

MINUTES

**CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
March 8, 1993 - 7:00 p.m.**

I. CALL TO ORDER

Mayor Davis called the meeting to order at 7:02 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Tom Davis, Councilors Nancy Brendlinger, Larry Curry, Bob Hagbom, Dave Scott

Staff Present: City Manager Dennis Cluff, Administrative Assistant Donna Van Nest, City Attorney Martin Stone, Planning Director John Bischoff, City Engineer Grant Cramond

Media Present: Bill Schlichting, Curry Coastal Pilot; Martin Kelly, KCRE; Marge Barrett, KURY

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

V. PUBLIC HEARINGS

- 1. Ordinance No. 93-O-446.M - An ordinance amending Ordinance No. 89-O-446 (Land Development Code), sections 52, 60 and 64 of the City of Brookings.**

Mayor Davis opened the public hearing at 7:05 p.m.

Planning Director John Bischoff presented the background for this proposed zone change. Following is the staff report presented to the council.

The city's Land Development Code currently provides two zones which allow manufacturing uses, the M-1 (Light Industrial) and M-2 (General Industrial) Zones. Only the M-2 Zone is applied to land within the city. The areas zoned M-2 are currently completely developed, leaving no room for new industrial uses. The M-2 Zone occupies the area west of King St., around the plywood mill and the site of the wastewater treatment plant.

The city also has approximately 19 acres of land zoned C-5 (General Commercial) which, despite its name, allows wholesale and heavy commercial uses which, in nature, are very close to light industrial uses. The C-5 Zone is located in two areas. The largest area, is 14± acres defined by Railroad St. on the north, Tanbark Rd. on the east, King St. on the west and the "The Cove" PUD on the south. This area is traversed by three internal streets, Wharf St, Cove Rd. and a portion of Memory Ln. Approximately one-half of this area is vacant or contains building that are either unoccupied and/or in poor condition and thus could be removed (by the owner) without displacing viable businesses. This area will be referred to as "Area 1". Zoning surrounding Area 1 is as follows:

**East of Tanbark Rd. - R-3 and R-2.
South - R-2.
West of King St. - M-2.
North of Railroad St. - C-3.**

The remaining 5 acres of C-5 Zone is located in the area between Cottage St. on the north, Railroad St. on the South, Mill St. on the east and Pacific Ave. on the west, with two lots extending west of Pacific Ave. This area will be referred to as "Area 2". Area 2 is surrounded by the C-3 Zone except for a small area of M-2 Zone in the southwest corner of Center St. and Railroad Ave.

In the last 3 years staff is aware of at least two light manufacturing firms that wanted to move their operations to the Brookings area. In both cases there was no vacant industrial zoned land within the city and very little in Harbor or other areas of the UGB. The parties were told that they must apply for a zone change to provide appropriate developable land. Neither firm moved to the area. While staff is not certain that the lack of zoning coupled with the uncertainty of a zone change was the reason neither firm moved here, it may have been a key reason. Staff is currently aware of two more individuals who wish to move to Brookings and bring their manufacturing firms with them.

Continued economic development and particularly the creation of jobs, is an important aspect in maintaining the vitality of the community. With the slow erosion of the two traditional employers in the area, lumber and commercial fishing, it is essential that the community seek to diversify the employment base. It is staff's opinion that more land zoned for industrial purposes must be made available to encourage small manufacturing firms to locate in this area.

PROPOSED AMENDMENTS

Staff is recommending that the C-5 and M-1 Zoning Districts be combined and renamed as Industrial Park. The M-1 District currently allows, as a permitted use, all of the permitted uses of the C-5 District. The C-5 District currently allows only three Conditional uses, buildings over 40 feet in height, auto wrecking yard and abattoir (slaughterhouse). Auto wrecking yards and abattoirs are not permitted or conditionally permitted in the M-1 District and would not be carried to the new zone. Wrecking yards are a conditional use in the M-2 Zone. Abattoirs would be dropped completely.

All but one, buildings over 40 feet of height, of the Conditional Uses listed in the C-3 District, are allowed as permitted uses in the current C-5 District. Buildings over 40 feet in height remain as a conditional use in the C-5 and M-1 Zones. Two more Conditional Uses categories listed in the C-3 District, Veterinarians, animal hospitals, pet grooming and kennels and Day Care, nursery schools and kindergartens, would be dropped as permitted uses in the new District. Veterinary clinics and animal hospitals and pet grooming facilities would remain as a permitted use. Kennels and animal boarding facilities would become conditional uses. Day care centers would be a permitted use but only in conjunction with any other permitted or conditional use.

The M-1 District currently has provisions for front yard setbacks and landscaping and for buffers adjacent to or directly across the street from residential or "R" Districts. Staff has strengthened these requirements and added the requirement that landscaping, irrigation and fencing plans be submitted for review and approval of the Planning Director. Although the city staff does not include a landscape architect, these plans can be reviewed for the adequacy of height and density for buffering purposes, drought resistance and etc.

The advantage of combining the C-5 and M-1 Districts would be the increase of vacant land available for light manufacturing purposes and thus the potential to increase economic diversity of the community. The two areas subject to this amendment are fully serviced with water and sewer mains and 5 streets with at least partial improvements. Vacant land adjacent to the city and suitable for these uses would require the extension of some if not all of these facilities.

Since most of the uses allowed in the C-5 District are also allowed in the M-1 District, it is difficult to identify any disadvantages of combining the two districts. The fact that Area 1 is adjacent to or across the street from residential districts may be considered a disadvantage. However, the M-1 District has, and the new I-P District will have, much stricter landscaping, buffering and setback requirements than the existing C-5 District. These requirements will tend to mitigate possible adverse impacts. It should be noted that in the area where the I-P Zone is adjacent to "The Cove" PUD, the RV storage area for the PUD is adjacent to the common boundary. This will act as an additional buffer between uses. The requirement for front and rear yard setback and landscaping adjacent to streets will mitigate the impacts for residents and guests traveling through the area to "The Cove".

Since the C-5 (General Commercial) District will be deleted by the proposed amendment, staff would also recommend that the C-3 (Central Commercial) District be renamed to more accurately reflect the nature of the uses allowed in the zone. "Central Commercial" reflects a geographical orientation to the name rather than functional as is the case with all of the city's other zoning districts. The "General Commercial" or C-5 District, on the other hand does not allow retail sales which are more of a "General Commercial" function.

RECOMMENDATION

The Planning Commission recommends that the City Council **ADOPT** the changes proposed in File No. LDC-1-93, based on this staff report.

Mayor Davis asked for testimony from proponents. Speaking were: A.W. McWatters, Sandy Counce, and Jerry Wickline. A letter was presented by Colvin Oil.

Mayor Davis asked for testimony from opponents. Speaking was: Helen Richter of The Cove. A letter was presented by Melvin Gooch.

David Burrows, representing Square Deal Lumber, stated that his firm would be in favor of the zone change if the language in the proposed ordinance section concerning lumber yards included ancillary uses.

There being no further testimony, Mayor Davis closed the public hearing at 7:35 p.m.

Administrative Assistant Donna Van Nest read Ordinance No. 93-O-446.M into the record in its entirety.

Councilor Curry moved to amend Section 64.020 , Subsection S, by adding the words, "(to include ancillary hardware and appurtenances)" after the words "lumber yards", which motion was seconded by Councilor Scott. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis

Nays: None

Motion carried; Section 64.020 , Subsection S, amended by adding the words, "(to include ancillary hardware and appurtenances)" after the words "lumber yards".

Councilor Brendlinger moved to amend Section 64.040 , Subsection B, by adding the words, "not abutting any R District", at the end of the sentence, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis

Nays: None

Motion carried; Section 64.040 , Subsection B, amended by adding the words, "not abutting any R District", at the end of the sentence.

Councilor Scott moved to adopt Ordinance No. 93-O-446.M by first reading, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis

Nays: None

Motion carried; Ordinance No. 93-O-446.M adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 93-O-446.M into the record by title only for a second reading.

Councilor Curry moved to adopt Ordinance No. 93-O-446.M by second reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis

Nays: None

Motion carried; Ordinance No. 93-O-446.M - An ordinance amending Ordinance No. 89-O-446 (Land Development Code), sections 52, 60 and 64 of the City of Brookings. - adopted by second reading. [Effective April 6, 1993]

VI. SCHEDULED PUBLIC APPEARANCES

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

1. Brookings Banana Belt Youth Program

Clare Golden, representing the Brookings Banana Belt Youth Program, requested support of any kind from the council and the city. No action taken.

2. Request for Proclamation

Pauline Olsen requested that the mayor proclaim a "clean-up, fix-up, spruce-up" week in Brookings. Council requested that this item be placed on the agenda for the next work session.

VIII. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

- 1. February 22, 1993 Council Meeting**
- 2. March 5, 1993 Special Council Meeting**

C. Approval of Vouchers (\$221,740.70)

(end Consent Calendar)

Councilor Curry moved to approve the Consent Calendar, which motion was seconded by Councilor Scott. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis

Nays: None

Motion carried; Consent Calendar consisting of:

A. Approval of Council Meeting Minutes

- 1. February 22, 1993 Council Meeting**
- 2. March 5, 1993 Special Council Meeting**

C. Approval of Vouchers (\$221,740.70)

approved.

IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

- 1. Ordinance No. 93-O-499 - AN ORDINANCE OF THE CITY OF BROOKINGS, CURRY COUNTY, OREGON, AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION ADVANCE REFUNDING BONDS, SERIES 1993, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND PRIOR TO MATURITY CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY TO SEATTLE-NORTHWEST SECURITIES CORP. PURSUANT TO A BOND PURCHASE AGREEMENT; AMENDING ORDINANCE NO. 93-O-498; AND DECLARING AN EMERGENCY.**

Administrative Assistant Donna Van Nest read Ordinance No. 93-O-499 into the record in its entirety.

Councilor Brendlinger moved to adopt Ordinance No. 93-O-499 by first reading, which motion was seconded by Councilor Scott. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis

Nays: None

Motion carried; Ordinance No. 93-O-499 adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 93-O-499 into the record by title only for a second reading.

Councilor Scott moved to adopt Ordinance No. 93-O-499 by second reading, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis

Nays: None

Motion carried; Ordinance No. 93-O-499 - An ordinance of the City of Brookings, Curry County, Oregon, authorizing the issuance and sale of general obligation advance refunding bonds, series 1993, for the purpose of providing funds to refund prior to maturity certain outstanding general obligation bonds of the City to Seattle-Northwest Securities Corp. Pursuant to a Bond Purchase Agreement; amending Ordinance No. 93-O-498; and declaring an emergency. - adopted by second reading. [Effective date March 9, 1993]

B. Resolutions

X. COMMITTEE REPORTS

A. Planning Commission

B. Parks and Recreation Commission

C. Golf Board

D. Systems Development Fee Review Board

E. Chamber of Commerce

Les Cohen, Executive Director of the Chamber of Commerce, presented the council with a report on current activities of the Chamber.

XI. STAFF REPORTS

A. Community Development Director

B. City Engineer

1. Report on bids - Street Overlay Projects

City Engineer Grant Cramond advised that the bid opening was at 2:00 pm this afternoon, Monday, March 9, 1993. Three bids were received, as follows:

Tidewater Contractors Inc.	\$153,295.00
North Coast Paving and Rock	\$183,510.00
R.J. Scuffy	\$166,800.00

The apparent low bidder was Tidewater Contractors. Mr. Cramond recommended that the bid be awarded to Tidewater Contractors.

Councilor Brendlinger moved to award the asphalt overlay project to Tidewater Contractors at a total cost of \$153,295.00, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis

Nays: None

Motion carried; asphalt overlay project awarded to Tidewater Contractors at a total cost of \$153,295.00.

Councilor Scott left the meeting at 8:46 p.m.

C. Police Department

D. City Manager

1. Contract payment authorization and Change Orders

Councilor Curry moved to authorize the city manager to pay contract pay requests upon request of the contractor and recommendation of the engineer, without presentation at a council meeting, following distribution of the pay request to the councilors for their review; all requests for final payment of contracts must be presented to council at a council meeting for approval by the council prior to payment; and authorize the city manager to sign change orders prior to presentation at a council meeting if they are such that the project could be impaired by time lost in waiting for a council meeting, which motion was seconded by Councilor Hagbom. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Hagbom, Mayor Davis

Nays: None

Motion carried; city manager authorized to pay contract pay requests upon request of the contractor and recommendation of the engineer, without presentation at a formal council meeting, following distribution of the pay request to the councilors for their review and comments; all requests for final payment of contracts must be presented to the council at a council meeting for approval by the council prior to payment; and city manager authorized to sign change orders prior to presentation at a council meeting if they are such that the project could be impaired by time lost in waiting for a council meeting.

E. City Attorney

XII. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor

B. Council

1. Port Orford Landfill, closure, post closure funding

City Attorney Martin Stone suggested several minute changes to the Port Orford Landfill Closure/Post-Closure Trust Agreement.

Councilor Brendlinger moved to approve the Port Orford Landfill Closure/Post-Closure Trust Agreement, subject to the suggested changes being made to the document as recommended by City Attorney Martin Stone, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Hagbom, Mayor Davis

Nays: None

Motion carried; Port Orford Landfill Closure/Post-Closure Trust Agreement approved, subject to the suggested changes being made to the document as recommended by City Attorney Martin Stone.

Resolution No. 93-R-554 - A resolution in the matter of the rate schedule of Curry Transfer and Recycling, Inc.

Mayor Davis read Resolution No. 93-R-554 into the record in its entirety.

Councilor Curry moved to adopt Resolution No. 93-R-554, which motion was seconded by Mayor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Hagbom, Mayor Davis

Nays: None

Motion carried; Resolution No. 93-R-554 - A resolution in the matter of the rate schedule of Curry Transfer and Recycling, Inc., adopted.

2. State Rules Affecting Ocean Beaches Fronting Coastal Cities

This item was discussed but no action taken.

3. Letter of Complaint

Mayor Davis read a letter from Carol Lute concerning the intersection of Railroad and Oak Streets. Council consensus was to add this item to the March 15, 1993 council work session.

EXECUTIVE SESSION - ORS 192.660 (1)() none

XIII. ADJOURNMENT

Councilor Curry moved to adjourn the meeting, which motion was seconded by Councilor Brendlinger; motion carried unanimously.

Mayor Davis adjourned the meeting at 9:30 p.m.



**Tom Davis
Mayor**

ATTEST:



**Beverly S. Shields
City Recorder**