

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
May 13, 2002
7:00 p.m.**

I. CALL TO ORDER

Mayor Bob Hagbom called the meeting to order at 7:01 p.m.

II. PLEDGE OF ALLEGIANCE

Led by City Planner John Bischoff

III. ROLL CALL

Council Present: Mayor Bob Hagbom, Councilors, Lorraine Kuhn, and Rick Dentino, a quorum present

Council Absent: Councilors Frances Johns and Larry Curry, Ex Officio Council Noël Connelly, all excused

Staff Present: City Manager Leroy Blodgett, City Attorney John Trew, City Planner John Bischoff, Community Development Department Secretary Cathie Mahon, and Administrative Secretary Sharon Ridens. Fire Chief Bill Sharp arrived at 7:45 p.m.

Media Present: Curry Coastal Pilot Reporter Brian Bullock

Other: Planning Commissioner Russ Fritz, and approximately 25 other citizens

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Announcements

1. Proclamation – “Accelerated Reader Day” May 29, 2002
Mayor Hagbom declared May 29, 2002, as “Accelerated Reader Day” at Kalmiopsis Elementary School, who has been dedicated to the Accelerated Reader Program, an incentive program that rewards kids for reading, for the seven years.

2. Thank you to L. Lee Rogers for service on the City's Budget Committee Mayor Hagbom presented Citizen Lee Rogers with a framed certificate of appreciation for her service of four years and two months on the City's Budget Committee. In error, Roger's years of service with the Parks and Recreation Commission was omitted. Staff will present her with a new Certificate of Appreciation.

3. "Yard of the Month of May 2002" Recognition
City Manager Blodgett reminded Council and audience of the City's recently adopted program for neighborhood improvements and explained how two properties will be chosen each month from May through October each year. These properties, chosen by an anonymous committee, will be acknowledged by the Mayor and City Manager at the beginning of each month by placing attractive appropriate weather protected signs in their yard and giving each a \$50 reduction in their monthly water bill for that month. Today, was the first of such city awards. Mayor Hagbom thanked Curry Coastal Pilot's Reporter Brian Bullock for being available for a photo shoot.

"Yard of the Month of May 2000" went to Joyce Mulford and John Craig of 970 Krista Lane in Brookings.

4. "Most Improved Property of the Month of May 2002" Recognition
Howard and Debby Phillips of 1106 Coral Court in Brookings received the award for the "Most Improved Property of the Month of May 2002."

5. New Community Development Department Secretary – Cathie Mahon
Mayor and City Manager acknowledged Cathie Mahon as a new employee to the City, now in her second week. Mahon expressed graciously how living in Brookings is a blessing to her.

V. PUBLIC HEARINGS

A. In the matter of Planning Commission File No. CZ-1-02, an application for a change of zone change from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) to R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot size) over the entire Dawson Tract included within the area bounded on the north by Shigh Creek, on the east by Highway 101, on the south by the northerly boundary of Harris Beach State Park, and on the west by the Pacific Ocean. Walter Battaglia, applicant. This is a quasi-judicial hearing.

Three additional pieces of evidence for the two public hearing agenda items were handed out at this meeting and are made a part of these minutes.

Mayor Hagbom entered into the public hearing section of the agenda, a quasi-judicial public hearing, at 7:12 p.m. on Monday, May 13, 2002. He asked audience for realistic time constraints since this has already been covered at a Planning Commission meeting and has been discussed with staff previously including through their reports. Mayor Hagbom asked Council, if they had any actual personal bias or personal interest that would preclude their participation in this hearing, if any member had a conflict of interest, if any member had ex parte contact including site visits to declare (Dentino, Kuhn, and Hagbom had site visits), and if anyone objected to the jurisdiction of the Council to hear the matter before them. There were none.

Mayor Hagbom asked City Attorney John Trew to review the procedures and guidelines. Trew advised Council and audience of the following:

- 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 Lane Use Board of Appeals.
- Trew then advised procedures for speaking against the application or for any comments in any way.
- 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.”
- Trew explained further procedures for hearing.
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.

Trew advised Mayor to proceed with the presentation of evidence. City Planner Bischoff was asked to present his Staff Report. He did so, along with appropriate maps and recommendation from Staff. Council had no questions for Bischoff.

Hagbom asked for the applicant or the applicant's representative to present evidence in support of the application. Applicant spoke first.

Walter Battaglia of 17304 Blueberry Drive, Brookings, applicant and Chairperson of the North Brookings Community Association presented his evidence in support of the application.

Discussion ensued between Council, City Manager, and applicant. Unidentified citizen spoke out of turn during discussion. This citizen eventually was identified as Charles Stanton.

Charles Stanton of 17315 Holmes Drive in Dawson Tract of Brookings spoke in support of application. There were no questions from Council.

Donna Robertson of 96366 Dawson Road in Dawson Tract of Brookings

spoke on behalf of another resident – Mr. Frederick T. Kroeger, Trustee of Evelyn V. White Living Trust, by reading Kroeger’s letter (copy handed to Council at this meeting and included in these minutes). There were no questions from Council.

Jean Pirih of 96364 Dawson Road in Dawson Tract of Brookings spoke in support of application. City Manager asked participants to keep comments relative to subject of re-zoning.

There were no additional supporting comments. Hagbom asked for comments from those in opposition.

Jeff Homes of 17350 Holmes Drive in Dawson Tract of Brookings spoke in opposition of application. There were no questions by Council.

Lloyd Whaley of 96774 De Moss Road, owner of property in Dawson Tract in Brookings spoke in opposition of application. There were no questions by Council.

Don Hoag of 17156 Mountain View Drive spoke in opposition of application.

Lloyd Matlock of Brookings - PO Box 8026, Brookings, OR 97415, spoke in opposition of application. Minimal questions came from Council and were answered.

Richard Wilson of 117 Tanbark, Brookings spoke in opposition of the application before Council. Dentino question: may an individual request a zone change on a whole area – Trew responded per our ordinance.

Lorraine Holmes of 17350 Holmes Drive, Brookings spoke for the record. There were no questions by Council.

There were no other interested parties or representatives of public agencies asking to testify. Therefore, Mayor Hagbom offered rebuttal evidence by applicant and noted he would be limited to the rebuttal of evidence in the record, with no new evidence permitted.

Walter Battaglia rebutted the evidence in opposition.

Hagbom asked if Planning Staff had any additional comments. City Planner Bischoff responded. There were no questions by Council.

Mayor Hagbom asked applicant Battaglia if he wished the record to remain open for an additional seven days in order to submit additional written evidence, argument or testimony. He did not.

Mayor Hagbom closed the public hearing on Planning Commission File No. CZ-1-02 at 9:10 p.m. on May 13, 2002. Hagbom asked if the applicant wished an additional seven days to submit final written arguments in support of the application or was he willing to waive written argument and have a decision made this evening. Applicant stated his file and presentation was complete. Mayor Hagbom asked Council to proceed for discussion and decision. Council deliberated the application and comments from audience.

Councilor Kuhn moved, a second followed, and the Council voted unanimously to deny the application for a zone change contained in File No. CZ-1-02 and

directed Staff to prepare a Final Order with Findings.

Mayor Hagbom called for a recess at 9:20 p.m.

Hagbom reconvened the meeting at 9:34 p.m.

- B. In the matter of Planning Commission File No. APP-2-02, an appeal of the Planning Commissions approval of a 10-lot subdivision with lots ranging in size from 7,529 to 8,481 sq. ft. with an average lot size of 7,953 sq. ft., from a 2.09 acre parent parcel; located in the southeast corner of where Dawson Rd. turns from an east/west alignment to a north/south alignment; zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size); Douglas Purdy, applicant; Lloyd Matlock, representative. This is a quasi-judicial hearing.

Mayor Hagbom entered into the public hearing for this section of the agenda, a quasi-judicial public hearing, at 9:35 p.m. on Monday, May 13, 2002. He asked Council, if they had any actual personal bias or personal interest that would preclude their participation in this hearing, if any member had a conflict of interest, if any member had ex parte contact including site visits to declare (Dentino, Kuhn, and Hagbom had site visits), and if anyone objected to the jurisdiction of the Council to hear the matter before them. There were none.

Mayor Hagbom asked City Attorney John Trew to review the procedures and guidelines. Trew advised Council and audience accordingly and informed Mayor he could proceed with the presentation of evidence.

City Planner Bischoff was asked to present his Staff Report. He did so, along with appropriate maps, diagrams, and staff's recommendations. Council had no questions for Bischoff.

Applicant Lloyd Matlock of Brookings PO Box 8026, Brookings, OR 97415, presented evidence in support of the application. Minimal questions came from Council.

Don Hoag of 17156 Mountain View Drive, Brookings, spoke in support of subdivision application. Council presented minimal questions.

Jeff Holmes of 17350 Holmes Drive in Brookings spoke in support of application. Council presented no questions. There were no other supporters asking to speak in favor of applicant. There was no member of the Planning Commission to address the Council.

Mayor Hagbom advised it was now time for the appellant or othe appellant's representative to present evidence in opposition to the application. Walter

Walter Battaglia of 17304 Blueberry Drive, Brookings, appellant and Chairperson of the North Brookings Community Association presented his evidence in opposition to the application. Questions ensued from Council. Questions were addressed to City Planner Bischoff regarding water drainage.

Charles Stanton of 17315 Holmes Drive in Dawson Tract of Brookings spoke

in opposition of application. There were no questions from Council. There were no other persons wishing to speak in opposition.

There were no other interested parties or representatives of public agencies to testify.

Mayor Hagbom asked for rebuttal evidence from applicant. Emily Purdy of P.O. Box 172, Ophir, Oregon presented rebuttal. Planning Staff offered final comments regarding Battaglia's overhead on ordinance 172.020-D. and 172.020.D.2.b and traffic circulation issues. There were no questions for Staff by Council.

Hagbom asked if any participant desired the record remain open for an additional seven days in order to submit additional written evidence, argument or testimony. Walter Battaglia asked to be allowed to respond to Purdy's accusations regarding "Sunday's events," and thus asked for the additional seven days. City Attorney John Trew referred to ORS's allowing for the seven days for additional evidence for criteria issues and asked Mayor to allow Battaglia to provide his personal comments at this meeting regarding the mentioned "Sunday event." Battaglia did so and withdrew his request for the additional seven days. City Attorney Trew reminded Council to disregard personal attacks from either side and to deal only with the issues of the hearing.

Mayor Hagbom closed the public hearing on File No. SUB-2-02 at 11:05 p.m. on May 13, 2002. The applicant did not ask for additional seven days to submit final written arguments in support of the application, and waived written argument so as to have a decision made this evening. Council deliberated.

Councilor Dentino moved, a second followed, and the Council voted unanimously to affirm the decision of the Planning Commission approving the application contained in File No. SUB-2-02 and directed Staff to prepare a Final Order with Findings.

VI. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison reports

1. Chamber of Commerce

There was no representative for a Chamber of Commerce report.

2. Council Liaisons

Councilor Dentino reported he had attended a joint meeting with the Planning Commission to discuss DIA's and sidewalk projects; attended the Budget Committee meeting; attended the LOC General Governments Standing Committee meeting in Salem – report filed with Mayor and Council; attended

the "Wild Rivers Coast" Consortium at the Best Western; took a luncheon tour of Kalmiopsis Elementary School; attended the first Board of Directors meeting of Pelican Bay Telecommunications Corp. to establish basic rules of the business; and attended the Urban Design Studio and Urban Renewal Workshops.

Councilor Kuhn stated she was back in the "swing of things and thanked Councilor Dentino for filling-in for her.

- B. **Unscheduled**
There were no unscheduled appearances.

VII. STAFF REPORTS

- A. **City Manager**
 - 1. **Other/Miscellaneous**
The only staff reports by the City Manager were those listed below regarding ordinances and resolutions.

VIII. CONSENT CALENDAR

- A. **Approval of Council Meeting Minutes**
 - 1. **Minutes of April 22, 2002, Regular Council Meeting**

Councilor Kuhn moved, a second followed, and the Council voted to approve the April 22, 2002, regular Council meeting minutes, with the Mayor abstaining due to his absence at the meeting.
- B. **Acceptance of Parks and Recreation Commission Minutes**
 - 1. **Minutes of March 28, 2002, regular Commission Meeting**
- C. **Acceptance of Planning Commission Minutes**
 - 1. **Minutes of April 2, 2002, Regular Commission Meeting**
- D. **Approval of Budget Committee Meeting Minutes**
 - 1. **Minutes of April 24, 2002, Regular Committee Meeting**
- E. **Approval of Vouchers (\$196,688.93)**
(end Consent Calendar)

Councilor Kuhn moved, a second followed, and the Council voted to approve the balance of the consent calendar, with the Mayor abstaining due to his absence at the prior meetings.

IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

1. No. 02-O-547 – in the matter of an ordinance declaring that blighted areas exist within the City of Brookings, recognizing the need for an Urban Renewal Agency to function in the City of Brookings and providing for the exercise of the Agency’s powers by the City Council of the City of Brookings

City Manager Blodgett reviewed the staff report and explained reason and procedure for second reading to occur at the next Council meeting. Blodgett read Ordinance No. 02-O-547 in its entirety.

Councilor Kuhn moved, a second followed, and the Council voted unanimously to approve the first reading of Ordinance No. 02-O-547, in its entirety and which is declaring blighted areas exist within the City of Brookings, recognizing the need for an Urban Renewal Agency to function in the City of Brookings and providing for the exercise of the Agency’s powers by the City Council of the City of Brookings.

2. No. 02-O-190.D – in the matter of an ordinance amending Ordinance No. 66-O-190, enacted December 30, 1966, and entitled "An ordinance providing rates to be charged for water service by the City of Brookings, Oregon; prescribing the rules and regulations for conduct and operation of the water system of said city and connection therewith; regulating and governing the use of water from said system; providing penalties for non-payment of water service and for violation of this ordinance; and declaring an emergency" by amending provisions for liability for payment of water service.

City Manager provided staff report and background of current procedures for Finance Department, along with Staff recommendations. Blodgett read Ordinance 02-O-190.D in its entirety.

Councilor Dentino moved, a second followed, and the Council voted unanimously to have the second reading of Ordinance No. 02-O-190.D, be read by title only.

City Manager Blodgett read Ordinance No. 02-O-190.D by title only.

Councilor Dentino moved, a second followed, and the Council voted unanimously to adopt Ordinance No. 02-O-190.D, as ready by title only, which is in the matter of an ordinance amending Ordinance No. 66-O-

190, enacted December 30, 1966, and entitled "An ordinance providing rates to be charged for water service by the City of Brookings, Oregon; prescribing the rules and regulations for conduct and operation of the water system of said city and connection therewith; regulating and governing the use of water from said system; providing penalties for non-payment of water service and for violation of this ordinance; and declaring an emergency" by amending provisions for liability for payment of water service.

3. No. 02-O-431.A – in the matter of an ordinance amending Ordinance No. 88-O-431, Section 10 of the City of Brookings enacted December 15, 1988, entitled “An ordinance prescribing monthly service charge for the use and benefits of the sewage facility of the City, providing for the method of charges for sewage service, providing for a penalty for non-payment, providing for the disposition of funds collected from the monthly sewer use charges, repealing Ordinance Nos. 38,78, 116,and 379, and declaring an emergency” by amending provisions for liability for payment of sewage service.

City Manager Blodgett read Ordinance No. 02-O-431.A in its entirety.

Councilor Dentino moved, a seconded followed, and the Council voted unanimously to have Ordinance No. 02-O-431.A, ready by title only.

Blodgett read Ordinance No. 02-O-431.A by title only.

Councilor Kuhn, moved, a second followed, and the Council voted unanimously to adopt Ordinance No. 02-O-431.A in the matter of an ordinance amending Ordinance No. 88-O-431, Section 10 of the City of Brookings enacted December 15, 1988, entitled “An ordinance prescribing monthly service charge for the use and benefits of the sewage facility of the City, providing for the method of charges for sewage service, providing for a penalty for non-payment, providing for the disposition of funds collected from the monthly sewer use charges, repealing Ordinance Nos. 38,78, 116,and 379, and declaring an emergency” by amending provisions for liability for payment of sewage service.

B. Resolutions

1. No. 02-R-701 – in the matter of a resolution approving rates for sanitation services to be charged by Curry Transfer and Recycling to customers in the City of Brookings

City Manager Blodgett presented the staff report and recommendations. However Curry Transfer and Recycling Gen. Manager Pete Smart was present to answer any questions regarding CTR's request for rate modifications.

Councilor Kuhn moved, a second followed, and Council voted unanimously to approve Resolution No. 02-R-701, with Exhibit "A" attached, in the matter of approving rates for sanitation service to be charged by Curry Transfer and Recycling to customers in the City of Brookings.

X. **REMARKS FROM MAYOR AND COUNCILORS**

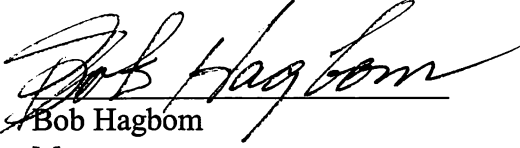
- A. Council
B. Mayor

There were no additional remarks by Mayor or Council

XI. **ADJOURNMENT**

By unanimous decision, Council agreed to adjourn at 11:33 p.m.

Respectfully submitted:



Bob Hagbom
Mayor

ATTEST by City Recorder this 10th day of June 2002.



Paul Hughes
Finance Director/City Recorder

8 May 2002

Mr. John C. Bischoff
Planning Director
898 Elk Drive
Brookings, Oregon 97415

re: Zone
RECEIVED
MAY 13 2002
CITY OF BROOKINGS

handed out @ 5-13-02 cl mta

Dear Mr. Bischoff:

I am writing to voice my concern about the hearing on 13 May 2002 to discuss the application for zone change from R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) to R-1-10 (Single-family Residential, 10,000 sq. ft. minimum lot size) for the Dawson Tract area and other areas. Recently, my sister, her husband, my wife and myself purchased two lots (#40-14-36BB/4801 and #40-14-36BB/4800) with the idea of dividing the land into lots using the current lot size regulations. If the lot size regulations were changed, all the current landowners would be penalized since they have not subdivided their land into lots. If the lot size is raised, I feel the present landowners should be allowed to develop their land utilizing the current lot size regulations as to when they purchased the land.

I do not feel there is anything wrong with the current lot size regulations. There are other developments that have been completed or are near completion and there have been no problems. So, what is the problem with the current regulation? This application wants to almost double the current lot size, which does not make sense. Increasing the size of the lots would create hardships on the people who own land that could be subdivided because the price of a lot would greatly increase which would create the possibility of fewer and /or missed sales. The market would become tighter.

Again, I would like to state on behalf of Evelyn & Ernie Chapman and Elven & Bernie Worley that we are against changing the current lot size. We feel it would be unfair and has no sound justification for changing it.

Sincerely,

Elven T. Worley

Elven T. Worley

*94-661 Luncaine St.
Waipahu, HI 96797*

(808) 677-0034

*ZONE CHANGE
handled
out
@
5-13-02
cc
mfg*

8 May 2002

RECEIVED
MAY 10 2002

Mr. John C. Bischoff
Planning Director
898 Elk Drive
Brookings, Oregon 97415

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

Dear Mr. Bischoff:

I am writing to voice my concern about the hearing on 13 May 2002 to discuss the application for zone change from R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) to R-1-10 (Single-family Residential, 10,000 sq. ft. minimum lot size) for the Dawson Tract area and other areas. Recently, my sister, her husband, my wife and myself purchased two lots (#40-14-36BB/4801 and #40-14-36BB/4800) with the idea of dividing the land into lots using the current lot size regulations. If the lot size regulations were changed, all the current landowners would be penalized since they have not subdivided their land into lots. If the lot size is raised, I feel the present landowners should be allowed to develop their land utilizing the current lot size regulations as to when they purchased the land.

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Again, I would like to state on behalf of Evelyn & Ernie Chapman and Elven & Bernie Worley that we are against changing the current lot size. We feel it would be unfair and has no sound justification for changing it.

Sincerely,
Elven T. Worley
Elven T. Worley
94-661 Lumberton St.
Waipahu, HI 96797
(808) 677-0034

ZONE & APPEAL

RECEIVED
MAY 13 2002

handed
out @
5-13-02
cc
mtg

May 8, 2002

City of Brookings
ATTN: John C. Bischoff
Planning Director
898 Elk Drive
Brookings, Oregon 97415

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

RE: Brookings Common Council Hearings May 13, 2002
Dawson Tract Zoning Change (#CZ-1-02)
Appeal of Purdy Subdivision approval (#APP-2-02)

Dear Mr. Bischoff-

As the owner of "Lot 13" of Dawson Tract, I am compelled to express my strong support for the proposed zoning change and my concerns regarding the proposed Purdy Subdivision development and its likely impact on our community.

It is my understanding that Brookings has been very open to development throughout its' history and somewhat lax in establishing and enforcing standards necessary to ensure the health and safety of its' residents, especially within Dawson Tract. Currently, many streets lack sidewalks, curbs, gutters and lighting, and fail to meet even minimum standards required in other parts of the city. This problem is further exasperated by the lack of parks, bike paths and trails, which forces residents to use the street for morning and evening walks.

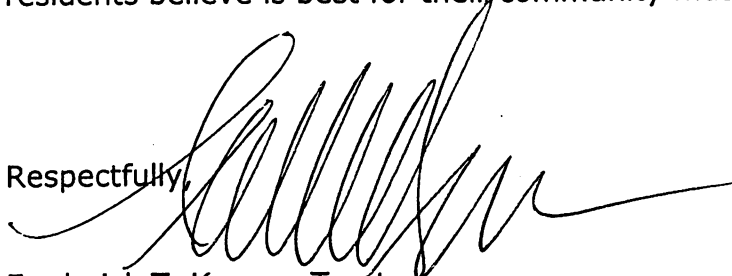
There are increasing concerns regarding traffic flow and pedestrian safety throughout Dawson Tract. As you know, Dawson road is the only route in and out of Dawson Tract. The city has allowed a multiplicity of driveways on Dawson Road, many of which are blind. Moreover, the Dawson tract Neighborhood Circulation Plan (DTNCP) allows streets to be built at lower standards than those required city-wide --- narrower than required elsewhere in the city. Narrower streets in a neighborhood with only one way in and one way out raise legitimate health and safety concerns. In an emergency situation, police, fire and medical services for the entire area could be blocked by a single accident or slow moving traffic. The problem will only increase with higher density development.

In addition to the increase in vehicle and pedestrian traffic resulting from growth and expansion, there are other issues that must be explored. At present, it is unclear whether the current storm drain system can handle the increased runoff due to development. Further, it is not clear how many new homes and businesses the water system can supply. In recent years, cities have been found liable and have paid out millions of dollars in damages to victims whose homes were lost or damaged for failing to maintain or provide adequate storm drain systems, and at the same time, approving subdivision development. Moreover, the 1991 fire that swept across Berkeley and

Oakland California destroying thousands of homes with damages in the billions of dollars. Part of the problem in fighting and containing the fast moving blaze was the narrow streets which were difficult, if not impossible for emergency vehicles to get in with everyone trying to get out.

The most appropriate way to ensure the future of Dawson Tract, maintain a level of health and safety by preventing over-development and preserving public resources is to require larger lots by adopting RI-10 zoning. The increased standard will allow for more open space between houses, work to counteract the lack of public open space such as parks and trails, and reduce the impact on the street, water supply, and storm drain systems. Land Development Code section 144 allows for zoning based on *whatever promotes public health, safety, welfare and convenience, or whatever constitutes a public necessity*. Therefore, whatever the majority of Dawson Tract residents believe is best for their community must be honored.

Respectfully,



Frederick T. Kroger, Trustee
Evelyn V. White Living Trust
Post Office Box 917
Orinda, California 94563