

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
November 19, 2001
7:00 p.m.**

I. CALL TO ORDER

Mayor Bob Hagbom called the meeting to order at 7:03 p.m.

II. PLEDGE OF ALLEGIANCE

Led by Community Development Director Leo Lightle

III. ROLL CALL

Council Present: Mayor Bob Hagbom, Council President Larry Curry, Lorraine Kuhn, and Rick Dentino, a quorum present.

Council Absent: Councilor Frances Johns

Staff Present: City Manager Leroy Blodgett, City Attorney John Trew, Community Development Director Leo Lightle, City Planner John Bischoff, Fire Chief William Sharp, Wastewater Treatment Plants Chief Operator Joe Ingwerson

Media Present: Scott Graves, Editor of the Curry Coastal Pilot

Other: Chamber of Commerce Executive Director Les Cohen, Port of Brookings-Harbor Manager Russ Crabtree and ODOT Assistant District 7 Manager Lee Sparks and approximately 37 other citizens, including approximately 14 Brookings Volunteer Fire Fighters

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Proclamations

1. World AIDS Day, December 1, 2001 – Sally BarronKunkle
Mayor Hagbom proclaimed December 1, 2001 as World Aids Day, by reading a prepared proclamation stating facts which included half of all new

HIV infections of the estimated 900,000 people in the United States currently living with HIV on AIDS are young American under the age of 25 and that over 36 million people worldwide are currently living with HIV/AIDS, with young people under the age of 25 accounting for more than half of all new infections. Dana and Larry Bacon were present to receive the proclamation from the Mayor.

B. Appointments

1. Appointments of Student Ex-Officio Representatives

Mayor Hagbom presented the names of Noël Connelly, Lisa Nowlin, and Erin Gardner, as students to participate on our Council and Commissions. Connelly and Gardner were present; Nowlin was attending the Brookings Harbor 17C School District meeting. Hagbom stated he will meet with the students later to determine placement on the Council and Commissions.

C. Announcements

1. Ten Years of Service – Joe Ingwerson / Wastewater Treatment Plants Chief Operator (November 18, 1991)

Wastewater Treatment Plants Chief Operator Joe Ingwerson was recognized and honored for his ten (10) years of service with the City.

Mayor Hagbom, due to presence of firefighters and their need to attend their own meeting, asked for Agenda Item No. VII. D. 1. Awarding of contract for fire truck to be taken out of order. See below for details.

V. **PUBLIC HEARING**

A. In the matter of File No. LDC-2-01, a city-initiated amendment to the Land Development Code to add provisions regulating the use of “short term rentals” with in the City of Brookings. This is a legislative hearing.

Mayor Hagbom called the legislative public hearing to order at 7:20 p.m. on this Monday, November 19, 2001. He declared this public hearing was in the matter of Planning Commission Fire No. LDC-2-01, a city initiated amendment to the Land Development Code, to add provisions regulating the use of “short term rentals” within the city of Brookings. Mayor Hagbom asked if any member of the Council had any actual personal bias or personal interest that would preclude their participation in this hearing; if any member had a potential or active conflict of interest; if any member had any ex-parte contact including site visits to declare; and if anyone objected to the jurisdiction of the Council to hear this matter. Councilor Kuhn indicated a citizen had approached her to discuss the issue, but that she felt no bias from that discussion, and Councilor Dentino declared a site visit.

City attorney John Trew reviewed the hearings procedures and guidelines for a legislative hearing, and advised Mayor Hagbom we were ready to proceed with the presentation of evidence.

Mayor Hagbom asked City Planner John Bischoff to present the Staff Report provided in the Council packet. However, Bischoff provided a revised Staff Agenda Report cover page and copies of letters sent to the Planning Department regarding this issue. Copies are provided as a part of these minutes. He reviewed same in its entirety and reported staff recommended provisions as stated in the report plus provisions for parking spaces and off-street parking issues. Discussion ensued regarding the parking issues, the conditional use requirements, and the lack of definitions of vehicles in the Land Development Code. Mayor Hagbom asked Bischoff to clean-up the language on the parking and to put it in the ordinance. City Attorney Trew advised Council they needed to make a decision on the ordinance at this meeting and then direct staff accordingly, since this was a public hearing. Otherwise, the public hearing would need to be continued. Discussion continued. City Attorney Trew requested postponement of further discussion until after public input.

Citizen and business owner Don Nuss of 808 Pioneer road, Brookings, was present to support the city's attempt to create an ordinance. He reminded Council of his previous request to repeal the business license ordinance.

Mayor Hagbom asked if anyone else wished to speak in support of the amendment.

Citizen and business owner Genie Gilliam of Gustufson Lane in Harbor spoke in favor but had comments and questions regarding parking issues. There was minimal questions and discussion.

Jim Benson of 315 Memory Lane, Brookings, read a letter from neighbor Grace Lezard and referred to his letter to council. Further discussion ensued.

Mayor Hagbom recapped attempt of vacation rentals issue resolve.

Citizen and Planning Commissioner Jim Collis of 17346 Holmes Drive, Brookings made comments and had questions regarding the definition of vacation rentals. City Attorney Trew clarified responded. There were no further comments.

Mayor Hagbom asked if there was anyone to speak in opposition. There was none.

City Manager Blodgett discussed changing the wording on item #5 of page 2 of the staff report from Bischoff. Discussion ensued by Council members. Blodgett suggested deleting item #5 altogether. City Attorney Trew recommended Council close the public hearing and then deliberate.

Mayor Hagbom closed the hearing on File No. LDC-2-01 at 8:07 p.m.

City Attorney Trew advised Council should move to adopt or not adopt the staff recommendation and to direct staff to prepare a final order and ordinance for Council to consider at next meeting.

Councilor Dentino moved, Councilor Kuhn seconded, and the Council voted unanimously to adopt the presented Planning Department staff recommendation, with the exception of deleting item number 5.

Discussion continued regarding procedures after ordinance adoption. Trew summarized for Council, if it is determined to adopt staff recommendation, it would need to include recommendation, minus parking issue of number 5, and would include a conditional use process starting with the Planning Commission.

Councilor Dentino moved, Councilor Kuhn seconded, and the Council voted unanimously to accept the staff recommendation amendments of the Land Development Code regarding vacation rentals including staff recommendation of the conditional use process beginning with the Planning Commission.

Councilor Dentino moved, Councilor Curry seconded, and the Council voted unanimously to direct staff to prepare a final order and come back to the next Council meeting with an ordinance.

Citizen Genie Gilliam spoke again asking for clarification on “grand fathering” business licenses. Trew’s suggestion was to consider all vacation rentals as a business, which would mean business licenses. However, he recommended this issue be handled at a later date.

VI. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison reports

1. Chamber of Commerce

Executive Director Les Cohen provided a brief report on the Chamber’s recently initiated shop at home campaign with the Curry Coastal Pilot – “shop here first.” He also reminder citizens of Nature’s Coastal Holiday

beginning December 8 through 30, 2001, and informed Council the Chamber had received the ODOT permit for holiday lighting.

Port Manager Russ Crabtree was present to report on their involvement in running a fueling station, which is to be completed in approx 245 days; service and repair dock; expanding to include Eureka Fisheries properties; and advised the Port has applied to the State of Oregon for a master plan.

ODOT Assistant District 7 Manager Lee Sparks of 3500 Stewart Parkway, Roseburg, advised he will be making an appointment with the Port, City and the newspaper regarding bridge lighting plans.

2. Council Liaisons

Councilor Dentino attended the League Of Oregon Cities (LOC) Annual Conference in Eugene; spoke at the candle light vigil on October 25 in front of City Hall in observance of Domestic Violence and acknowledging the work of Curry County's own Oasis Shelter; attended the Community Agencies meeting; judged VFW's annual Voice of America Contest; and met today new State Senator Bill Fisher.

Councilor Kuhn also attended the annual LOC Conference. She reviewed proceedings from the recent Planning Commission and noted Brookings is definitely growing.

Council President Curry attended the LOC Conference.

Mayor Hagbom reviewed happenings at the LOC Conference, detailing some of the meetings. He reported today the Council had an opportunity to meet our new Senator Bill Fisher and discussed his background. Hagbom and Blodgett were appreciative of the time spent with Senator Fisher in the car traveling from Gold Beach to Brookings and back.

B. Unscheduled

Citizen and Planning Commissioner Jim Collis stated he was amazed at number of new housing starts in Brookings. However, no change in intersections onto 101 at Dawson and Carpenterville Roads. City Manager Blodgett advised there were no projects scheduled in the near future. ODOT Assistant District 7 Manager Lee Sparks stated he had met with Community Development Director Leo Lightle approximately one month previously, and has directed District Engineers to see what can be done. Sparks spoke of a project 2004 with possible funding.

Citizen and business owner Don Nuss of 808 Pioneer, Brookings reviewed his previous request for an appeal of the business license ordinance. He then handed out a single sheet from the Brookings-Harbor Chamber of Commerce Profit and Loss Statement questioning fees being charged by the Chamber. This document has been made a part of these minutes. Nuss also questioned the city's waiver of requiring the Chamber have a business license. He requested the City form a Promotions Committee, and lastly stated he opposed the Chamber charging fees for the Azalea Parade.

VII. STAFF REPORTS

A. City Manager

1. Establish a Goals Setting Session date
City Manager Blodgett discussed the need for a Goals Setting Session and offered two options for dates. Discussion ensued and it was requested by Council to include the Planning Commission and Parks & Recreation Commission in this work session. By Council consensus, it was determined to have the January 19 as the Goals Setting Session and to request the Planning Commission and Parks & Recreation Commission to join in the planning.

Mayor Hagbom declared a recess at 8:49 p.m.

Council Session was reconvened at 8:55 p.m. by Mayor Hagbom.

2. Date changes for December meetings
City Manager Blodgett recommend only one meeting for December due to the Christmas Eve Holiday being the 4th Monday of the month.

Councilor Dentino moved, Councilor Kuhn seconded, and Council voted unanimously to reschedule the December 10, 2001, meeting to December 17, 2001, and to cancel the December 24, 2001 meeting.

3. City hosting Sunday, December 16, 2001 evening of Nature's Coastal Holiday Season
City Manager Blodgett and Administrative Secretary Sharon Ridens reported City Staff would be hosting Nature's Coastal Holiday on December 16th, and welcomed Council's participation.

4. Oregon Public Works Emergency Response Mutual Aid Agreement
City Manager Blodgett recommended Council renew the Oregon Public Works Emergency Response Mutual Aid Agreement with ODOT.

Councilor Kuhn moved, Councilor Dentino seconded, and Council voted unanimously to renew the Oregon Public Works Emergency Response Mutual Aid Agreement with ODOT (Oregon Department of Transportation).

5. City/Port Cable TV Partnership
City Manager Blodgett stated he had asked Port Manager Russ Crabtree to be here tonight to discuss overwhelming reports of disgruntled Charter Communication, Inc. customers. He provided a brief background, and recommended the City join with the Port to explore the possibilities of entering into the cable TV business. Crabtree shared their continuing problems with Charter and their expressed obligation to provide some balance and competition to help consumers and our community. He noted he doesn't believe public should compete with private section, but when there's no balance, he feels it's their obligation to correct that imbalance. Blodgett discussed further the first steps involved and costs. Discussion ensued.

Councilor Kuhn moved, Councilor Dentino seconded, and the Council voted unanimously to join with the Port of Brookings-Harbor to explore the possibility of providing cable TV service to residents in the Brookings-Harbor area and direct staff to work with Port staff in this effort.

6. Finance Director/Recruitment update
City Manager Blodgett provided an update on recruitment of a Finance Director. Interviews have begun, with one remaining set for next week.
7. Other
Blodgett reported on the status of the skate park. He will be meeting with designer Mark Scott to go over the budget to date and the details of finishing the project.

The Downtown Development Committee sent out their RFP for a Town Center Master Plan. They are due by November 26, 2001. They will meet on the 29th to choose three or four proposals for interviewing.

- C. Community Development Department
1. Awarding of contract for Old County Road Storm Drain Project
Community Development Director Leo Lightle reviewed staff report with Council and recommended awarding the contract to Tidewater.

Councilor Kuhn moved, Councilor Curry seconded, and the Council voted unanimously to award the Old County Road Storm Drain Project to Tidewater Contractors, Inc. in the amount of \$13,720.65.

- D. Fire Department
1. Awarding of contract for fire truck
This agenda item was handled after Agenda Item No. IV.C.1. at 7:12 p.m.

City Manager Blodgett advised he was changing his recommendation after discussing this matter with City Attorney John Trew and Fire Chief Sharp. Some changes should be made in specifications and after further review of the specs, some items need to be reevaluated. Therefore, he recommended Council reject all bids. Fire Chief Sharp agreed. City Attorney Trew commented Council also sets as a public contract review board. Therefore, City Council acting as the Brookings public Contract Review Board rejected all bids for the engine/pumper at this public meeting. The Board reviewed the staff recommendations, heard comments from the City Staff and decided it was in the public interest to do so. Mayor Hagbom will sign Written Findings of the Board to be provided by City Attorney Trew, and the bidders will be advised of the rejection of all bids. The City will then prepare another bid proposal.

Councilor Dentino moved, Councilor Kuhn seconded, and the Council voted unanimously to reject all bids on three finds.

Mayor Hagbom thanked the fire fighters for coming to the meeting and to please not be disappointed. Hagbom assured them, we will continue to work to secure a truck for the department.

VIII. CONSENT CALENDAR

- A. Approval of Council Meeting Minutes
 1. Minutes of October 22, 2001, Regular Council Meeting
- B. Acceptance of Planning Commission Minutes
 1. Minutes of October 2, 2001, Regular Commission Meeting
- C. Approval of Vouchers (\$357,510.84)

(end Consent Calendar)

Councilor Dentino moved, Councilor Kuhn seconded, and the Council voted unanimously to approve the consent calendar as presented.

IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Resolutions

1. No. 01-R-699, in the matter of a resolution electing application for entry to the Oregon Public Employees Retirement System Local Government Rate Pool

City Manager Blodgett provided an explanation for the state requirements of this resolution and recommended approval

Councilor Kuhn moved, Councilor Dentino seconded, and the Council voted unanimously to approve Resolution No. 01-R-699, in the matter of a resolution electing application for entry to the Oregon Public Employees Retirement System Local Government Rate Pool.

2. No. 01-R-700, in the matter of a resolution authorizing the Mayor to execute and endorse an amendment to the agreement with the League of Oregon Cities governing the League status as a unit of local government, similar to other cooperative intergovernmental agencies in which cities create and participate

Blodgett explained the specifics of the cooperative intergovernmental agencies agreement with the League of Oregon cities and recommended approval.

Councilor Dentino moved, Councilor Kuhn seconded, and the Council voted unanimously to approve Resolution No. 01-R-700, in the matter of a resolution authorizing the Mayor to execute and endorse an amendment to the agreement with the League of Oregon Cities governing the League status as a unit of local government, similar to other cooperative intergovernmental agencies in which cities create and participate.

X. REMARKS FROM MAYOR AND COUNCILORS

A. Council

There were no further comments.


B. Mayor

Mayor Hagbom recapped the League of Oregon Cities Annual Conference and his participation in the Board of Directors. He recommended to have Blodgett replace him on the LOC's Legislation Committee, which becomes the Resolution Committee during LOC Conference each year. Hagbom stated he will lobby to have Blodgett nominated as a Board member thereafter. Mayor Hagbom advised he had resigned from the Government Standing Committee with the recommendation Councilor Dentino replace him, since he had now been placed on the Transportation Committee for the State. A letter will follow to the League accordingly.

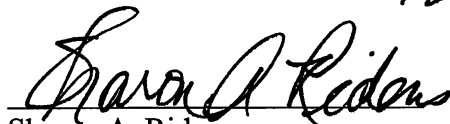
XII. ADJOURNMENT

By unanimous verbal consensus, Mayor Hagbom adjourned the meeting at 9:24 p.m.

Respectfully submitted:


Bob Hagbom
Mayor

ATTEST by City Recorder this 18th day of December, 2001.


Sharon A. Ridens
City Recorder

CITY OF BROOKINGS CITY COUNCIL
STAFF AGENDA REPORT

*Revised Staff
Report
out @
11/19/01
CC mtg*

SUBJECT: Land Development Code Change
FILE NO: LDC-2-01
HEARING DATE: November 19, 2001

REPORT DATE: November 14, 2001
ITEM NO: V.A

GENERAL INFORMATION

APPLICANT: City initiated.

REPRESENTATIVE: Staff.

REQUEST: An amendment to the Land Development Code to add provisions regulating the use of "short term rentals" within the city of Brookings.

TOTAL LAND AREA: City Wide.

PUBLIC NOTICE: Mailed pursuant to Measure 56 to all property owners within the city and published in local newspaper.

BACKGROUND INFORMATION

The Planning Commission heard this item at its October 2, 2001 meeting date and after an oral presentation and recommendation by staff, and testimony from the public, made the following recommendation:

Approval of staff's recommendation as presented in the Planning Commission Staff Report dated September 24, 2001, with the following additional conditions:

Parking requirements—one parking space per bedroom with a minimum of two spaces.

Approval process--approval of the conditional use an administrative decision after notification to and submissions from property owners with 250 feet of the subject property: Applications that generate concerns may be brought before the Planning Commission for decision.

A copy of the Planning Commission Staff Report is attached.

Staff's recommendation to the Commission was that the short-term rental permit be issued as a conditional use permit approved by the Planning Commission.

The City Attorney advises that under state law an administrative decision regarding a conditional use permit would be appealable to the Planning Commission.

A new state law effective January 2002 would makes it easier for an aggrieved party to appeal a decision. Since one of the criteria for approval of a conditional use permit is based on the impact of

Barbara A. Nysted
427 Buena Vista Loop
Brookings, OR 97415
Home Phone (541) 469-3711

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handed c
@ cc
mtg 7/19/01

March 15, 2001

received
3-15-00

Mr. Leroy Blogott
898 Elk Drive
Brookings, OR 97415

Dear Mr. Blogott,

This letter is pursuant to a conversation with you on March 6, 2001. This conversation was with regard to R1 zoning and the issue of vacation rentals.

I left your office and went to see City Planner, John Bishoff. I asked Mr. Bishoff if there was any city ordinance with regard to vacation rentals in a residential neighborhood. He apprised me that there are currently no restrictions but that it had become a problem in other seaside communities and that ordinances were passed to protect property owners from this intrusion of a business within a residential neighborhood and that such situations could merit restrictions in Brookings also. He further instructed me to write a letter to you in which I should state clearly my issues and you would present the matter to city council.

I feel it prudent to state clearly at this point that I feel fairly certain that the city has no way of knowing that a business is being carried on in a residential neighborhood without being apprised. Hence, this letter.

Almost nine years ago, I purchased the property known as 427 Buena Vista Loop in Brookings. I purchased this property for many reasons including the fact that it was a nice, quiet and hidden residential neighborhood with little traffic and zoned R1.

Approximately four years ago, a property; adjacent to my home and that shares a driveway with two other properties including mine, was sold to a family from Medford. These people have a business in Medford and their children attend school there also. I was of the impression that they had purchased the property known as 431 Buena Vista Loop as a weekend and vacation home for themselves. However, since the time of purchase, the owner and his family have spent very little time here and further, have listed it as a vacation rental with Property Management of Brookings and I think it safe to assume they also advertise for renters.

During the past four years, the peace and quiet I had previously enjoyed has been seriously compromised by this thriving and monetarily lucrative business. Renters arriving late at night using bright headlights looking for the address which is difficult to find since the home is not situated on the main part of Buena Vista Loop. It actually sits down a long drive and behind my home; making it difficult to find. These weekend or week renters have no vested interest in the

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m - a bishoff, J. Treu

neighborhood and thus, they have little or no respect for the neighbors. Due to the close proximity of the rental to my home, I am most affected by this business. The absentee owners charge \$250 per night and I am guessing this is the reason that it is seldom rented by a single family but, instead, the renters come in groups to defray the cost. I have found children and dogs in my garden, I have had a baseball come flying onto my deck while I was resting.

Last weekend, there was a softball tournament in Brookings and there were six cars that showed up after 10 pm on Friday night. These people were outside partying even though it was rather cold. They were in and out all weekend; each time every car leaving and returning. Does this sound like a motel. I feel as though I have a motel right next door with only approximately 100 feet separating the properties. Yesterday, a renter backed her car over plants on my property. I was clearly not happy when I approached her about what she had done and she said "Don't get excited." I told her that I own the property and work hard to make my gardens and do not appreciate people who show so little regard for personal property. I phoned Property Management and was asked how much money I wanted to replace the plants. I was adamant about the fact that I was not looking for monetary compensation; but, that I wanted them to make it adamantly clear to the renters that they need to show respect for the neighbors and the neighbors property. Those plants were planted almost nine years ago and cannot be easily replaced due to size and further, I am insulted to think that all my hard work is thought to be so easily compensated with money. This winter, a neighbor caught renters making use of another neighbors seasoned madrone firewood stacked clearly not on the rental property. The owner of the firewood was compensated with \$50 for this abuse. At the time, the neighbor was concerned that we could not trust these renters to not steal other things. My point here is that I seriously doubt that a full time neighbor (even a long term renter or lease holder) would consider stealing his neighbors firewood.

On several occasions, I have spoken with the renters in an attempt to make them understand that this is my home and I dislike the noise and other intrusions. The response I get is indifference in the form of comments like "We cannot tell you how little we care how you feel" or "Hey, we are on vacation." These are just a few of the issues caused as a result of the vacation rental business carried on in my neighborhood which is zoned "non commercial".

The record will show that the rental of this property has escalated since even two years ago and even during this past winter, was rented many weekends. In my opinion, and that of many people I have spoken with, this is a viable business and does not have any place in a R1 zone. My understanding of this neighborhood zoning is that R1 means single family residential. Not a commercial business. There is no way this vacation rental can be considered anything less than a business and yet, here is the motel type establishment in a residential neighborhood. I cannot say enough about how outrageous this appears to me and others. If it was a "Bed and Breakfast", not only would the owners be present to monitor the actions of their guests; but also, the owners would be required to have the proper licensing and be obligated to abide with the requirements for such a business. However, non of these issues are a problem for my absentee neighbors as they are not required to be licensed and it is my belief that they could not operate a "B & B" in this R1 zone. This highly lucrative business is of no benefit to the city of Brookings and the owners pay only the property taxes for a single family residence in a residential zone. In my

neighborhood and thus, they have little or no respect for the neighbors. Due to the close proximity of the rental to my home, I am most affected by this business. The absentee owners charge \$250 per night and I am guessing this is the reason that it is seldom rented by a single family but, instead, the renters come in groups to defray the cost. I have found children and dogs in my garden, I have had a baseball come flying onto my deck while I was resting.

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opinion, in order for the City of Brookings to maintain the integrity of its zoning, such misuse of single family residential property must be eliminated. Had I known such a problem would arise in this R1 zone, I would never have purchased. As I have previously stated, John Bishoff indicated that just such issues have arisen in other coastal communities in Oregon and the city passed ordinances to protect homeowners from such businesses in residential neighborhoods.

This situation not only compromises the peaceful environment I previously enjoyed, but, also may cause devaluation of my property in particular due to the proximity of this business. I would be remiss in not disclosing to prospective buyers that there is a vacation rental business right in the back yard and the adverse effects of such a business.

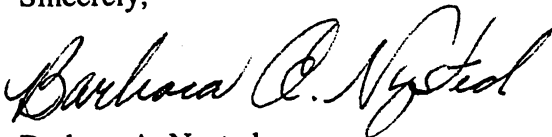
In conclusion, I am requesting a hearing with the City Council in regard to this matter at the earliest convenience. I would also appreciate being notified of a date when this matter would be on the Council agenda.

I realize that I could simply appear at a Council meeting and table this issue as public input. However, I prefer to state clearly my issues in advance and give you the opportunity to look into this matter yourself and to add it to the Council agenda.

I shall look forward to hearing from you in the near future.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara A. Nysted".

Barbara A. Nysted

Harris Beach

A PLANNED COMMUNITY

April 18, 2001

HARRIS BEACH PROPERTIES
Post Office Box 1746
Brookings, Oregon 97415
Telephone: 541/469-7915

City of Brookings
898 Elk Dr.
Brookings, OR 97415

Attn: Mr. Leroy Blodgett, City Manager

Re: Vacation Rentals

Dear Mr. Blodgett,

This letter is in response to the recent newspaper article regarding the dispute between the Buena Vista Loop neighbors.

It is of concern to me and my firm, as I can sense an ordinance is in the making. Please know that the aforementioned article does not represent the experience of my firm. This is not to say that Ms. Barbara Nysted's concerns aren't valid, however, that her circumstances are quite different than ours.

I would be willing to say that my firm commenced the vacation rental business in Brookings during 1984. We manage both vacation rentals and long-term rentals. We define vacation rentals as less than 30 days, so does the State of Oregon Department of Real Estate. We currently manage six such properties. We do institute an occupancy limitation, not to exceed six people for a 2-bedroom, or four people for a 1-bedroom unit. We have been paying City bed tax since May of 1991.

Our program has been very attractive in bringing people to the area for short durations. Many times our vacation rentals are used for long-term purposes. Throughout the years, numerous customers rent these units while we are building their house. Many come to "snowbird," and others to get out of the sun belt in the summer. Salmon fishing has been a popular reason for some, while others just want to stay and see if they like the area before committing to a move.

(Cont'd.)

received
4.19-01

p. 2 - Vacation Rentals

As you can see, our experience has been positive and beneficial to all in concern. I urge the City to realize that not all vacation rentals are in the Buena Vista Loop scenario. As the City seeks to remedy this isolated incident, please be flexible to that people can continue to exercise their property rights without infringing on others.

If I can be of further assistance, please feel free to call. Thank you.

Sincerely,



Larry Anderson
Partner

LDA:sla

p. 2 - Vacation Rentals

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Sincerely,



Larry Anderson
Partner

LDA:sla

June 29, 2001

To the Mayor and City Council

Re: Rentals in Residential Areas

I wish to encourage you to develop an ordinance to restrict short-term rentals in residential communities. I have no objection to people renting out their homes. However, renting a unit for one to three or four days can affect a neighborhood and surrounding community in a very negative manner and definitely affects its character. For example, the rental on Buena Vista Loop that brought this matter to your attention had six cars parked there at a time during a weekend in mid-June. This is on a small residential lot.

Thank you for your consideration of this matter.

Sincerely,



Ms. Judy Kaplan

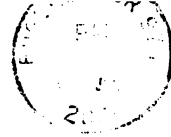
P.O. Box 4187

Brookings OR 97415

412-7498

received
6-29-01

Jim & Mary Darcy
438 Bunn Vista Loop
Scottsdale, AZ 85245



7-8-2001

Attn: Councilman Rich Dentino:

We are owners of 438 Bunn Vista Loop.
We want our Concerns Noted Regarding
Vacation Rentals, We believe Mr. Zerkel
is using this home for Making Money -
if as he says, these are friends, he has
lots of friends, ?

We bought here believing this to be
a quiet neighborhood, if this is
allowed, we will have the view of a
"Motel 6," there are vacant homes
now that could turn into another
such as, Mr. Zerkel.

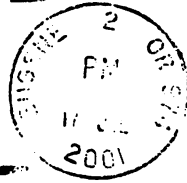
We have a family member renting
to a long term couple on the loop.
Would move rent on a short term
Basis - lease agreement is the way
to assist this sorta of thing.

Let's take care of this now
there is an ordinance, let's enforce
it. Thank you.

per Council
& Mayor
& Peter
Jim & Mary Darcy.

received
7.9.01 2:30-

P.O. Box 7183
Brookings, OR 977415



Brookings City Council

received
7-18-01

G.J. McElravy

July-11-01

To the city council,

This is to inform you that additional ordinances regarding vacation rentals, are in violation of Constitutional freedoms of owners rights, to use their property.

I drove by the homes involved, and I found the "so called vacation rental" neat and well kept. Then I looked at the person's home who was doing all the complaining.

This property was a disaster. An unkept jungle providing a home for rats and other animals. Maybe you should make an ordinance prohibiting such un cared for jungles. I would not want to live next door to this mess. Look for yourselves before you get involved in serious litigation.

Yours Truly,

G.J. McElravy

P.O. Box 7183

Tel 469-8868 or



Oregon State
Lic # L000423

DAVID L. GRIFFITH

Real Estate Appraiser

Bus. (541) 469-2445
Fax (541) 469-0171
P.O. Box 4430
Brookings, OR 97415

July 15, 2001

Attn: Rick Dentino and the committee looking into vacation rentals.

I attended the second meeting as I missed the notice regarding the first meeting. I also have followed the proceedings in the newspaper.

The observation that I have made is that we have a ongoing feud between 2 home owners on Buena Vista Loop and one has figured out a way that they may be able to get the City of Brookings to get out their big stick an slap down their adversary.

There are laws and ordinances that address all complaints lodged by the plaintiff in this situation. Apparently no laws or ordinances have been violated as no action has been taken against anyone that has stayed at this vacation rental.

I see no reason to impose additional regulations on our local vacation rental owners when it appears that none of the ordinances dealing with health, safety, or quiet enjoyment of one's own home have been violated.

The vacation rentals are some of the best maintained properties in town and much of the time they are unoccupied.

My wife and I personally have a vacation rental located in the county. The people that have visited have been terrific. We also have 10 other tenants on a month to month rental basis and there are two month to month rentals across the street from my home. I would take the vacation rentals as a neighbor over the month to month tenants any day. Most people staying at the vacation rentals are professional people with a high respect for other people's property and privacy. They come to the vacation rentals versus a motel for their quality and the privacy that they offer.

I hope you will talk to other neighbors of vacation rentals prior to applying another layer of ordinances that are not only redundant but take time to oversee and create another inflationary factor to deal with.

Please don't use this personal vendetta to be the cornerstone of new laws and ordinances.

Thank You,

David L. Griffith
David and Sandra Griffith

received
77621

Jim & Mary Darcy
421 Buena Vista Loop
469-7918

RECEIVED 11-1-2001
NOV 5 2001

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

Dear Mr. John Bischoff:

Regarding short term rental, vacation or Beach rentals - as we've noted on 2 previous letters, we believe this should be addressed. An Ordinance is needed.

We own rentals in Eugene, and our daughter owns 421 Buena Vista Loop, but only rent on lease basis - If this is allowed to continue we believe property values will go down.

This use proposal started as an issue between Mr. Zerkel and Ms. Nystak, but there are 30 families on Buena Vista Loop who need to be heard.

There seems to have been a lot of time spent on this issue so far. If there is a law, use it, if not we need an ordinance.

The Loop is a beautiful place. If this is allowed to continue, we will soon look like Motel 6.

Thank you.
Jim & Mary Darcy

Nov 15, 2001

To: Mayor Hagbom, and Members of Brookings City Council
From: James Benson.315 Memory Lane, Brookings
Ref: Public Hearing November 19 on "Short Term Rental's"

My wife and I are opposed to legalizing such a "motel" business operation in residential zoned areas.

The city of Brookings has, as has most communities, established laws and regulations creating zoning areas to be set aside for various uses- R zoned areas for residential use. People make important decisions on such regulations. For the authorities to capriciously take away the rights and privileges granted to the R zones without adequate compensation leaves the authorities and possibly taxpayers subject to potetial expensive litigation and other costs.

One of the potential increased costs is insurance premiums due to a "motel- like " business being operated in the R zoned neighborhood. A citizen might find an insurance company unwilling to compensate for the loss of a valuable item because the company was not notified that a transient type business was operating near the residence.

We purchased our property in an R-1 zoned areas of Brookings, because we wanted the way of life that most people assume goes with such zoning laws- no businesses, relatively limited traffic, family occupied houses, families that one could get to know and would be there for some time. This proposal takes this away and does not compensate us for the potential loss of those items for which we paid. Nor does it provide compensation for potential loss in value as mentioned in the Public Notice. A decline in value that could affect many and which would only occur because of decisions made to change the rules for the benefit of a limited number of people.

In addition we are concerned that such a move could cost the tax payers of Brookings large litagation fees when the City Council members seeks monies to pay for defending their decision, a decision that goes against normal use of R-1 zoned areas.


James M. Benson Jane Benson

RECEIVED

NOV 16 2001

CITY OF BROOKINGS

RECEIVED

NOV 19 2001

November 16, 2001

**CITY OF BROOKINGS
COMMUNITY DEVELOPMENT**

Mayor Hagbom / Members of Brookings City Council
Brookings City Hall
898 Elk Drive
Brookings, OR 97415

Re: Public Hearing 10/19/02 " Short Term Rentals"

My wife and I purchased our home in Brookings not only for the city services that were in place but also for the protection that is afforded by the Residential Zoning .The value of our property has been established through appraisal based on the Neighborhood Character (20.110.B Brookings Development Code D)

Changes that have been proposed as to "Short Term Rentals" as a permitted use, clearly allows and promotes this type of business use in R-1 zoning. This will have an effect on any future appraisal on our property and would effect any sale of our property.

As stated in 20110.B (D) "**Emphasis shall be placed on retention of neighborhood character and privacy of adjacent properties when reviewing dwelling groups**" We submit to you that allowing/promoting Motel-like use in R-1 Zoning will change the neighborhood character and will bring about unnecessary litigation to uphold the zoning that has been in effect.

It is our belief that a request for "Short Term Rentals" / Motel business is a **variance** to R-1 zoning and should be handled with the proper procedure which are in place.


Robert L. Edwards


Paula A. Edwards

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BROOKINGS-HARBOR CHAMBER

Profit and Loss

07/22/99

WILSON JONES

GRACE GREEN

TRACY JONES

July 1998 through June 1999

Handwritten notes:
 Handwritten signature
 out @
 11/19/01
 ce
 mtg

Jul '98 - Jun '99

Parade	850.00
Brochure	250.00
Street Fair	9,502.00
Crafts Fair	1,703.00
Azalea Festival - Other	84.49
Total Azalea Festival	14,394.49
Back To School Brkfst	303.80
Total Special Events	17,238.29
Total Income	156,479.43
Expense	
Admin Expenses	
Accounting	1,015.00
Bank Chgs	536.64
Board Retreat	79.77
Conferences	4,958.81
Dues	760.00
Insur	
Health	2,200.00
Liab	506.00
Total Insur	2,706.00
Lease Exps	
Equip Rent	2,567.50
Port	1,200.00
Total Lease Exps	3,767.50
Licenses	85.00
Office Exps	5,626.34
Other Exp	4,373.05
Payroll	
Payroll Taxes	4,797.67
Salaries/Wages	50,270.14
Workers Comp	489.50
Total Payroll	55,557.31
Postage	5,535.72
Printing	126.65
Property Taxes	276.24
Repairs & Maint	
Cmptr	144.00
Equip	864.00
Maintenance	330.00
Total Repairs & Maint	1,338.00
Supplies	
Cards	219.20
Total Supplies	219.20
T&E	
Meals	753.82