

**MINUTES**  
**City of Brookings**  
**Common Council Meeting**  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon 97415  
Tuesday, May 26, 2009, 7:00 p.m.

**Call to Order**

Mayor Anderson called the meeting to order at 7:01pm.

**Roll Call**

Council Present: Mayor Larry Anderson, Councilors Hedenskog, Gordon, and Pieper; a quorum present. Councilor Dave Kitchen was absent.

Staff Present: Acting City Manager Janell Howard, Planning Director Dianne Morris, Public Works Director John Cowan, and City Recorder Joyce Heffington.

Other Present: Approximately 10 public. No one from the media was present.

**Public Hearings**

At 7:02pm, Mayor Anderson opened the continuation of the legislative public hearing in the matter of File # LDC-4-09, adding Chapter 17.94, to the Brookings Municipal Code.

Hearing no ex parte or declarations of conflict, and no objections as to jurisdiction, Planning Director Morris reviewed the changes made to the language at Council's request during the last hearing.

Councilor Hedenskog generally stated that he liked the water conservation and storm run-off methods, but was still having problems with certain sections of the ordinance. In particular Hedenskog expressed concerns regarding additional requirements for plan documents; the open space criteria, stating that adopting these new criteria would not improve upon that which is already addressed in the code, at least for residential space; and the lack of incorporation into the code of a discrete list of drought tolerant plants, stating that without such a definitive list, changes could be made without going through the legislative process.

Councilor Pieper generally stated that he liked the sections on incentives and private trees, but believed that the open space standards and map requirements did not reflect the goal of the adopted Business Plan, specifically as it relates to the goal of pro-growth. Specifically he stated that he was looking to have hurdles removed and not added.

Mayor Anderson generally stated that Council's requests from the last hearing had been incorporated into the language by staff; Council had approved an aggressive water conservation plan of which this ordinance represents a starting point; and that staff and the Land Development Committee had put a great deal of time, energy and thought into developing the language.

Director Morris generally stated that the additional plan documents could be included on the plot plan; that in terms of the existing code, paving is not considered a structure and therefore not subject to set-backs making it possible for someone to pave their entire lot; that formally adopting a list of plants would limit the options to the owner/developer; and that rather than hampering growth, this ordinance would encourage growth by making more water available and by lessening the impact on the storm drain system, which in turn would reduce costs to developers.

Mayor Anderson asked for a motion and Councilor Hedenskog generally stated that while he likes the idea of water conservation and storm water mitigation, the water conservation portions would

be better placed into a water conservation ordinance and that adding another ordinance was not the direction he wanted to go.

**Councilor Hedenskog moved to reject the language, a second followed, and the motion failed to pass with Councilor Hedenskog and Councilor Pieper voting "Yes" and Mayor Anderson and Councilor Gordon voting "No."**

**Councilor Gordon moved to accept the language proposed in LDC-4-09, of the Brookings Municipal Code, and instruct staff to proceed with the ordinance, a second followed and the motion failed to pass with Mayor Anderson and Councilor Gordon voting "Yes," and Councilor Hedenskog and Councilor Pieper voting "No."**

Mayor Anderson asked if the incorporation of the plant list into the ordinance would answer the majority of Councilor Hedenskog's concerns. Hedenskog generally stated that he understands the need to keep the open space requirement to a minimum, but if an external reference is to be called out he wants it to be tied to the ordinance so that it cannot be changed without Council approval, as he feels should be the case with all ordinances.

Acting City Manager Howard suggested that this could be done by resolution, as a less cumbersome method of adoption. Hedenskog stated that this would be acceptable.

Councilor Gordon generally stated that he did not see the governing body getting involved in determining what plants are appropriate for the list.

City Recorder Heffington generally offered the suggestion that there may be a list of plants available nationally or statewide that could be referenced without requiring any legislation action and asked if that would be acceptable. Councilor Hedenskog stated that it would.

Planning Director Morris stated that the list currently available was developed by local residents and suggested adding language stating that a list would be adopted by resolution, cautioning that such as list would not be exhaustive.

Councilor Hedenskog stated that he has seen requirements evolve into practice due to open ended policy and did not want to see that happen.

Mayor Anderson suggested that the matter be continued and strongly suggested that Councilors provide feedback to staff prior to the matter coming before Council.

**Councilor Hedenskog moved, a second followed and Council voted unanimously to continue the hearing [in the matter of LDC-4-09, Landscaping] to June 8<sup>th</sup> at 7:00pm.**

### **Ordinances/Resolutions/Final Orders**

Ordinance 09-O-635, relating to the previously continued hearing, was not addressed.

Mayor Anderson asked for public comments on Resolution 09-R-914, establishing methodologies for the System Development Charges (SDC) for Water, Wastewater, Storm Drainage, Transportation and Parks Systems, and repealing Resolution 06-R-748.

Dave Frazier, 99897 S. Bank Chetco, generally stated that time is of the essence when adopting SDC's and delaying creates potential problems, particularly for those whose livelihood relies on the construction business and that lowering fees would improve the situation.

Bob Minshew, 1349 Chetco Ave, generally stated that incentives were needed to attract new business and that SDC's are the biggest hindrance to the City's economic growth.

Tim Patterson, 621 Chetco Ave, generally stated that he agrees with the fees proposed for new development, and would support adoption of the SDC report if it allows developers to pay at the time of closing and did not apply to existing buildings. Otherwise, he would recommend that it not be adopted.

Noah Bruce, PO Box 61, generally stated that he supports the lowering of SDC's.

Mike Dees, Dyer Partnership, generally stated that the fee amounts recommended in the report were the actual amounts required, or, in other words, the amounts needed to prevent rate payers from having to subsidize new development.

**Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Resolution 09-R-914, establishing methodology for System Development Charges and repealing Resolution 06-R-748, to be effective this date.**

**Public Comments**

Denny Crane, 515 Chetco, generally stated that he was impressed by the town, and was both partnering with Brian Scott in the gallery, as well as opening an ice cream parlor in an existing building. He also stated that existing SDC's had prohibited him from previously opening a business in Brookings.

**Consent Calendar**

- Approval of Council Minutes for May 11, 2009
- Acceptance of Planning Commission Minutes for April 7 and May 5, 2009.

**Councilor Gordon moved, a second followed and Council voted unanimously to approve the consent calendar as written.**

**Remarks**

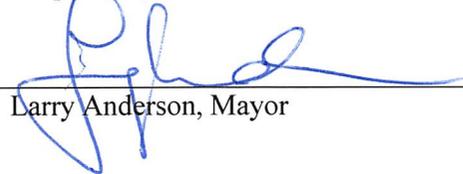
The Mayor remarked to the Public Works Director Cowan that he had not seen Azalea Park in as good of a condition than in was for the Azalea Festival and asked the Director to pass on his comments to staff and to the Parks and Recreation Commission and especially to Dave Lentz of the Parks Department.

Councilor Gordon thanked all of the Veterans organizations for the services at the Port over the weekend, and Steve Braun and KURY radio for their "over and above" fund raising efforts.

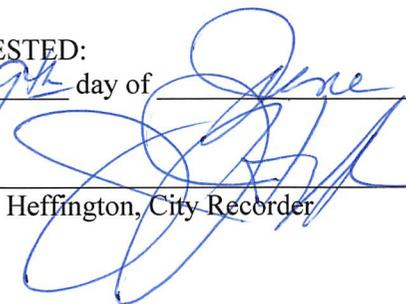
**Adjournment**

**Councilor moved, a second followed and Council voted unanimously by voice vote to adjourn at 8:02pm.**

Respectfully submitted:

  
\_\_\_\_\_  
Larry Anderson, Mayor

ATTESTED:  
this 9th day of June 2009:

  
\_\_\_\_\_  
Joyce Heffington, City Recorder