

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
November 10, 2003
7:00 p.m.**

I. Call to Order

Mayor Bob Hagbom called the meeting to order at 7:05 p.m.

II. Pledge of Allegiance

Led by Councilor Curry

III. Roll Call

Council Present: Mayor Bob Hagbom, Council President Rick Dentino, Councilors Larry Curry, Frances Johns Kern, and Craig Mickelson, a quorum present.

Council Absent: None

Staff Present:

City Manager Leroy Blodgett, City Attorney John Trew, City Planner John Bischoff, and Administrative Secretary Linda Barker

Media Present: Curry Coastal Pilot Reporter Bill Lundquist

Other:

Approximately 13 other citizens

Before the beginning of the Public Hearing portion of the agenda Mayor Hagbom presented Councilor Curry with a certificate of appreciation from Oregon Coastal Zone Management Association. Curry's last meeting with OCZMA was to have been October 30 however Curry was unable to attend. Curry accepted the certificate saying it was a pleasure to be recognized for some of the things we do.

IV. Public Hearing

Mayor Hagbom opened the public hearing portion of the meeting by reading the rules of procedure for public hearings. The first hearing opened at 7:10 p.m.

- A. File No. CPZ-2-03—an application for a Comprehensive Plan change and zone change involving a portion of four tax lots, consisting of a zone change from R-1-6 (Single-family Residential, 6,000 square foot minimum lot size) to R-3 (Multiple-family Residential) on Tax Lots 201, 400 and 401; a zone change on a portion of Tax Lot 301 from C-4 (Tourist Commercial) to R-3; a comprehensive plan change from Residential to*

Commercial, and a zone change from R-1-6 to C-4 on a portion of Tax Lot 200; located at 96707 East Harris Heights Avenue; Assessors Map 40-14-36A; Edward Hewitt, applicant.

Councilor Mickelson declared ex parte contact due to a site visit. There were no declarations of personal bias or conflict of interest by any of the Councilors. No member of the audience questioned the jurisdiction of the Council to hear the request before them.

City Manager Blodgett said the City had received communication from the applicant asking that the zone change request be amended from R-3 to R-2. Kurt Kessler, purchaser of the property, also wrote saying he would be agreeable to the R-2 zone rather than R-3. Staff recommended remanding the application back to the Planning Commission

The Public Hearing closed at 7:18 p.m.

Councilor Dentino moved, a second followed, and the Council voted unanimously to remand File No. CPZ-3-02 back to the Planning Commission.

- B. File No. CZ-1-03—an application for a zone change from R-2 (Two-family Residential) to R-3 (Multiple-family Residential) on 2.6 acres located at 1038 Chetco Avenue; Assessor's Map No. 41-13-06 BD, Tax Lots 2300 and 2302; Jerry Norman, applicant.*

Mayor Hagbom opened the public hearing on CZ-1-03 at 7:19 p.m. Councilor Dentino declared ex parte contact by a site visit. No other Councilor declared ex parte contact. No Councilor stated personal bias or conflict of interest and there was no objection to the jurisdiction of the Council to hear this matter.

After Planner Bischoff presented his staff report the following spoke about the request:

Applicant Jerry Norman	PO Box 1025	Brookings
Gerald Ross	617 Easy Drive	Brookings
Richard Wilson	117 Tanbark Road	Brookings

No participant of the Hearing requested additional time to present evidence. The Hearing was closed to the public at 7:55 p.m.

The applicant waived his right to seven days to present additional written testimony.

There was Council discussion regarding the amount of traffic generated by multiple family dwellings and its impact on Chetco Avenue.

Councilor Mickelson moved, a second followed, and the Council voted 4-1 (For: Councilors Mickelson, Curry, Johns Kern and Mayor Hagbom; Against: Councilor Dentino) to approve a zone change from R-2 (Two-family Residential) to R-3 (Multiple-family Residential) on 2.6 acres located at 1038 Chetco Avenue; Assessor's Map No. 41-13-06 BD, Tax Lots 2300 and 2302; Jerry Norman, applicant, and to direct staff to prepare the FINAL Order and Findings of Fact.

- C. *File No. CPZ-3-03—an application for a zone change from R-3 (Multiple-family Residential) to P/OS (Public Open Space) and a comprehensive plan amendment change from Residential to Open Space; located at 517 Railroad Avenue; Assessor's Map 41-13-05 CC Tax Lot 1800; Grant Young, representative; Curry County, applicant.*

Mayor Hagbom opened the Public Hearing at 8:00 p.m. City Manager Blodgett said the Curry County Planning Director had requested a continuation of the Hearing to December 8, 2003.

Councilor Dentino moved, a second followed and the Council voted unanimously to continue the Public Hearing on CPZ-3-03 to December 8, 2003.

V. *Oral Requests and Communications from the Audience*

A. *Committee and Liaison reports*

1. *Chamber of Commerce-none*
2. *Council Liaisons*

Councilor Dentino attended an Oasis House presentation for Domestic Violence Awareness Month. He presented a short talk on local government to a group of kindergartners visiting City Hall. He also attended the monthly Community Agencies meeting and along with the other Councilors will attend the League of Oregon Cities Annual Conference in Eugene November 13-16.

Councilor Mickelson attended a Parks and Recreation Commission meeting on October 23 and a marketing committee meeting of the Chamber of Commerce, November 10.

Councilor Johns Kern also attended the Parks and Recreation Commission meeting.

Councilor Curry attended the Community Agencies meeting and the meeting of Crimestoppers on November 9.

- B. *Unscheduled*
None

VI. Staff Reports

A. City Manager

1. Other

City Manager Blodgett reported Asante Board of Directors met today and heard their staff report on a potential hospital in Brookings. Their meeting was about three hours long and it was reported the Board members were very enthusiastic about a hospital in Brookings. The Board directed their staff to move forward to next step. The City has not received a written commitment but this is one small step in making a hospital happen in Brookings. He said the City would like to work exclusively with Asante until all possibilities have been exhausted.

Councilor Johns Kern moved, a second followed, and the Council voted unanimously to continue to work with Asante to secure a hospital for Brookings.

VII. Consent Calendar

- A. *Approval of Council Meeting Minutes of October 27, 2003, regular Council meeting*
 - B. *Acceptance of Parks and Recreation Commission Minutes of August 28, 2003, regular Commission meeting*
 - C. *Acceptance of Planning Commission Minutes of October 7, 2003, regular Commission meeting*
 - D. *Acceptance of Budget Committee Minutes of October 27, 2003, meeting*
 - E. *Approval of Vouchers for month of October, 2003 (\$218,225.09)*
- End Consent Calendar*

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

The meeting recessed at 8:05 p.m. Mayor Hagbom reconvened the meeting at 8:16 p.m.

VIII. Ordinances/Resolutions/Final Orders

A. Final Orders

- 1. *File No. APP-4-03/SUB-6-02/MC-1—In the matter of a Final ORDER and Findings of Fact in the denial for a minor change of the conditions of approval for a subdivision to allow encroachment into an earthen berm located along the westerly boundary of the subject property; Assessor's Map 41-13-7A, Tax Lot 409.*

City Attorney Trew said the Council was back on the record on this particular hearing. He explained he sent a letter to the Council about the choices he had given the Council at their meeting of October 27 explaining there was a third choice of modifying the Planning Commission decision. He had not given them this choice at the meeting, only to uphold or deny the appeal. After review of the Land Development

Code regarding appeals his recommendation at this time is that the Council still could consider the third option

Councilor Dentino moved, a second followed, and the Council voted 4-0 (Councilor Johns Kern had declared bias at the initial Hearing and did not participate) to reconsider the motion to deny APP-4-03.

Trew introduced a letter from The Cove's attorney Gary Georgeff. The City received the letter at 3:30 p.m. As the Public Hearing on this matter was closed to the public Trew said the appellant's attorney must be asked if he objects to the Council seeing the letter. John Babin, appellant's attorney, said he saw the letter about 4:00 p.m. and while it is outside the scope of evidence since the hearing was closed, Bruce Bros. would not object to the Council seeing the letter and attachments. However Babin said he would like to respond in some extent. Trew said this would reopen the Hearing. Babin waived the right to respond and the letter was distributed to the Council.

City Manager Blodgett then reiterated the three choices before the Council: 1) approve the findings and final order denying the appeal; 2) direct staff to prepare findings and final orders to approve the appeal; or 3) direct staff to prepare findings and a final order to reverse the decision of the Planning Commission which denied an application for a minor change to the conditions of approval and granting the application for a minor change. Staff recommended the following wording for the conditions of approval:

Any encroachment or modification to the "berm" shall first be designed by a certified engineer and include an opinion of an expert in air flow that concludes that the encroachment or modification shall not degrade existing odor control or visual impact of the WWTP. Engineered design of any proposed encroachment or modification to the "berm" shall be reviewed by the City Engineer and a recommendation made to the Site Plan Committee for consideration.

Council discussion centered on whether the berm would be allowed to remain in its modified state or if the appellant should correct the encroachments.

Councilor Dentino moved, a second followed, and the Council voted 4-0 (Councilor Johns Kern had declared personal bias at the initial Hearing and did not participate) to direct staff to prepare findings and a final order reversing the decision of the Planning Commission which denied an application for a minor change to the conditions of approval and grant the application for a minor change with the following requirement: Any encroachment or modification to the "berm" shall first be designed by a

certified engineer and include an opinion of an expert in air flow that concludes that the encroachment or modification shall not degrade existing odor control or visual impact of the WWTP. Engineered design of any proposed encroachment or modification to the "berm" shall be reviewed by the City Engineer and a recommendation made to the Site Plan Committee for consideration. The engineers and developers of the encroachment or modification of the berm shall be liable for any degradation of any existing odor or visual barriers.

IX. Remarks from Mayor and Councilors

- A. Council-None
- B. Mayor-None

X. Adjournment

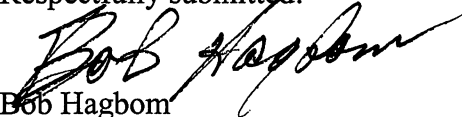
Councilor Johns Kern moved to adjourned at 8:45 p.m. and by verbal vote the Council agreed to adjourn.

The meeting was reopened at 8:45 p.m.

Rex Atwell, 17169 Parkview Drive, addressed the Council on behalf of his neighbors in the Parkview Drive area. At the last Council meeting Atwell had registered a complaint over the lack of consideration shown by the contractors who are working in the newly annexed areas of Parkview Drive. He brought a huge thank you from the neighborhood for the immediate response by City officials to the complaint.

With no further business before it the Council adjourned the meeting at 8:46 p.m.

Respectfully submitted:


Bob Hagbom
Mayor

ATTEST by City Recorder this 25 day of November, 2003.



Paul Hughes
Finance Director/City Recorder