

MINUTES
City of Brookings
Special City Council Meeting
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon 97415
Tuesday, January 30, 2007

Call to Order

Mayor Sherman called the meeting to order at 7:00 p.m.

Roll Call

Council Present: Mayor Pat Sherman, Council President Larry Anderson, Councilors Dave Gordon, Jan Willms and Ron Hedenskog: a quorum present.

Staff Present: Interim City Manager Ken Hobson, Public Works Director John Cowan, City Engineer Richard Nored, Planning Director Dianne Morris, Senior Planner Donna Colby-Hanks and Administrative Assistant Joyce Heffington

Media Present: Tom Hubka, Curry Pilot

Other: approximately 11 other citizens

Public Hearing

A. Continuation from Public Hearing dated, December 19, 2006, in the matter of the following:

- File no. **APP-5-06**, and file no. **APP-6-06**, appeals of the Planning Commission's approval (File No. PUD-1-04/MC-2-06), and request for a minor change to PUD-1-04, *Pacific Terrace*, to change the emergency exit from Izaiha Drive to Pacific Terrace Drive, to remove the existing water tank, or to obtain approval of the water tank as presently located by authorization for a variation from height and setback requirements; and plat a 175 foot spur road, named Sage Lane, for access to Tax Lots 1527 and 1528; located at Old County Road and Marina Heights; Assessor's Map 40-13-32CC, Tax Lots 1501, 1527, 1528 and 1535. Appellants for file no. APP-5-06 are Gary & Meta Kent, Eric & Mollie Eastaff, Harry & Sherry Gallaty, Michael & Ellen Winger, and on file no. APP-6-06, John Babin, representative for Bruce Brothers-LLC. Criteria used to decide these cases can be found in Chapters 17.116, 17.24.060, 17.24.070, and 17.152, of the Land Development Code.

Mayor Sherman opened the hearing in the matter of the above appeals, stating that the public comment period in these matters had been closed at the previous meeting. Mayor Sherman next advised of a possible issue regarding Councilor Hedenskog's not having been a member of the Council when the hearings were first heard. Director Morris stated that, according to Land Use Attorney James Spickerman, as long as Councilor Hedenskog has been fully informed with written and other materials, he could participate in this matter.

Council Hedenskog declared that he had made a site visit. Councilor Anderson stated that any potential conflict in which he may have been involved in these matters had been clarified at the previous meeting and is on record.

In response to evidence submitted on behalf of Bruce Bros, included in Supplemental Packet #4. Mayor Sherman stated it had been determined that the evidence introduced a new concept not previously considered and if Council were to consider this evidence, the hearing would have to be reopened. Mayor Sherman then stated that, according to the City's Land Use Attorney,

James Spickerman, the evidence in question had not been submitted in a timely manner and therefore Council did not have to consider it.

Councilor Hedenskog moved, a second followed, and Council voted unanimously to exclude the new evidence.

Several clarifying questions were asked of City Engineer Richard Nored, who generally stated that the tank met the City's code and would fulfill the necessary fire suppression requirement. Nored further stated that it was the decision of Bruce Bros to go with the larger sized tank, and if the tank were reduced by two tiers, it would require the addition of home sprinklers to satisfy the State's code.

Councilor Willms asked whether the appeal had to be denied in total. Mayor Sherman stated that it could be modified. Discussion ensued regarding the Condition of Approval requirement of a landscape architect versus a landscape contractor to include a suggestion by Spickerman that the Conditions of Approval be amended to reflect this change, as landscape architects were not readily available in the area.

The general consensus of Council was that the controlling issue regarding these appeals was safety and Council's role was to support the Brookings Municipal and Land Development Codes.

Councilor Gordon moved, a second followed and Council voted unanimously to uphold the Planning Commission's decision on file number APP-5-06, of the Planning Commission's approval (File No. PUD-1-04/MC-2-06), a request for a minor change to PUD-1-04, *Pacific Terrace*, to change the emergency exit from Izaiha Drive to Pacific Terrace Drive, to approve the water tank as presently located by authorization for a variation from height and setback requirements; and plat a 175 foot spur road, named Sage Lane, for access to Tax Lots 1527 and 1528; located at Old County Road and Marina Heights; Assessor's Map 40-13-32CC, Tax Lots 1501, 1527, 1528 and 1535; and to amend the Conditions of Approval having to do with landscaping so that it requires a landscape contractor instead of landscape architect, and add the language suggested by Spickerman on page 10 [as numbered in the agenda packet] of the most recent memo and delete the Condition of Approval having to do with the reimbursement agreement.

Councilor Gordon moved, a second followed, and Council voted unanimously to uphold the Planning Commission's decision on file number APP-6-06, of the Planning Commission's approval (File No. PUD-1-04/MC-2-06), the motion to include the rest of the language so as to be consistent with the language in the previous motion.

Councilor Willms moved, a second followed and Council voted unanimously to direct staff to prepare the Final Order and have it available for Council at the February 12th Council Meeting.

Adjournment

Councilor Gordon moved, a second followed and Council voted unanimously by voice vote to adjourn the meeting at 8:13 p.m.

Respectfully submitted:


Pat Sherman
Mayor

ATTEST by City Recorder
this 21st day of February 2007:


Paul Hughes
Administrative Services Director/City Recorder