carried.**

**Motion made by Chair Wulkowicz to approve the Final Order regarding file CUP-13-22, based on the findings and conclusions stated in the Staff Report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 5-0 vote the motion carried.**

4.6 In the matter of File No. CUP-14-22, a request for approval of a Conditional Use Permit (CUP) to operate a Short Term Rental facility at 1120 Easy Street; Assessors Map & Tax Lot No. 4113-06BA-01900

There was no ex parte contact, bias, personal interest, or conflicts of interest declared and no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:38 pm. PWDS Director Tony Baron reviewed the staff report.

The applicant, Irina Kharlamova, was not present to answer any questions. No members of the public spoke in opposition and no participant requested additional time to submit materials. Public hearing was closed at 7:41 pm.

The Commission discussed and deliberated on the matter. Commission confirmed the Conditions of Approval do not allow parking on Easy Street. **Motion made by Commissioner Bond to approve File No. CUP-14-22, a request for a Conditional Use Permit to operate a short term rental at 1120 Easy Street based on the findings and conclusions stated in the Staff Report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 5-0 vote the motion carried.**

**Motion made by Chair Wulkowicz to approve the Final Order regarding file CUP-14-22, based on the findings and conclusions stated in the Staff Report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 5-0 vote the motion carried.**

4.7 In the matter of File No. CUP-15-22, a request for approval of a Conditional Use Permit (CUP) to operate a Short Term Rental facility at 308 Memory Lane; Assessors Map & Tax Lot No. 4113-05CD-06600

There was no ex parte contact, bias, personal interest, or conflicts of interest declared and no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:46 pm. PWDS Director Tony Baron reviewed the staff report.

The applicant's, Charles & Jessica Roady, were not present to answer any questions. No members of the public spoke in opposition and no participant requested additional time to submit materials. Public hearing was closed at 7:49 pm.

The Commission discussed and deliberated on the matter. **Motion made by Commissioner Coons to approve File No. CUP-15-22, a request for a Conditional Use Permit to operate a short term rental at 308 Memory Lane based on the findings and conclusions stated in the Staff Report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 5-0 vote the motion carried.**

**Motion made by Chair Wulkowicz to approve the Final Order regarding file CUP-15-22, based on the findings and conclusions stated in the Staff Report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 5-0 vote the motion carried.**

#### **MINUTES FOR APPROVAL**

5.1 Minutes of regular Planning Commission meeting of March 1, 2022

**Motion made by Commissioner Malmberg to approve the Planning Commission minutes of March 1, 2022; motion seconded, with no further discussion by a 5-0 vote the motion carried.**

**UNSCHEDULED PUBLIC APPEARANCES – None**

**REPORT FROM THE PLANNING STAFF – PWDS Director Tony Baron advised the May agenda will include a Land Development Code change, a Conditional Use Permit and a Minor Change to a Conditional Use Permit.**

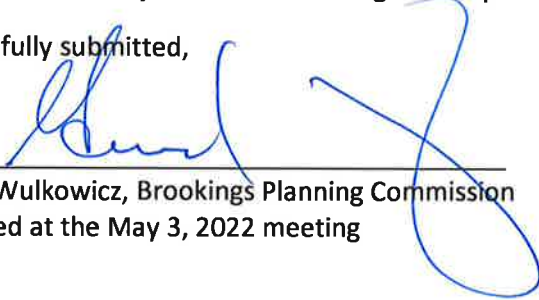
**COMMISSION FINAL COMMENTS** – Commission discussed encouraging applicants to attend their Planning Commission Application hearings to ensure the Commission has information needed when making decisions on their applications, to answer any questions and to have the option to request additional time if needed. Commission also wanted a scripted motion to continue applications if they do not feel they can make a decision without an applicant present.

Commission requested information on liability of the City if a sex offender commits crimes in an approved Conditional Use Permit Short Term Rental facility that is within 1000 feet of a school zone.

**ADJOURNMENT**

Chair Wulkowicz adjourned the meeting at 8:14 pm.

Respectfully submitted,



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Gerald Wulkowicz, Brookings Planning Commission  
Approved at the May 3, 2022 meeting