

PLANNING COMMISSION AGENDA

CITY OF BROOKINGS
Council Chambers - 898 Elk Drive
November 7, 2023 at 7:00 PM



1. CALL TO ORDER - PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. PLANNING COMMISSION CHAIR PERSON ANNOUNCEMENTS
4. PUBLIC HEARINGS

4.1 In the matter of File No. CUP-10-23, a request for approval of a Conditional Use Permit to operate a Short Term Rental facility at 830 Third Street, Assessor's Map & Tax Lot No. 4113-06BA-00331; zoned R-1. The applicant/owner is Jennifer Davis/Estate of Dale Rice. Criteria used to decide this matter can be found in Brookings Municipal Code Chapter 17, Sections: 17.20.040(Q) Single Family Residential Conditional Uses; 17.124.170 – Short-Term Rentals; and 17.136 - Conditional Uses. This is a Quasi-judicial hearing and the Planning Commission will make a decision on this matter.

4.2 In the matter of File No. LDC-1-23, city initiated, revisions to the Brookings Municipal Code, Title 17 Land Development Code, amending Chapter 17.124.050 Benevolent Meal Service. The criteria used to decide this matter is found in Chapter 17.140, Amendments, of the Brookings Municipal Code. This is a legislative hearing and the Planning Commission will make a recommendation to City Council on this matter.

5. MINUTES FOR APPROVAL
 - 5.1 Minutes of Planning Commission meeting of September 5, 2023
6. UNSCHEDULED PUBLIC APPEARANCES
7. REPORT FROM THE PLANNING STAFF
8. COMMISSION FINAL COMMENTS
9. ADJOURNMENT

Unscheduled public appearances and comments are limited to five minutes. All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with advance notification. You can view the Planning Commission meeting LIVE on television on Charter PEG Channel 181; stream it LIVE on a computer by copying and pasting the following link inside your web browser: <mms://68.185.2.46:8080>; or to stream it LIVE on a mobile device you will need to download the VLC Media Player which is available at: <https://or-brookings2.civicplus.com/252/Watch-Meetings-Live> and follow directions and links for your device.



City of Brookings

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www.brookings.or.us

PUBLIC WORKS AND DEVELOPMENT SERVICES DEPARTMENT

NOTICE OF PUBLIC HEARING BEFORE THE BROOKINGS PLANNING COMMISSION

A public hearing will be held before the Brookings Planning Commission Tuesday, November 7, 2023 at 7:00 PM in the Council Chambers of Brookings City Hall, 898 Elk Drive, Brookings, OR 97415.

1. File No. CUP-10-23, request for approval of a Conditional Use Permit to operate a Short Term Rental facility at 830 Third Street, Assessor's Map & Tax Lot No. 4113-06BA-00331; zoned R-1. The applicant/owner is Jennifer Davis/Estate of Dale Rice. Criteria used to decide this matter can be found in Brookings Municipal Code Chapter 17, Sections: 17.20.040(Q) Single Family Residential Conditional Uses; 17.124.170 – Short-Term Rentals; and 17.136 - Conditional Uses. This is a Quasi-judicial hearing and the Planning Commission will make a decision on this matter.

2. File No. LDC-1-23, city initiated, revisions to the Brookings Municipal Code, Title 17 Land Development Code, amending Chapter 17.124.050 Benevolent Meal Service. The criteria used to decide this matter is found in Chapter 17.140, Amendments, of the Brookings Municipal Code. This is a legislative hearing and the Planning Commission will make a recommendation to City Council on this matter.

The public is invited to attend and participate in the public hearing. All persons wishing to address this matter will have an opportunity to do so in person at the hearing or by submitting written evidence to the Brookings Planning Department at the address above. If you wish to speak at the hearing, you will be asked to sign in and afforded five (5) minutes to speak. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties an opportunity to respond to the issues precludes appeal to the Oregon Land Use Board of Appeals (LUBA).

A copy of the application, all documents and evidence submitted on behalf of the applicant is available for public inspection at no cost at the Brookings Planning Department, 898 Elk Drive, Brookings, OR. The staff report prepared in this case will be available seven days prior to the hearing. Copies of documents may be obtained at reasonable cost.

All public meetings are held in accessible locations, auxiliary aids will be provided upon request with advance notification. Please contact 541-469-1103 to make appropriate arrangements or for additional information. TTY 800-735-1232.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Conditional Use Permit
FILE NO: CUP-10-23
REPORT DATE: October 26, 2023

HEARING DATE: November 7, 2023
AGENDA ITEM NO: 4.1

GENERAL INFORMATION

APPLICANT/OWNER: Jennifer Davis/Estate of Dale Rice
REQUEST: Authorize a Conditional Use Permit to allow use of an existing single-family dwelling as a short-term rental
TOTAL LAND AREA: .18 acres/7,785 square feet
LOCATION: Subject property is located on Third Street, specifically 830 Third Street
ASSESSOR'S NUMBER: 4113-06BA Tax Lot 00331

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: R-1-6 (Single-family residential)
PROPOSED: Same
SURROUNDING: Subject property is surrounded to the north, south and east by R-1-6 (Single-family residential) and to the west by P/OS (Public Open Space), containing Bud Cross Park
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 and across from Bud Cross Park.
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
a. Section 17.124.170-Short Term Rentals
b. Chapter 17.136-Conditional Use Permits
c. Section 17.20.040(Q) Single-Family Residential (R-1) Conditional Uses

BACKGROUND INFORMATION

The subject property is regular in shape, .18 acre in size and located on the east side of Third Street across from Bud Cross Park. The property is accessed from Third Street, which has a paved travel surface approximately 35 feet in width. There are public improvements in the right-of-way. The property is developed with a single-family four bedroom, two bath, 1,957 square feet dwelling constructed in 1987, a two car garage and a paved driveway large enough to accommodate three vehicles (Attachment A & B – Vicinity Map/Property Photo).

PROPOSED CONDITIONAL USE PERMIT

The applicant is requesting to use the single-family dwelling as a short-term rental. Any existing single family dwelling in a single family residential (R-1), general commercial (C-3), tourist commercial (C-4) zone and industrial park (I-P) zone can be used for short-term rental purposes with approval of a Conditional Use Permit. Regulations for short-term rentals are found in Brookings Municipal Code (BMC) section 17.124.170. These criteria will be required as Conditions of Approval if approved. The applicant's Findings (Attachment C) affirm their intentions to abide by these regulations.

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 Conditional Use Permit criteria.

Criterion 1 - Adequate size and shape

The subject property is approximately 7,785 square feet in size and contains a 1,957 square foot single-family dwelling with four bedrooms and two bathrooms. The single-family dwelling has an existing paved driveway large enough to accommodate three vehicle parking spaces and parking is also provided in a two car garage which will be available for use. Based on similar uses, three off-street vehicle parking spaces are needed in order for the subject property to accommodate the proposed short-term rental. Staff believes Criterion 1 is met.

Criterion 2 - Relation of streets

The subject property is accessed by Third Street, which provides access to multiple dwelling units in the surrounding area and has a paved travel surface 35 feet wide with public improvements in the right of way. 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. Third Street will accommodate the traffic generated by the proposed use. Staff believes 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 applicant has advised that a manager residing within the urban growth boundary will manage the rental. With this as a Condition of Approval, staff believes 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. Staff believes 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. Staff believes Criterion 5 is met.

BMC 17.124.170 Short Term Rentals

Any existing single family dwelling in a single family residential (R-1), general commercial (C-3) , tourist commercial (C-4) zone and industrial park (I-P) zone can be used for short-term rental purposes and pursuant to certain regulations as follows:

- A. The property owner or holder shall register the dwelling with the City as a short term rental 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 residing 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. Representative's name and telephone number shall be posted within the dwelling and provided to all adjacent neighboring property owners.
- E. The 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 and shall not run with the land. To continue with the use, within six months of the sale of the property, the new owner shall submit a minor change application pursuant to BMC 17.116.090 to address the criteria in this section. If the minor change is not approved by the Planning Commission or no application is submitted, the approval shall terminate.
- G. A minimum of two off street parking spaces are required for a three bedroom dwelling with one additional off street parking space required for each additional bedroom. Recreational vehicles (RV's) and travel trailers are prohibited.
- H. The dwelling will be subject to an annual inspection by the City Manager or designee on or around the anniversary date of the approved conditional use permit.

These criteria will be included in the Conditions of Approval. The Applicant has submitted Findings stating these criteria will be met (Attachment C).

RECOMMENDATION

Staff recommends APPROVAL of CUP-10-23, 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.

ATTACHMENTS

Attachment A - Vicinity Map

Attachment B - Property Photo

Attachment C - Applicant's Findings

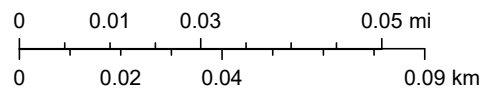
Curry County Web Map

ATTACHMENT A



9/26/2023, 4:50:55 PM

1:2,257



Maxar, Microsoft, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, USGS, EPA, USDA

Created by LCOG for Curry County

The information on this map was derived from digital databases from the Curry County regional geographic information system by LCOG. Care was taken in the creation of this map, but is provided



FINDINGS

Conditional Use Permit Application
Short Term Rental (ORD.17.124.170)

ATTACHMENT C

Condition Use Permit for: 830 3rd street, Brookings, Oregon 97415
Property address

Applicant/Owner: Jennifer Davis

1. The intent is to utilize this property as a vacation rental for 1-12 guests. The site is a SF residence, 4 bedroom, 2 bath, built in 1987 on .18 acres. There is a 2 car garage that will / will not (circle one) be available for guest parking. There is driveway space for 23 vehicles. The driveway is / is not (circle one) a hard surface.
2. Traffic will consist of passenger cars and similarly sized vehicles. RV/trailer parking will not be allowed.
3. The proposed use will not have an adverse impact on the adjoining properties. There is parking within the property boundaries and no street parking will be allowed.
4. There are no areas designated as requiring preservation of historic, scenic or cultural attributes.
5. The proposed use of the property is in keeping with a residential Comprehensive Plan.

Additionally –

- A. We will obtain a business license from the City of Brookings.
- B. We will collect and submit monthly the City of Brookings' transient occupancy taxes (TOT) on all short-term rentals of our property pursuant to Chapter 3.10 BMC.
- C. Our local representative lives within the Brookings Urban Growth Boundary and will be available to make or have repairs made, resolve disputes and/or terminate occupancy if necessary.

Representatives Name: Sean Stockton

Address: 820 3rd Street Brookings, OR 97415

Phone: 541-251-2318

Email: _____

- D. Our representative's contact information will be posted within the dwelling in plain site.
- E. We subscribe to a scheduled waste collection service and provide garbage receptacles on the property.
- F. We understand a Conditional Use Permit for a Short Term Rental does not run with the land and is revocable by the Planning Commission if numerous complaints are received and/or the CUP criteria does not continue to be met.

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

In the matter of Planning Commission File No. CUP-10-23; an)
application for approval of a Conditional Use Permit to establish a) **Final ORDER**
short-term rental at 830 Third Street; Jennifer Davis/Estate of Dale) **and Findings of Fact**
Rice, Applicant/Owner)

ORDER approving an application for a Conditional Use Permit to establish a short-term rental at: 830 Third Street; Assessor’s Map 4113-06BA, Tax Lot 00331.

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with the Brookings Municipal Code, pursuant to Chapter Section 17.124.170; Chapter 17.136 and Section 17.20.040(Q); 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 November 7, 2023; 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 October 26, 2023 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, attached to 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 Conditional Use Permit criteria.

Criterion 1 - Adequate size and shape

The subject property is approximately 7,785 square feet in size and contains a 1,957 square foot single-family dwelling with four bedrooms and two bathrooms. The single-family dwelling has an existing paved driveway large enough to accommodate three vehicle parking spaces and parking is also provided in a two car garage which will be available for use. Based on similar uses, three off-street vehicle parking spaces are needed in order for the subject property to accommodate the proposed short-term rental. Staff believes Criterion 1 is met.

Criterion 2 - Relation of streets

The subject property is accessed by Third Street, which provides access to multiple dwelling units in the surrounding area and has a paved travel surface 35 feet wide with public improvements in the right of way. 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. Third Street will accommodate the traffic generated by the proposed use. Staff believes 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 applicant has advised that a manager residing within the urban growth boundary will manage the rental. With this as a Condition of Approval, staff believes 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. Staff believes 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. Staff believes Criterion 5 is met.

BMC 17.124.170 Short Term Rentals

Any existing single family dwelling in a single family residential (R-1), general commercial (C-3) , tourist commercial (C-4) zone and industrial park (I-P) zone can be used for short-term rental purposes and pursuant to certain regulations as follows:

- A. The property owner or holder shall register the dwelling with the City as a short term rental 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 residing 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. Representative’s name and telephone number shall be posted within the dwelling and provided to all adjacent neighboring property owners.
- E. The 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 and shall not run with the land. To continue with the use, within six months of the sale of the property, the new owner shall submit a minor change application pursuant to BMC 17.116.090 to address the criteria in this section. If the minor change is not approved by the Planning Commission or no application is submitted, the approval shall terminate.
- G. A minimum of two off street parking spaces are required for a three bedroom dwelling with one additional off street parking space required for each additional bedroom. Recreational vehicles (RV’s) and travel trailers are prohibited.
- H. The dwelling will be subject to an annual inspection by the City Manager or designee on or around the anniversary date of the approved conditional use permit.

These criteria will be included in the Conditions of Approval. The Applicant has submitted Findings stating these criteria will be met.

The following Conditions of Approval are hereby made a part of this Final Order.

**CUP-10-23 - CONDITIONS OF APPROVAL
830 Third Street Short-Term Rental**

1. Approval of this Conditional Use Permit will expire two years from approval if the property owner or holder does not register the dwelling with the City of Brookings as a short term rental and pay annual registration fee. The City of Brookings may extend the permit for an additional one-year period at the request of the applicant.
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 or holder shall register the dwelling with the City as a short term rental on a separate form. Annual renewal registration is required to keep the Conditional Use Permit active.
4. Transient Occupancy Taxes (TOT) will apply and be submitted monthly pursuant to BMC Chapter 3.10.
5. 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. Representative's name and telephone number shall be posted within the dwelling and provided to all adjacent neighboring property owners.
7. Applicant shall subscribe to a scheduled waste collection service and provide garbage receptacles on the property. Receptacles to be placed and then removed on day of waste collection service.
8. No less than three (3) parking spaces must be maintained on the subject property and the parking spaces provided shall be clearly delineated. Recreational vehicles (RV's) and travel trailers are prohibited.
9. Access to and around the structure must remain accessible to fire fighting vehicles. Smoke detectors must be in accordance with Oregon Revised Statutes 479.250-479.300.
10. The dwelling will be subject to an annual inspection by the City Manager or designee on or around the anniversary date of the approved conditional use permit.
11. The address shall be clearly visible and posted at the driveway entrance.
12. Ongoing neighborhood disturbances can result in Planning Commission review and possible revocation of the Conditional Use Permit pursuant to BMC 17.136.110.
13. Upon change of property ownership Conditional Use Permit will expire after six (6) months unless the new property owner applies for and receives approval for a Minor Change to the Conditional Use Permit.

Dated this 7th day of November, 2023

ATTEST:

Skip Watwood, Chair
Brookings Planning Commission

Anthony Baron, PWDS Director

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-1-23
HEARING DATE: November 7, 2023

REPORT DATE: October 26, 2023
ITEM NO: 4.2

GENERAL INFORMATION

APPLICANT: City Initiated
REPRESENTATIVE: Public Works & Development Services Staff
REQUEST: Revisions to the Brookings Municipal Code, Title 17 Land Development Code, amending Chapter 17.124.050 Benevolent Meal Service
PUBLIC NOTICE: Published October 25, 2023 in local newspaper

BACKGROUND INFORMATION

October 25, 2021 the City Council approved a revision to the BMC providing that organizations and individuals may provide benevolent meal services to the public up to two days per week between the hours of 9:00 am and 5:00 pm, additionally, no benevolent meal service shall last more than three hours per day.

Staff is proposing a revision to amend the number of days per week that benevolent meal services are allowed from two days to three days per week and changing the hours benevolent meal services shall last from no more than three hours per day to no more than two hours per day.

Reasons for considered change:

1. One (unpermitted) benevolent meal provider is now expressing desire that existing ordinance allow them to provide meals on their existing schedule, which is three days per week (their objection until now was to any permit requirement).
2. This change will allow benevolent meal providers to provide meals every day of the week, as was the initial desire of the benevolent meal providers; with all current benevolent meal providers being permitted (if unpermitted provider applies for permit).
3. The change can provide even more flexibility for emergency situations, e.g. if one provider has a situation forcing closure (fire, damage, etc) then other permitted providers can pick up an additional day or two without City needing to adopt an emergency resolution
4. This change retains the existing requirements for permits, including hour restrictions between 9am to 5pm, to minimize impact on R-1 neighborhoods.

BMC section revision included for review:

17.124.050 Benevolent Meal Service.

A. Organizations or individuals providing benevolent meal services may serve meals to the public up to ~~two~~ **three** days per week between the hours of 9:00 a.m. and 5:00 p.m. No benevolent meal service shall last more than ~~three~~ **two** hours per day.

RECOMMENDATION

Staff recommends approval of LDC-1-23 by the Planning Commission amending the number of days per week benevolent meals services to the public may be served from two days to three days and shall last no more than two hours per day.

Exhibit A

Conditional Uses - Benevolent Meal Services

Changes to BMC:

(additions are **bold and underlined**, deletions are ~~**bold and strikeout**~~)

Chapter 17

LAND DEVELOPMENT CODE

Chapter 17.124

SPECIFIC STANDARDS APPLYING TO CONDITIONAL USES

17.124.050 Benevolent meal service

A. Organizations or individuals providing benevolent meal services may serve meals to the public up to ~~two~~ **three** days per week between the hours of 9am and 5pm. No benevolent meal service shall last more than ~~three~~ **two** hours per day.

BROOKINGS PLANNING COMMISSION MINUTES
September 5, 2023

CALL TO ORDER

The regular meeting of the Brookings Planning Commission was called to order by Chair Watwood 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, Gerry Wulkowicz, Sage Bruce (by phone), Chair Skip Watwood

Commissioners Absent: Clayton Malmberg

Staff Present: PWDS Director Tony Baron, Deputy Director PWDS Lauri Ziemer, PWDS Administrative Assistant Michelle Robidoux, City Attorney Lori Cooper (by phone)

Others Present: 2 audience members, APP-1-23 - Applicant's Attorney Allison Reynolds (by phone)

PLANNING COMMISSION CHAIR PERSON ANNOUNCEMENTS – Introduction of Michelle Robidoux as PWDS Administrative Assistant

PUBLIC HEARINGS

4.1 In the matter of File No. CUP-9-23, a request for approval of a Conditional Use Permit to operate a Short Term Rental facility at 17336 West Blueberry Drive; Assessors Map & Tax Lot No. 4014-25CC-02405.

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's representative, Ron Reel, was present to answer any questions. No members of the public spoke in opposition and no participant requested additional time to submit materials. The public hearing was closed at 7:14 pm.

The Commission deliberated on the matter. **Motion made by Commissioner Coons to approve File No. CUP-9-23 a request for a Conditional Use Permit to operate a short term rental at 17336 West Blueberry Drive 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 6-0 vote the motion carried.**

Motion made by Commissioner Bond to approve the Final Order regarding file CUP-9-23, 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 6-0 vote the motion carried.

4.2 In the matter of File No. APP-1-23, an appeal to the Planning Commission of a Notice of Abatement issued April 14, 2023 to St. Timothy's Episcopal Church, at 401 Fir Street, Assessor's Map & Tax Lot No. 4113-05BC-07300.

Commissioner Hunter was excluded from voting on this application previously at the August 1, 2023 Planning Commission Meeting.

The Commission reviewed the Final Order, City Attorney Lori Cooper, clarified motion language.

Motion made by Commissioner Bond to approve the Final Order regarding File No. APP-1-23, an appeal to the Planning Commission of a Notice of Abatement issued April 14, 2023 to St. Timothy's Episcopal Church at 401 Fir Street, Assessor's Map & Tax Lot No. 4113-05BC-07300 based on the findings and conclusions stated in the staff report; motion seconded. With no further discussion by a vote of 3-2, with Commissioners Wulkowicz and Coons voting nay, the motion carried.

MINUTES FOR APPROVAL

5.1 Minutes of regular Planning Commission meeting of August 1, 2023.

Motion made by Commissioner Wulkowicz to approve the Planning Commission minutes of August 1, 2023; motion seconded and with no further discussion by a 6-0 vote the motion carried.

UNSCHEDULED PUBLIC APPEARANCES - None

REPORT FROM THE PLANNING STAFF - None

COMMISSION FINAL COMMENTS - None

ADJOURNMENT

Chair Watwood adjourned the meeting at 7:29 pm.

Respectfully submitted,

Skip Watwood, Brookings Planning Commission Chair
Approved at the November 7, 2023 meeting