

**Minutes**  
**City of Brookings**  
**Common Council Meeting**  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon 97415  
Monday, April 9, 2007

**Call to Order**

Mayor Sherman called the meeting to order at 7pm, following the Annual Review of Oregon Ethics Law, presented by City Attorney Trew.

**Roll Call**

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

*Staff Present:* City Attorney John Trew, Planning Director Dianne Morris, Senior Planner Donna Colby-Hanks, and Administrative Assistant Joyce Heffington.

*Media Present:* Tom Hubka, Pilot Reporter

*Other:* approximately 40 other citizens

**Proclamations**

Mayor Sherman proclaimed the month of April as Spring Clean-Up Month. Accepting the proclamation were Councilor Jan Willms and Pete Smart, Curry Transfer and Recycling.

National Library Week was proclaimed by Mayor Sherman to be the week of April 15 through April 21. Accepting were Friends of the Library Secretary, Shirley Hyatt, and Secretary and Treasurer, Joe Donahue.

Court Appointed Special Advocate (CASA) Director, Nancy McMahon, accepted a proclamation from Mayor Sherman for April as Child Abuse Prevention Month. Director McMahon provided a hand-out on Child Abuse, a copy of which is on file.

**Announcements**

Kelly Ryan, Pageant Advisor, announced that the annual Azalea Festival Pageant would be held on April 28<sup>th</sup> at 7:30pm in the BHHS gymnasium. Ryan also introduced the four Court Princesses, Alexis, Sara, Helena and Alex, each of whom addressed Council.

**Public Hearings**

Mayor Sherman opened the public hearing at 7:25pm in the matter of the **Measure 37 claim filed by Nora Stanhurst-Olson** requesting a waiver from street improvements, underground storm drains, sewer and water service, and all other utilities currently required for subdividing property, or \$500,000 in damages.

After providing an overview of the process to be used in the preceding matter, Mayor Sherman asked staff to present its evidence.

Senior Planner Colby-Hanks reviewed the staff report recommending that the claim be denied as the regulations that restrict the claimant's desired use of the property are exempt under ORS 197.352(3)(B).

Speaking on behalf of the complainant were:

David Olson, 845 Crestwood Place, Brookings. Olson generally stated that the property has been in the family since the 1930's and current land use regulations have restricted its use, thereby reducing its fair market value.

Robert Stanhurst, 357 N. Brookings Avenue, Smith River, California, generally related the property's chain of ownership since it first came into the family.

Speaking against the claim was Sam Vahey, 97 Tanbark, Brookings, who generally stated that this was not a measure 37 claim.

Mayor Sherman closed the public hearing at 7:52pm and Council moved to deliberation during which time Attorney Trew, in response to questions by Council, affirmed staff's assertion that, for the purpose of a waiver, ownership applies only to the current owner.

**Councilor Willms moved, a second followed, and Council voted unanimously to deny the measure 37 claim, file no. M37-3-06, because the claim does not meet the requirements of Measure 37 and staff is directed to prepare for Council's approval a resolution with findings in support of that denial.**

Mayor Sherman opened the hearing in the matter of the **Measure 37 claim filed by Eldon Gossett** requesting a waiver of current sideyard setbacks, or \$330,000 in damages, at 8:00pm. After reviewing the process to be used for the hearing, Mayor Sherman turned the meeting over to staff.

Senior Planner Colby-Hanks presented staff's recommendation to approve the claim and in lieu of compensation allow the property set-backs to be subject to those set-backs that were in effect at the time the claimant purchased the property in 1986.

Eldon Gossett, 1012 Easy Street, Brookings, presented evidence in support of his claim, generally stating that current land use restricts his original plans for the property's use and that since he owned the property prior to current set-back changes, his claim is valid.

Mayor Sherman closed the public hearing at 8:12pm and Council briefly deliberated.

**Councilor Willms moved, a second followed, and Council voted unanimously to grant the Measure 37 claim, file no. M37-2-06, and staff is directed to prepare a resolution and findings in support of the decision to grant a waiver.**

### **Council Liaison Reports**

Councilor Anderson reported one school board meeting and one city meeting.

Councilor Gordon attending a Del Norte Airport Advisory meeting, a Chamber Marketing meeting, and a South County Drug Task Force meeting.

## Regular Agenda

Director Morris reviewed the staff report regarding the **Andruss's request for a fee waiver**, generally stating that the Brookings Municipal Code offered no provision under which Council could grant the waiver of the land use application fee currently required for final approval of the subdivision located at 17234 Passley Road.

Elizabeth Andruss, 17941 Rainbow Rock Road, presented her request to have the fee waived, generally citing delays beyond her control.

Council asked questions of both Andruss and staff, and concluded that a waiver could not be granted.

Director Morris recommended that Council extend the time to render a decision on several **land development code revisions** currently under review.

**Councilor Gordon moved, a second followed, and Council voted to extend the time to render a decision on Chapters 17.164, 17.170, 17.171, 17.172, and 17.176 of the Brookings Municipal Code (BMC), with hearings to be held and decisions rendered no later than June 12<sup>th</sup>, 2007.**

Director Morris presented a proposal to provide a letter to the **Maybeck Foundation** in support of their holding a future board meeting and planning seminar this fall in Brookings. It was the Council's consensus to assist staff in writing such a letter.

Councilor Gordon outlined several concerns regarding current governance of the **Coos-Curry Electric Coop (CCEC)** and its decisions regarding the replacement of power lines going into the City and Harbor.

Attorney Trew declared a conflict of interest and stated that he would not be engaging in any discussion involving the CCEC due to a past working relationship with the CCEC.

Public comments regarding CCEC issues were made by Ed Goodell, 1251 Hub Street, Brookings, Bill Waddle, PO Box 7181, Brookings, and Judi Krebs, 15954 Bayview Drive, Brookings.

After some discussion, Council chose to take no action at this time.

## Consent Calendar

- A. Approval of Council Meeting Minutes for March 26, 2007.
- B. Approval of vouchers for March, 2007 in the amount of \$311,280.90.
- C. Approval of liquor license application for Bella Italia Ristorante, 1025 Chetco Avenue, #A&B.
- D. Approval of street closure request from Evergreen Federal Bank of Frontage Road from Ross Road to the northern edge of the Evergreen's parking lot on Saturday, April 21<sup>st</sup>, 2007 from 9am to 3pm for "Community Shred Day."
- E. Approval of street closures and related requests from Brooking-Harbor Chamber of Commerce for Azalea Festival to be held May 25-May 28, 2007.

Councilor Anderson wanted to be certain there was no confusion on the Chamber's part regarding the no alcohol ordinance being in effect for Azalea Park. Mayor Sherman asked that staff follow up with the Chamber.

**Councilor Willms moved, a second followed, and Council voted unanimously to approve the Consent Calendar as written.**

**Adjournment**

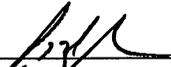
**Councilor Anderson moved, a second followed, and Council voted unanimously by voice vote to adjourn the meeting at 9:30pm.**

Respectfully submitted:



Pat Sherman  
Mayor

ATTEST by City Recorder  
this 24<sup>th</sup> day of April, 2007:



Paul Hughes  
Administrative Services Director/City Recorder