

**CITY OF BROOKINGS**  
**Council and Planning Commission Work-Session at 5:30 p.m. and**  
**COMMON COUNCIL MEETING at 7:00 p.m.**  
**Brookings City Hall Council Chambers**  
**898 Elk Drive, Brookings, Oregon**  
**April 22, 2002**

**5:30 p.m.**

City Council and Planning Commission Work  
Topic – Deferred Improvement Agreements

At 5:30 p.m., City Council and Planning Commission met to discuss Deferred Improvement Agreements and safety concerns due to the lack of sidewalks and open ditches along Pioneer, Pacific, and Hassett Streets near the school. Those from the Council in attendance were Mayor Bob Hagbom, Councilors Lorraine Kuhn, Frances Johns, Rick Dentino, and Council President Larry Curry. Present from the Planning Commission was Chair Randy Gorman, Commissioners Russ Fritz, Craig Mickelson, Ted Freeman, Jr., Tom Davis, and Ernest Cofrances. Staff members present were City Manager Leroy Blodgett, City Planner John Bischoff, Building Official LauraLee Gray, and Administrative Secretary Sharon Ridens. Newspaper Reporter Brian Bullock attended from the Curry Coastal Pilot, along with prior Planning Commissioner Judi Krebs.

As a result of the workshop, Council and Planning Commission members agreed staff should develop a policy to be followed by City Council, Planning Commission, and City staff, which would be to not issue any future DIA's and that public improvements be constructed at the time of development unless there is an unusual circumstance beyond the developer's control. There was mutual consensus DIA's should only be issued by approval of the Planning Commission and all requests for DIA's to be issued only by approval of the Planning Commission and all requests for DIA's to be accompanied by a staff report and staff recommendation. Staff will present a developed policy to Council and the Planning Commission for review. By unanimous consensus, those present felt the burden of proof is to be on the applicant for a building permit.

**I. CALL TO ORDER**

After a short recess from the work-session, Mayor Bob Hagbom called the meeting to order at 7:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

Led by Elk Trustee David Ford

**III. ROLL CALL**

Council Present: Mayor Bob Hagbom, Council President Larry Curry, Councilors Frances Johns, Lorraine Kuhn, Rick Dentino, and Ex-Officio Student Councilor Noël Connelly, a quorum present.

Council absent: none

Staff Present: City Manager Leroy Blodgett, City Planner John Bischoff, and Administrative Secretary Sharon Ridens

Media Present: Reporter Brian Bullock from the Curry Coastal Pilot Newspaper

Other: Chamber of Commerce Executive Director Les Cohen, Planning Commission Chair Randy Gorman, Planning Commissioner Russ Fritz, Budget Committee Chair Bruce Nishioka, and approximately 24 other citizens

**IV. CEREMONIES/APPOINTMENTS ANNOUNCEMENTS**

**A. Announcements**

**1. Proclamations**

**a. Elks National Youth Week - May 5 ~ 11, 2002**

Mayor Hagbom proclaimed May 5 through 11, 2002, as Elks National Youth Week and presented Elk Trustee David Ford with the appropriate document.

**b. Law Enforcement Week - May 13 ~ 19, 2002**

**c. Law Enforcement Day – May 15, 2002**

Mayor Hagbom presented our “Top Cop In Town” Leroy Blodgett with a proclamation declaring May 13, through 19, 2002, as Law Enforcement Week, and May 15, 2002, in particular as Law Enforcement Day, noting a special Memorial Service scheduled in Brookings in front of City Hall at 11:30 a.m. that same day. Mayor Hagbom encouraged our citizens to observe this week with appropriate recognition for our Law Enforcement Officers by attending the special service.

d. National Pet Week – May 5 ~ 11, 2002  
Mayor Hagbom also proclaimed May 5 through 11, 2002, as National Pet Week and asked the people of our community to take advantage of the special events planned in conjunction with this particular recognition of animals who are treated with love, care & respect. A copy of the request for this proclamation and form are included as part of these minutes.

2. Special Recognition to Judy Krebs - Thank you for service on Planning Commission

Mayor Hagbom stated he was honored to give special recognition to past Planning Commissioner Judi Krebs for her 13 years of dedicated service to the citizens of Brookings. Krebs received a special framed certificate of appreciation.

3. Special Recognition to Richard Gyuro - Thank you for service on Planning Commission

Mayor Hagbom presented a certificate of appreciation to Richard Gyuro for his 2 years and 2 months of volunteer service to the citizens of Brookings.

4. Resignation of Budget Committee member L. Lee Rogers

Mayor Hagbom announced Lee Rogers had given Council her resignation from the Budget Committee. Notice for the vacancy will be forthcoming.

B. Appointments

1. Parks & Recreation Commission Pos. #7, Effective: Immediately, 4-year term expires February 1, 2006

Mayor recommended Pat Sherman, currently a member of the Brookings-Harbor Garden Club, to be appointed to Position No. 7 of the Parks and Recreation Commission.

**Councilor Dentino moved, a second followed, and the Council voted unanimously to appoint Pat Sherman to Position No. 7 of the Parks and Recreation Commission, effective immediately.**

2. Planning Commission Pos. #6, Effective: Immediately, 4-year term expires April 1, 2005

Mayor recommended Bruce Nishioka, currently a member of the City of Brookings Budget Committee, to be appointed to Position No. 6 of the Planning Commission, effective May 6, 2002.

**Councilor Kuhn moved, a second followed, and the Council voted unanimously to appoint Bruce Nishioka to Position No. 6 of the Planning Commission, effective May 6, 2002.**

Due to a long agenda and time restraints, Mayor Hagbom asked City Manager Leroy Blodgett to handle Agenda Item No. VII. A. 1., regarding the closure of a portion of Old County Road for a middle school science class. The teacher was present for the request. Blodgett refreshed Council with the years past in handling this special request and recommend Council approve. Teacher Mike Gordon expressed some possibility in deleting one of the days. He will coordinate with Public Works.

**Councilor Kuhn moved, a second followed, and the Council voted unanimously to authorize the closing of Old County Road May 24 and 28, 2002, from approximately 8:20 a.m. to approximately 11:00 a.m. on each day for an Azalea Middle School Class to complete their downhill racing project.**

**V. PUBLIC HEARING**

- A. In the matter of Planning Commission File No. VAC-1-02, application for approval of right-of-way vacation of the southerly most 55± feet of Truman Lane; located at the southerly end of Truman Lane that is surrounded on three sides by Tax Lot 6200; zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size), Paul Sherman, applicant

Mayor Hagbom advised Council was now entering into the public hearing section of the agenda, and called it to order as a quasi-judicial public hearing at 7:25 p.m. on Monday, April 22, 2002. He read the matter of the hearing on an application to vacate – Planning Commission File No. VAC-1-02, and asked if any member of the council had any actual personal bias or personal interest that would preclude their participation in the hearing; if any member had a potential or active conflict of interest. There were none. He then asked if any member had an ex-parte contact, including site visits to declare – Councilor Dentino had a site visit. There were no others. Hagbom asked if anyone objected to the jurisdiction of the Council to hear this matter. There was no one.

In the absence of the City Attorney, Mayor Hagbom asked City Manager Blodgett to review the hearings procedures and guidelines. He did so:

- The subject of the hearing will be announced.
- Staff will give their presentation and the Council will ask any questions.
- The applicant will be asked to present their case, and the Council will ask

- any questions.
- Anyone who would like to testify in favor of this application will be asked to speak.
- Anyone who would like to testify against this application will be asked to speak.
- Any interested parties, including public agencies, who wish to comment, will be asked to speak.
- The applicant will be given the opportunity to rebut any testimony given. No new evidence will be permitted during the rebuttal.
- The Planning Staff will be given the opportunity to make additional comments or summation.
- Participants in the hearing will be asked if they would like time to submit additional written evidence.
- The record will then be closed.
- The applicant will be asked if they would like the Council to make a decision now or they may request additional time to submit additional written evidence.
- The Council will discuss the issue and make a decision.
- Any applicant or participant may file an appeal with the Oregon Land Use Board of Appeals.

Blodgett advised if anyone wished to speak for, against or comment in any way, the following would comply:

- Please stand and approach the microphone, giving your name and mailing address.
- Make your statement.
- All statements and/or questions should be directed to the presiding officer. The Council may ask questions of all speakers.”

He followed with:

1. The planning staff will identify and list the applicable substantive criteria as part of the staff report to the Council.
2. All testimony, arguments and evidence must be directed toward the criteria outlined in the Staff Report or other criteria in the comprehensive plan or land use regulation, which the person believes applies to the decision.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issues precludes appeal to the Oregon Land Use Board of Appeals (LUBA) based on that issue.
4. The failure of the applicant to raise constitutional or other issues relating

to proposed conditions of approval with sufficient specificity to allow this Council to respond to the issue precludes an action for damages in Circuit Court.

5. Relevant testimony, is testimony which shows that one of the criteria is or is not satisfied or that a criteria must be interpreted or applied in a particular way.
6. If you have any exhibits you wish considered they will be marked as part of the record and will be kept by the Planning Staff until appeal opportunities expire, you may then ask for their return.
7. Repetitious testimony is not necessary and is discouraged.

Mayor Hagbom had an emergency and had to leave at 7:30 p.m.

Council President Larry Curry took over as Chair of the Council meeting at 7:30 p.m.

Curry proceeded with the presentation of evidence from staff. John Bischoff reported to Council the findings and his recommendations. There were no questions by Council and no discussion. Council President asked for the applicant or his representative to present evidence in support of the application.

Paul Sherman of P.O. Box 1140, Brookings confirmed his position. There were no questions or discussion by Council. There was no one from the Planning Commission that wished to address the Council on this issue.

Curry asked for anyone to speak in support of the application? There was no one. And, there were no questions by Council members.

Curry asked anyone to speak in opposition to the application. There was no one. And there were no questions or comments from Council.

Curry asked, if any other interested parties or representatives of public agencies wish to testify. There were none, and there were no questions from Council members.

Curry asked if the applicant wished to offer rebuttal evidence, which would be limited to the rebuttal of evidence in the record, no new evidence would be permitted. There was none.

There were no additional comments from Planning Staff.

No participants requested that the record remain open for an additional seven days in order to submit additional written evidence, argument or testimony.

Council President Curry closed the public hearing on File No. VAC-1-02 at 7:40 p.m., April 22, 2002.

Curry asked if the applicant wished an additional seven days to submit final written arguments in support of the application or is the applicant was willing to waive written argument and have a decision made this evening. The applicant waived written argument and requested a decision be made at this meeting. Council proceeded with minimal discussion.

**Councilor Dentino moved, a second followed, and the Council voted unanimously to approve and adopt the Final Order and Findings of Fact in the matter of Planning Commission File No. VAC-1-02; application for approval of a right-of-way vacation, Paul Sherman, applicant, as written.**

City Manager Blodgett read Ordinance No. 02-O-545, in the matter of vacating the southerly most 55± feet of Truman Lane as described in attached Exhibit A, in it's entirety.

**Councilor Johns moved, a second followed, and the Council voted unanimously to read Ordinance No. 02-O-545 by title only.**

City Manager Blodgett read Ordinance No. 02-O-545 by title only.

**Councilor Dentino moved, a second followed, and the Council voted unanimously to approve Ordinance No. 02-O-545, in the matter vacating the southerly most 55± feet of Truman Lane as described in attached Exhibit A.**

- B. In the matter of Planning Commission File No. ANX-1-02, application for approval of an annexation of a 5.78 acre parcel of land consisting of 4 lots located on the west side of Parkview Drive approximately 220 feet north of Hampton Road and adjacent to the easterly boundary of Harris Beach State Park, which forms the city limits; zoned County R-1 (Residential-One); Mike Mahar, Ken and Melody Gossard, and Ben Murray Applicants; Jim Capp, Western Land Use Services, representative

City Manager Blodgett proceeded on behalf of Council President Larry Curry by advising the second public hearing section of agenda, a quasi-judicial public hearing, was being called to order at 7:45 p.m. on this Monday, April 22, 2002.

This is a hearing on an application to annex into the City a 5.78 acre parcel of land consisting of four lots of 3.19, 1.15, .028 and .028 acres in size, located on the west side of Park View Drive approximately 220 feet north of Hampton Ln. and adjacent to the easterly boundary of Harris Beach State Park, which forms the city limits, Assessor's Map 40-13-31CB Tax Lots 800, 801, 802 and 803, in the matter of Planning Commission File No. ANX-1-02, an application.

He asked if any member of the Council had any actual personal bias or personal interest that would preclude their participation in this hearing. There was none. No member had a potential or active conflict of interest. Councilor Johns had a site visit, so no members had an ex parte contact. No one objected to the jurisdiction of the Council to hear this matter. Therefore Blodgett stated the hearing procedures and guidelines would be the same as the previous hearing and as stated in these minutes previously.

Blodgett asked for presentation of evidence. City Planner John Bischoff presented the Staff Report. Bischoff stated the applicant had presented all appropriate findings. Bischoff reviewed each of applicants statements and did not find any disagreement with applicant's comments. There were some traffic concerns, but staff recommended approval. There was minimal discussion, but questions did arise on the water impact and traffic.

Blodgett asked for the applicant or the applicant's representative to present evidence in support of the application. Applicant's representative Jim Capp, P.O. Box 2937, Harbor, OR thanked staff and Planning Commission for their assistance and approval of the application. He continued by briefly confirming the applicant's understanding and probable plans to improve city water lines and sewer for the property involved, along with the complete request from the four property owners involved.

Councilors asked questions and Capp responded to their satisfaction on matters of wetlands and proposed development date.

City Manager Blodgett asked if any representative of the Planning Commission wished to address the Council. No one was present. No one spoke in support of the application. There were no questions or discussion by Council. No one spoke in opposition to the application, and there were no questions by Council. No other interested parties or public agencies testified.

The applicant did not offer any rebuttal evidence and the Planning Staff had no



further comments. The participants did not request the record remain open for an additional seven days in order to submit additional written evidence, argument or testimony.

Blodgett closed the public hearing on File No. ANX-1-02 at 8:01 p.m., April 22, 2002.

The applicant waived his right to an additional seven days to submit final written arguments and asked for a decision at this meeting. Blodgett proceeded to Council for discussion and decision. There was no further discussion.

**Councilor Johns moved, a second followed, and the Council voted unanimously to approve and adopt Final Order and Findings of Fact in the matter of Planning Commission File No. ANX-1-02; application for approval of an annexation, Mike Mahar, Ken and Melody Gossard, and Ben Murray applicants.**

Blodgett read ordinance in its entirety.

**Councilor Kuhn moved, a second followed, and the Council voted unanimously to have Ordinance No. 02-O-546 read by title only.**

Blodgett read Ordinance No. 02-O-546 by title only.

**Councilor Kuhn moved, a second followed, and the Council voted unanimously to approve and adopt Ordinance No. 02-O-546, in the matter of amending the city limits and zoning map of the City of Brookings by annexing a 5.78 acre parcel of land and rezoning the parcel R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) on that certain property described in ordinance.**

- C. In the matter of Planning Commission File No. APP-1-02, an appeal of the Planning Commission's approval of a subdivision to divide a 1.86-acre parent parcel into ten lots with an average lot size of 6,122 sq. ft and including the extension of Weaver Lane; located on the north end of Weaver Lane approximately 380 feet north of Hassett Street; zoned R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size); Gay and Valnora Weaver, applicants; John Babin, representative. This is a quasi-judicial hearing.

City Manager Blodgett called for the third public quasi-judicial hearing at 8:08 p.m. on the appeal on the Planning Commission's approval of a ten lot subdivision on a

1.86 acre parcel located at the north end of Weaver Lane, approximately 380 feet north of Hassett Street (Assessor's Map 40-13-32CC, Tax Lot 300), in the manner of File No. APP-1-02, Planning Commission File No. SUB-2-02. Gay and Valnora Weaver are the applicants.

Blodgett asked if council had any bias, conflict, ex-parte, including a site visit, and if anyone objected to the Council's jurisdiction. There were none. He advised the hearing procedures would be the same as previously. John Bischoff presented the Staff Report, and explained the details and recommended that the appeal be upheld and the subdivision be remanded back to the Planning Commission with a revised preliminary plat that resolves the issue of the appeal. Staff recommended in order to meet code requirements with a redesign that they re-align the street putting the entire street on the subdivided property and meeting the set back codes. Discussion ensued.

The appellant's representative, John Babin, PO Box 1600, Brookings, spoke in support of the appeal and staff's recommendation to remand back to the Planning Commission to allow for modification. Discussion ensued.

Blodgett asked for anyone to speak in support of the appeal.

Applicant Gay Weaver of 945 Weaver Lane, and mailing address of P.O. Box 282, Brookings, Oregon apologized for not being at the Planning Commission originally

Richard Heyman of P.O. Box 6328, Brookings, Oregon, living on Weaver Lane, spoke in support of the appeal being upheld.

Darryl Niemi of B&D Survey, and residing at 17225 Mountain Drive, Brookings, Oregon spoke in agreement with remand. Niemi presented a street change option for remand to Planning Commission - EXHIBIT #1 – given to Planning Department.

No one else spoke in support. There was minimal discussion from Council, and no agencies were present to testify. There was no rebuttal by appellant, no additional questions or comments by Planning Staff. Appellant did not want an additional seven days.

Blodgett closed the public hearing for Planning Commission File No. APP-1-02, an appeal of the Planning Commission's approval of a subdivision to divide a 1.86-acre parent parcel into ten lots with an average lot size of 6,122 sq. ft and including the extension of Weaver Lane; located on the north end of Weaver Lane approximately 380 feet north of Hassett Street; zoned R-1-6 (Single-family Residential, 6,000 sq. ft.

minimum lot size); Gay and Valnora Weaver, applicants; John Babin, representative, at 8:45 p.m.

Appellant waived rights and asked for a decision at this meeting.

Blodgett asked for motion to consider decision and repeated staff recommendation.

**Councilor Kuhn moved, a second followed, and the Council voted unanimously to uphold the appeal to Planning Commission File No. APP-1-02.**

**Councilor Kuhn moved, a second followed, and the Council voted unanimously to approve the Final Order and Findings of Fact in the matter of Planning Commission File No. APP-1-02; an appeal of the Planning Commission's approval of a subdivision to divide a parcel into ten lots, including extension of Weaver Lane; Gay and Valnora Weaver, applicants; John Babin, representative.**

## **VI. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE**

### **A. Committee and Liaison reports**

#### **1. Chamber of Commerce**

There was no report from the Chamber of Commerce

#### **2. Council Liaisons**

Councilor Kuhn was on vacation.

Councilor Johns attended the openings of the bids for the remodeling & building of our new school:

Councilor Dentino attended the Harbor Sanitation District meeting last week and filed report; attended AMF meeting to set up the 2002 schedule; attended VFW memorial ceremony; Children's & Family Services meeting; and attended a local-focus group with Blodgett on Saturday in Jacksonville. He also worked on the Rotary Club track meet on Saturday.

Ex Officio Councilor Connelly attended a youth advisory committee meeting and a parks meeting at school. Elections are coming up and she is running for Jr. Class President. The Prom was successful.

Due to medical issues, Councilor Curry did not attend any meetings.

He thanked Blodgett for taking over for him at tonight's meeting.

- B. **Unscheduled**  
Citizen Paul Slosser of 247 Cypress Street in Brookings spoke in regard to the third hearing.

**VII. STAFF REPORTS**

- A. **City Manager**
  - 1. Closure of lower part of Old County Road for middle school class downhill racing project.  
This matter was handled earlier in the evening.
  - 2. Second Street Bud Cross Park entrance closure  
City Manager Blodgett presented the Staff report. Councilor Kuhn stepped down due to a conflict of interest. Blodgett continued with the report and recommendation by staff. There was minimal discussion.  
  
**Councilor Dentino moved, a second followed, and the Council voted unanimously, after Kuhn abstained, to close vehicle access to Bud Cross Park via Second Street and sign the street as a "dead end."**
  - 3. Other  
Blodgett reminded all of Budget Committee meeting, and if questions to call him.

**VIII. CONSENT CALENDAR**

- A. Approval of Council Meeting Minutes
  - 1. Minutes of April 8, 2002, Regular Council Meeting  
(end Consent Calendar)

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

**IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS**

- A. **Ordinances**
  - 1. No. 02-O-546 – in the matter of vacating the southerly most 55± feet of Truman Lane as described in attached Exhibit A

This matter was handled previously.

2. No. 02-O-547 – in the matter of amending the city limits and zoning map of the City of Brookings by annexing a 5.78 acre parcel of land and rezoning the parcel R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) on that certain property described below  
This matter was handled previously.

**B. Final Orders**

1. Final Order and Findings of Fact in the matter of Planning Commission File No. VAC-1-02; application for approval of a right-of-way vacation, Paul Sherman, applicant  
This matter was handled previously.
2. Final Order and Findings of Fact in the matter of Planning Commission File No. ANX-1-02; application for approval of an annexation, Mike Mahar, Ken and Melody Gossard, and Ben Murray applicants  
This matter was handled previously.
3. Final Order and Findings of Fact in the matter of Planning Commission File No. APP-1-02; an appeal of the Planning Commission's approval of a subdivision to divide a parcel into ten lots, including extension of Weaver Lane; Gay and Valnora Weaver, applicants; John Babin, representative.  
This matter was handled previously.


**X. REMARKS FROM MAYOR AND COUNCILORS**

- A. Council  
There were no additional remarks from Council
- B. Mayor  
There were no additional remarks from the Mayor

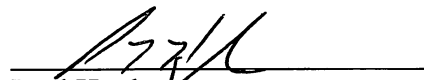
**XII. ADJOURNMENT**

Mayor and Council unanimously agreed to adjourn the meeting at 9:07 p.m.

Respectfully submitted:

  
\_\_\_\_\_  
Bob Hagbom  
Mayor

ATTEST by City Recorder this \_\_\_\_ day of May 2002.

  
\_\_\_\_\_  
Paul Hughes  
Finance Director/City Recorder