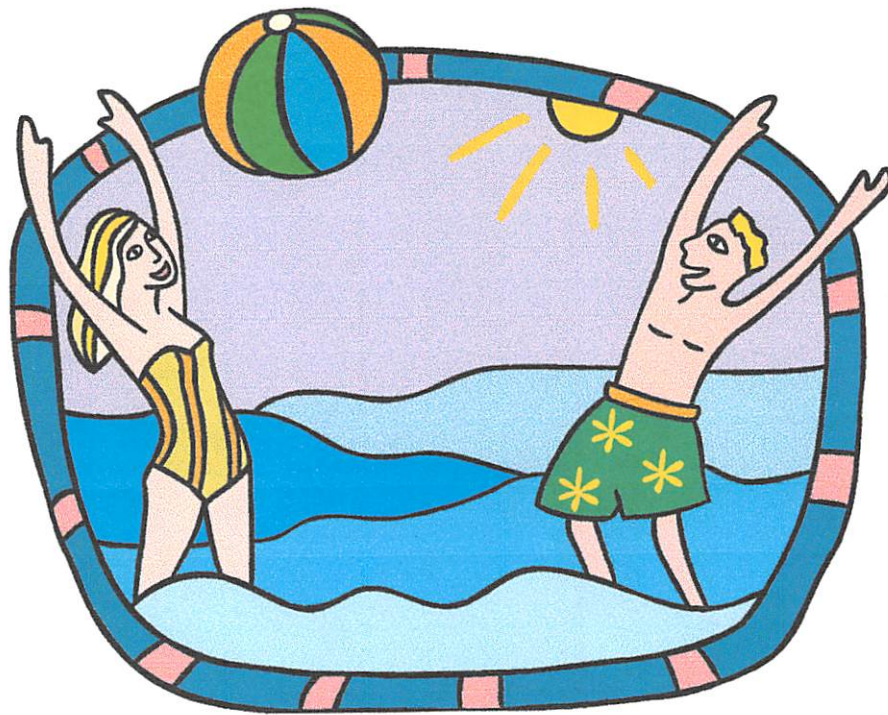


Agenda

City of Brookings
Common Council Meeting
City Hall Council Chambers
898 Elk Drive
Brookings OR 97415
June 10, 2002 7:00 p.m.



Summer fun has just begun...here
in the Home of Winter Flowers

agenda

CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
June 10, 2002 7:00 p.m.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Ceremonies

B. Appointments

1. Chetco Watershed Council

C. Announcements

1. New Summer Recreation Program Coordinator and program overview – Pam Calloway
2. Proclamations
 - a. Supreme Americanism Week-June 9-15, 2002/Brookings Emblem Club
 - b. Safety City –McGruff and Handler, Detective Palicki
3. Yard of the Month/Most Improved Property of the Month for June

V. PUBLIC HEARING

A. 2002/2003 Budget Year

B. Proposed uses of State Revenue Sharing Funds

VI. SCHEDULED PUBLIC APPEARANCES

A. Community Pride Month Tallies from Curry Transfer and Recycling General Manager Pete Smart

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison reports

1. Chamber of Commerce
2. Council Liaisons

B. Unscheduled

VIII. STAFF REPORTS

- A. Finance Department
- B. City Manager
- C. Community Development Department
- D. Fire Department
- E. Police Department

IX. CONSENT CALENDAR

- A. Approval of Council Meeting Minutes
 - 1. Minutes of May 13, 2002 Regular Council Meeting
- B. Acceptance of Parks and Recreation Commission Minutes
 - 1. Minutes of April 25, 2002, regular Commission Meeting
- C. Acceptance of Planning Commission Minutes
 - 1. Minutes of May 7, 2002, Regular Commission Meeting
- C. Right to possess and consume alcoholic beverages on City property-Azalea Park-Rotary Picnic, June 29, 2002, applicant Brookings-Harbor Rotary Club
- D. Approval of liquor license request for The Pizza Place, Monte and Colleen Harrison applicants

(end Consent Calendar)

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

- A. Ordinances
 - 1. Approval of ORDINANCE 02-O-547, 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-Second reading
- B. Resolutions
 - 1. No. 02-R-702, in the matter of a resolution declaring the city's election to receive state revenues for fiscal year 2002/2003.
- C. Final Orders
 - 1. Final ORDER and Findings of Fact for Planning Commission File No. CZ-1-02, an ORDER denying an application for a 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) on the area bounded by Shigh Creek on the north, Highway 101 on the east, Harris Beach State Park on the south, and the Pacific Ocean on the west, know as the Dawson Tract.
 - 2. Final ORDER and Findings of Fact for Planning Commission File No. APP-2-02, an order denying an appeal of the Planning Commissions approval of a subdivision creating 10 lots located in the southeast corner of the north/south and the east/west alignment of Dawson Rd. File No. SUB-2-02; Assessor's Map 40-14-36BB, Tax Lot 5000; zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size).

XI. REMARKS FROM MAYOR AND COUNCILORS

- A. Council
- B. Mayor

XII. ADJOURNMENT

June 2002

June 2002							July 2002						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						June 1 10:00am Melody Wells - Change Art Work In City Hall; 469-0488
	9:30am CC- VIPS/Volunteers In Police Service/BPalicki 7:00pm FH-FireTng/ChShrp (Fire Hall)	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 7:00pm CC-Planning Commssn	12:00pm Comnlty Agencies mtg (Chetco Sr.Center) 7:00pm CC-PoliceReserves 7:00pm FH-EMT Class-Bill Sharp	8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crime Stoppers 10:00am CC- Site Plan Com 3:30pm CC-AMF Board 7:00pm CC-Urban Renewal		11:00am Skate Park Dedication at Skate Park 2:00pm CC-Dog Obedience Class for People ONLY - Kevin Roec
1:00pm AMF Free Summer Concert 2002: "Just in Time" an 18 piece Jazz & Big Band Sound/Mike Shepherd at Azalea P	7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus 11:00am CC-Subdivision Committee me 3:00pm CC-HOPE Mtg/ Councilor Lorraine	2:30pm FH-SafetyComMtg/ HThmpson	8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray		
	9:00am CC-Municipal Court/ JdgHarper 9:30am CC-VIPS/Volunteers In Police Service-BP 6:00pm CC-American Red 7:00pm FH-FireTng/ChShrp	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	6:00pm FH-Subrbn Fire Dist Mtg/RexAtwell	8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray		
1:00pm AMF Free Summer Concert 2002: Barber Shop Quartets at Azalea Park	6:00pm CC-Urban Renewal Plan - Review Draft of Renewal Plan & 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	6:00pm CC-Victim's Impact Panel (247-2412) Curry Prevention Services/MLaird	8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/ LBlodgett		10:00am Melody Wells - Change Art Work In City Hall; 469-0488

CC=Council Chambers
FH=Fire Hall

6/6/2002

Events Calendar

Council Chambers and Fire Hall Use

July 2002

July 2002						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2002						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	July 1	2	3	4	5	6
	9:30am CC- VIPS/Volunteers in Police Service/BPalicki 7:00pm FH-FireTng/ChShrp (Fire Hall)	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 7:00pm CC-Planning Commssn & Plan Review of Urban Renewal Plan(Plan	12:00pm Comnity Agencies mtg (Chetco Sr.Center) 7:00pm FH-PoliceReserves	City Hall CLOSED - 4th of July Ho 8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crime Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray		
7	8	9	10	11	12	13
	7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 3:00pm CC-HOPE Mtg/ Councilor Lorraine Kuhn	8:00am CC-ODOT/DMV Dealer Training; Clyde Carrick: 503/945-5077 2:30pm FH-SafetyComMtg/ HThmpson	8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray		
14	15	16	17	18	19	20
1:00pm AMF Free Summer Concert 2002: Oregon Lab Band at Azalea Park	9:00am CC-Municipal Court/ JdgHarper 9:30am CC-VIPS/Volunteers in Police Service-BP 6:00pm CC-American Red Cross 7:00pm FH-FireTng/ChShrp (Fire Hall)	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	6:00pm FH-Subrbn Fire Dist Mtg/RexAtwell	8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 2:00pm CC-CEP (Citizens for Emergency Preparedness): MARrell-469-5731, J		
21	22	23	24	25	26	27
	7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	6:30pm CC-Seatbelt Class-PD/BPalicki	8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/ LBlodgett		
28	29	30	31			
1:00pm AMF Free Summer Concert 2002: Catishun at Azalea Park	7:00pm FH-FireTng/ChShrp (Fire Hall)	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)				

CC=Council Chambers
FH=Fire Hall

6/6/2002

PROCLAMATION

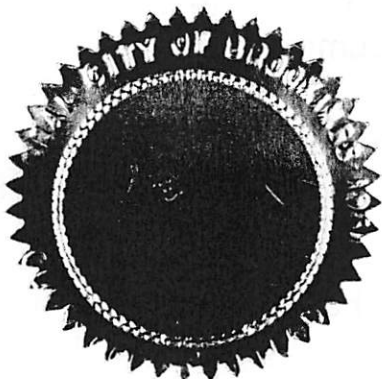
Whereas, The Supreme President of the Supreme Emblem Club has stated that strengthening the Unity of the United States of American is vital, that there is need to strengthen the American Heart of Emblem, that there is a need to strengthen the beliefs of each individual and each club, and has restated the Supreme Emblem Club Citizenship Principles; and

Whereas, The Supreme Emblem Club has resolved:

1. That each club create an Americanism Committee
2. That each club originate and participate with others in patriotic community endeavors
3. That each Emblem member as an individual, finish a patriotic deed each day
4. That each club and each member engage in assisting the Americanism Program of the Benevolent and Protective Order of Elks on every occasion when members are invited to participate
5. That each club and each member give determined effort to actively fulfilling the purpose to which we dedicate ourselves, to bear true allegiance to the Constitution and Flag of the United States of America.

Now, Therefore, I, Bob Hagbom, Mayor of the City of Brookings, Oregon, do hereby proclaim the week of June 9 through June 15, 2002, as

**Supreme Emblem Club Americanism Week
in Brookings**



Bob Hagbom
Mayor

Think Safety

Safety City Proclamation

Whereas, our community's children are our pride and joy and our Nation's greatest resource, and

Whereas, keeping our children safe should be a priority for all of us, and

Whereas, the Brookings Police Department, through a group of volunteers, provides a free ten-hour course for children going into kindergarten covering safety issues, and

Whereas, these children are taught on the streets of Safety City (at Kalmiopsis School), and

Whereas, their course includes simulated real life situations covering child pedestrian and life safety lessons,

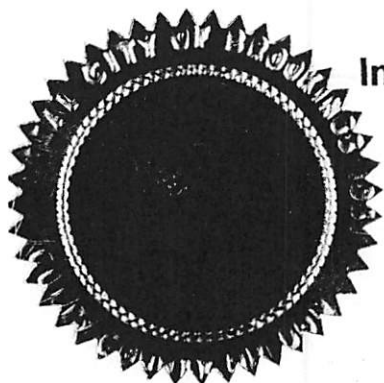
Now, Therefore, in recognition of and appreciation to all the companies, agencies, and volunteers who make the program a success, I hereby proclaim,

The Brookings Police Department's Safety City Program A Community Treasure

And urge all parents of children going into kindergarten to send their children to one of the Safety City Programs this summer!

In Witness Hereof, dated this 10th day of June, 2002,
in the city of Brookings

Bob Hagbom, MAYOR





Staff Report

To: Mayor Hagbom & City Council
Through: Leroy Blodgett, City Manager
From: Paul Hughes, Finance Director
Date: June 3, 2002
Re: **Public hearing for the 2002-2003 fiscal year budget**

Changes to Approved Budget

INFORMATION

After the budget committee approves the budget, Oregon local budget law requires the governing body to hold a budget hearing. The purpose of the hearing is to receive citizens' testimony on the budget approved by the budget committee. A summary of the budget approved by the budget committee and a notice of the budget hearing was published in the Curry Coastal Pilot on May 22, 2002 stating the budget hearing would be at 7:00 P.M. on June 10, 2002. As required by law the summary was published between 5 to 30 days before the hearing.

There were two changes to the budget subsequent to approval by the budget committee due to unknown information at the time of the budget committee meeting. The changes are to the General Fund (Police Dept.) and the Street Fund. The change to the police department is the addition of the School Resource Officer position. The school district has notified the City of its ability to fund this position. The change to the Street Fund was due to the notification from the State of a decrease in State Highway Revenue distributions.

General Fund:

Other Revenue	\$37,000	Increase
Police Department - Personal Services	\$37,000	Increase

Street Fund:

Networking Capital	\$11,000	Increase
State Highway Revenue	(\$11,000)	Decrease



Staff Report

To: Mayor Hagbom & City Council
Through: Leroy Blodgett, City Manager
From: Paul Hughes, Finance Director
Date: June 3, 2002
Re: **Public hearing on proposed uses of State Revenue Sharing Funds**

INFORMATION

State Revenue Sharing law, ORS 221.770, requires the city to conduct two public hearings on the use of state revenue sharing funds. The first public hearing was held before the budget committee on April 24, 2002 to discuss possible uses of the funds. The second public hearing is held before the city council on the proposed uses of the funds in relation to the entire budget. We anticipate receiving approximately \$25,000 in state revenue sharing funds next fiscal year. These funds are budgeted entirely in the general fund. The funds are not specified for any particular use; they just become part of the general-purpose revenue to the general fund.

**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 Trew

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 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.

Loyd 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, 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 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, 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.

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 ____ 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
Handled on @ 5-13-02
CL
ml
RECEIVED
MAY 13 2002
CITY OF BROOKINGS

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 Lumlaiua St.
Waipahu, HI 96797

(808) 677-0034

8 May 2002

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

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

94661 Luntalua St.
Waipahu, HI 96797

(808) 677-0034

RECEIVED

MAY 10 2002

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

ZONE
CHANGE
handed
out
@
5-1300
cc
mly

May 8, 2002

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

20N2 & APP-2
RECEIVED
MAY 13 2002

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

hand
out
5-13a
cc-
mtg

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.

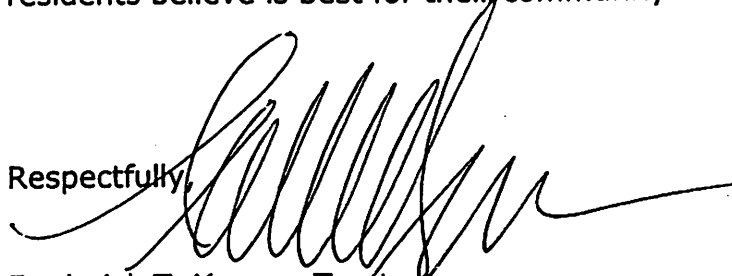
There are increasing concerns regarding traffic flow and pedestrian safety throughout Dawson Tract. As you know, Dawson road is the only route in and out of Dawson Tract. The city has allowed a multiplicity of driveways on Dawson Road, many of which are blind. Moreover, the Dawson tract Neighborhood 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

PARKS AND RECREATION COMMISSION MEETING MINUTES

City of Brookings
898 Elk Drive, Brookings, Oregon
April 25, 2002 7:00 p.m.

Call To Order

Chair Bill Boynton called the meeting to order with the pledge of allegiance led by Commissioner Lisa Nowlin.

Roll Call

Commissioners Present: Nina Canfield, Dori Blodgett, Lorraine Williams, Bill Boynton, Paul Prevenas, Tony Parrish, and Pat Sherman.

Ex Officio Commissioner Present: Lisa Nowlin

Council Liaison Present: Councilor Frances Johns

Staff Present: City Manager Leroy Blodgett, Special Projects Assistant Jeremy McVeety, and Community Development Secretary Linda Barker

Chair Boynton introduced newly appointed Commissioner Pat Sherman. Sherman moved to Brookings in June, 2001, from Canby, Oregon.

Minutes

Commissioner Williams moved, it was seconded, and the Commission voted unanimously to approve the March 28, 2002, minutes as corrected.

Public Appearances

Jennifer Brost, Brookings Parks Master Plan Project Manager for the Community Planning Workshop reviewed work that has been done so far on the masterplan. She gave a presentation on the classification system of parks and asked Commission input on city parks classified so far. The Commission agreed on the following classifications for city parks:

Type of Facility	Service Area	Existing parks of this type
Mini-Parks	0 - 0.25 acres	5th and Easy Mini-park Tanbark Mini-Park Fountain at Chetco & 5 th Richard Mini-Park Medical Service Center Mini-Park
Neighborhood Parks	¼ - ½ mile	Easy Manor Park Stout Park
Community Parks	½ - 5 miles	Bud Cross Park Azalea Park

Commissioner Blodgett moved, it was seconded, and the Commission voted unanimously to maintain the same level of service for parks, approximately 10 acres/1,000 residents, as is currently in place.

Based on input received, Brost recommended the year-round pool/community center complex should be placed as the top priority on the five-year Capital Improvements Plan. She asked the city to forward funding options, such as bond issues, grants, etc. to her.

The Community Planning Workshop requested a June 11, 2002, joint meeting of the City Council, Parks and Recreation Commission and the Planning Commission to consider their draft plan. Public input would also be sought at this meeting.

Committee Reports

Stout Park: No report

Chetco Point Park: Commissioner Canfield noted the north side could be the place to locate a porta-pot. She will contact CTR and get prices and levels of service.

Softball/Soccer Fields: Commissioner Prevenas commented the fields are seeing a lot of use.

Kidtown: None

Skate Park: City Manager Blodgett said the Dream Team crew is in town finishing up the final concrete work. At the next Skate Park Committee meeting, May 1, 2002, the committee will finalize plans for a dedication ceremony for the park, probably to be held in conjunction with the Azalea Festival. Thrasher Magazine has a two page spread in the May edition.

Liaison Reports

Azalea Park Foundation: Commissioner Williams reported 22 volunteers turned out for a successful work party. She showed pictures of a trellis constructed by Greg Shinn. The trellis highlights a natural cul de sac in the Park and may be used for weddings and other ceremonies. The area can hold approximately 30-40 people. Currently roses are planted to twine up the trellis and clematis may also be added. The Foundation will host two work parties in May, on the 4th and 18th. One thousand cosmos and one thousand marigolds will be planted.

Staff Announcements/Concerns/Follow-ups

Financial Report: City Manager Blodgett reported budget documents will be prepared for the Commissioners by the next meeting. The Budget Committee accepted the draft budget at their session April 24 and it next goes to the City Council for final approval.

Parks & Fields Use Calendar Update: none

Yard of the Month/Most Improved Property of the Month program: City Manager Blodgett showed pictures of signs which will be displayed in yards of winning properties for this new Council-approved program. The City will honor a yard of the month and a most improved property of the month between April and September of each year. *Yard of the Month* is a property within the city limits that is considered to have outstanding landscape. *Most Improved Property of the Month* will not necessarily be the most attractive property in town, but a property that has been substantially improved. The improvements may be to the yard, buildings or general property clean-up. Yard Signs will be displayed in the yard of the

winning properties throughout the month and each property owner will be credited \$50 towards their city water/sewer account. A three-member anonymous committee will make the selection.

Golf Tournament: Commissioner Parrish reported that since dates proposed for the city-sponsored tournament had been reserved by other organizations there would be no golf tournament this year.

Other: Council Liaison Johns said any community center/swimming pool project should be designed for all ages, for seniors, students, young children and that she appreciates the Community Planning Workshop's efforts on the Brookings Parks Master Plan.

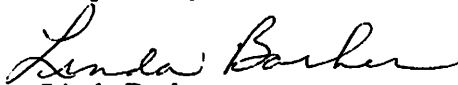
Commissioner comments

Commissioners Sherman and Parrish concurred that it seems inconceivable that the swimming pool could be self supporting and a park district is needed.

Chair Boynton announced it would be Recording Secretary Linda Barker's last official meeting as she would be taking over the City Manager secretarial duties in May.

Commissioner Parrish moved, it was seconded and the Commission voted unanimously to adjourn at 9:05 p.m.

Respectfully submitted,


Linda Barker
Recording Secretary

Approved by the Parks and Recreation Commission

MAY 23, 2002 (date)

**MINUTES
BROOKINGS PLANNING COMMISSION
REGULAR MEETING
May 7, 2002**

The regular meeting of the Brookings Planning Commission was called to order by Chair Randy Gorman at 7:00 p.m. in the Council Chambers at Brookings City Hall on the above date with the following Commission members and staff in attendance.

Russ Fritz	Craig Mickelson	John Bischoff, Planning Director
Randy Gorman	Tom Davis	Linda Barker, Secretary
Ernie Cofrances	Bruce Nishioka	Cathie Mahon, Secretary
Erin Gardner, Ex Officio Commissioner		

At the beginning of the meeting Commissioner Davis was absent, joining the meeting at 7: 30 p.m. Commission Freeman was absent.

Before the regular commission meeting, a Downtown Development presentation was presented by Susan Jackson and John Shetland, representatives from Urban Designers.

CHAIRPERSON ANNOUNCEMENTS

Chair Gorman introduced Bruce Nishioka, who was appointed to Commissioner Position No.6.and also introduced Cathie Mahon, who will be assuming the role of recording secretary.

MINUTES

By a 5-0 vote (motion: Commissioner Fritz.) the Planning Commission approved the minutes of the April 2, 2002, regular meeting as written.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON FINAL ORDERS

None

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON WRITTEN REQUESTS AND COMMUNICATIONS

1. By a 5-0 vote (motion: Commissioner Mickelson) the Planning Commission granted a one-year extension for File No. SUB-2-01/EXT; for the completion of the subject subdivision which was approved February 6, 2001; located in the northeast corner of Azalea Park Road and Old Country Road; zoned R-2 (Two-family Residential); Richard Wilson, applicant.
2. By a 5-0 vote (motion: Commissioner Fritz) the Planning Commission granted a one-year extension for the completion of the subject subdivision for File No. SUB-2-97/PUD/EXT; for the completion of the subject subdivision which was approved March 4, 1997; located on the north side of Seacrest Lane, zoned R-1-6 (Single-family Residential); Larry Anderson, applicant.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 5-0 vote (motion: Commissioner Mickelson) the Planning Commission approved (File No. CUP-3-02); a conditional use permit for a duplex building to be used as a short-term rental; located on the west side of Cypress Street; more specifically 213 and 215 Cypress Street; zoned R-2 (Two-family Residential); Larry and Cher Titus, applicants.

All Commissioners present declared ex parte contact due to a site visit. There was no challenge from the audience as to the jurisdiction of the Commission to hear this request.

The action was taken following questions or comments regarding the requests from the following:

Larry Titus	P.O. Box 467	Gold Beach OR 97444
Genie Gilliam	P. O. Box 572	Brookings OR 97415
Cher Titus	P. O. Box 467	Gold Beach OR 97444

The applicants waived their right to seven (7) additional days in which to submit written argument.

2. By a 5-0 vote (motion Commissioner Mickelson) the Planning Commission approved FINAL ORDER and Findings of Fact for File Document No. CUP-3-02.

Commissioner Davis entered the meeting at 7:30 p.m.

3. By a 6-0 vote (motion: Commissioner Mickelson) the Planning Commission approved (Case CUP-4-02); a conditional use permit to operate a daycare/preschool facility from an existing building located in the northeast corner of Alder Street and Spruce Drive; more specifically 299 Spruce Drive; zoned C-3 (General Commercial); Anne Marie Brouillette, applicant.

Conditions were placed on the motion stating that the Commission reserves the right to review the status of the Deferred Improvement Agreement for future street improvement on Alder Street and Spruce Drive within twelve months from the completion of work on Highway 101, and that the fence be constructed to connect the building to the playground.

All Commissioners present declared ex parte contact due to the site visit. There was no challenge from the audience as to the jurisdiction of the Commission to hear this request.

The applicant waived her right to seven (7) additional days in which to submit written argument.

The action was taken following questions or comments regarding the requests from the following:

Anne Marie Brouillette	P.O. Box 6735	Brookings OR 97415
Don Nuss	808 Pioneer Road	Brookings OR 97415

4. By a 6-0 vote (motion: Commissioner Davis) the Planning Commission approved FINAL ORDER and Findings of Fact for File No. CUP-4-02 as amended.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON COUNTY REFERRALS

By a 6-0 vote (motion: Commissioner Davis) the Planning Commission granted a favorable recommendation for File No. CR-AD-0205; a request for a conditional use permit to place a single family house on an 11.28 acres parcel of land located on both sides of Crown Terrace Road, approximately in mile from South Bank Chetco River Road; zoned County Forest Grazing (FG); applicants Randall and Janet Gerlach.

UNSCHEDULED PUBLIC APPEARANCES

None

REPORT OF THE CITIZENS ADVISORY COMMITTEE

None

MESSAGES AND PAPERS FROM THE CITY MANAGER

None

MESSAGES AND PAPERS FROM THE MAYOR

None

REPORT OF THE PLANNING DIRECTOR

PROPOSITIONS AND REMARKS FROM COMMISSION MEMBERS

Commissioner Russ commented how nice it was to have a full board and welcome the new member, Bruce Nishioka.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting adjourned at 8:20 p.m.

Respectfully submitted,

BROOKINGS PLANNING COMMISSION



Randy J. Gorman, Chair



APPLICATION TO POSSESS AND CONSUME ALCOHOLIC BEVERAGES ON CITY OF BROOKINGS PUBLIC PROPERTY

- ◆ GROUP OR ORGANIZATION NAME Brookings-Harbor Rotary
- ◆ CONTACT PERSON MARY TRAILOR
- ◆ DAYTIME PHONE NUMBER 469-5306
- ◆ ADDRESS PO Box 3339, Harbor, OR 97415
- ◆ PUBLIC LOCATION REQUESTED Azalea Park-Bandshell Area
- ◆ DATE REQUESTED June 29, 2002
- ◆ TIME REQUESTED 1:00 pm
- ◆ TYPE OF ALCOHOLIC BEVERAGES INVOLVED Beer & Wine
- ◆ PURPOSE OF GATHERING Rotary picnic

As an official representative of the above named group I request a temporary permit to possess and consume alcoholic beverages on public premises in accordance with Brookings Ordinance No. 79-0-315, Sec. 4., which I have reviewed. I understand our organization must meet all State of Oregon requirements for serving alcohol and must provide insurance as shown on the attachment.

Mary Traylor
Representative Signature

6/4/02
Date Signed

FOR CITY PERSONNEL USE ONLY: Completed App. received:

Forwarded to: Date Sent - 6-4-02 to ☐ Community Dev/PubWrks:

Date Sent - 6-4-02 to ☒ Chief of Police:

Date Sent - 6-4 to ☒ Fire Chief

Date Sent - 6-4 to ☒ Finance Dept

Date Sent - 6-4-02 to ☐ City Manager

(circle one) APPROVE / DO NOT APPROVE-date/initials: LRB

(circle one) APPROVE / DO NOT APPROVE-date/initials: AW

(circle one) APPROVE / DO NOT APPROVE-date/initials: W

(circle one) APPROVE / DO NOT APPROVE-date/initials: AK

DEPARTMENT HEADS: Please consider any applicable City ordinance requirements, initial, & date; PC's to follow after final approval.

As City Manager, I, Heroy Blodgett, having reviewed the aforementioned application do hereby X recommend / ~~do not recommend~~ to the common council of the City of Brookings approval of said application in the name of Brookings-Harbor Rotary for purposes of possessing and consuming alcoholic beverages on City property as provided on application.

Heroy Blodgett
City Manager

6/4/02
Date Signed

CITY COUNCIL: ☐ APPROVED ☐ DISAPPROVED on ____ day of ____, 20__



CITY OF BROOKINGS POLICE DEPARTMENT

CHIEF CHRIS WALLACE

898 ELK DRIVE
BROOKINGS, OREGON 97415

PHONE (541) 469-3118
FAX (541) 412-0253

To: Brookings City Council

From: Chief Chris Wallace 27813/201

Date: 06-05-02

Subject: Approval of Liquor License Application

After reviewing attached O.L.C.C. Liquor License Application submitted by Monte and Coleen Harrison and further conducting an AIRS check on both applicants it is my opinion the request be granted.


Chief Chris Wallace



“Home of Winter Flowers”



OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

COPY

Rept # 1.004536



Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)
☐ Commercial Establishment
☐ Caterer
☐ Passenger Carrier
☐ Other Public Location
☐ Private Club
☒ Limited On-Premises Sales (\$202.60/yr)
☐ Off-Premises Sales (\$100/yr)
☐ Brewery Public House (\$252.60)
☐ Winery (\$250/yr)
☐ Other: _____

ACTIONS

- ☐ Change Ownership
☐ New Outlet
☐ Greater Privilege
☐ Additional Privilege
☒ Other CHANGE LOCATION

Applying as:

- ☒ Individuals ☐ Limited Partnership ☐ Corporation ☐ Limited Liability Company

FOR CITY AND COUNTY USE ONLY
The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: _____

Date: _____

90-day authority: ☐ Yes ☐ No

Please Print or Type

1. Applicant(s): [See SECTION 1 of the Guide]

① MONTIE HARRISON ③ _____
 ② COLLEEN HARRISON ④ _____

2. Trade Name (dba): THE PIZZA PLACE

3. Business Location: 623 MEMORY LANE
534 RAILROAD ST Brookings Curry OREGON 97415
 (number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: PO Box 765 PORTLAND OR 97465
 (PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-412-7887 (phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: _____

9. Will you have a manager? ☐ Yes ☒ No Name: _____
 (manager must fill out an individual history form)

10. What is the local governing body where your business is located? Brookings City Council
 (name of city or county)

11. Contact person for this application: MONTIE HARRISON 541-348-2141
 (name) (phone number(s))

(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date 4-14-02 ③ _____ Date _____

② [Signature] Date 4-5-02 ④ _____ Date _____

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

**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.)**

ORDINANCE 02-O-547

Sections:

Introduction.

Section 1. Definitions

Section 2. Declaration of need

Section 3. Agency's rights, powers, duties, privileges and immunities
granted and vested

Section 4. Name of agency

Section 5. Members' terms of office

WHEREAS, there exists within the City of Brookings, Oregon, blighted areas as defined in ORS 457.010; and

WHEREAS, such blighted areas impair economic values and ad valorem tax revenues; and

WHEREAS, there is a need for an urban renewal agency to function in the City; and

WHEREAS, ORS 457.035 authorizes the creation of a public body corporate and politic to be known as the "Urban Renewal Agency" of the City.

THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:

Section 1. Definitions. There are hereby declared to be blighted areas existent in the City of Brookings. There is further declared to be a need for an urban renewal agency to function in the City of Brookings, which urban renewal agency shall be deemed to have all powers provided by ORS Chapter 457. For purposes of this declaration, blighted areas are deemed to be areas which by reason of deterioration, faulty planning, inadequate or improper facilities, deleterious land use or the existence of unsafe structures, or any combination of these factors, are detrimental to the safety, health, or welfare of the City of Brookings. The term "blighted areas" is more particularly defined in ORS 457.010 and those definitions are incorporated herein by reference.

Section 2. Declaration of need. The City Council declares and recognizes that there is a need for an Urban Renewal Agency to function within the City of Brookings.

Section 3. Agency's rights, powers, duties, privileges and immunities granted and vested. The City Council further declares, Pursuant to ORS 457.045(3), that all of the rights, powers, duties, privileges and immunities granted to and vested in an Urban Renewal Agency by the laws of the State of Oregon shall be exercised by and vested in the City Council of the City of Brookings, provided, however, that any act of the governing body acting as the Urban Renewal Agency shall be and shall be considered, the act of the Urban Renewal Agency only and not of the City Council.

Section 4. Name of agency. The corporate name of the agency provided by the Ordinance shall be, and said agency shall be known as, "The Urban Renewal Agency of the City of Brookings."

Section 5. Members' terms of office. The term of office of each member of the Urban Renewal Agency shall be concurrent with each member's individual term of office as a member of the City Council.

First Reading: May 13, 2002

Second Reading: _____

Passage: _____

Effective Date: _____

Signed by me in authentication of its passage this _____ day of June 2002.

Bob Hagbom
Mayor

ATTEST by City Recorder this _____ day of June 2002.

Paul Hughes
City Recorder

Staff Report



To: Mayor Hagbom & City Council
Through: Leroy Blodgett, City Manager
From: Paul Hughes, Finance Director
Date: June 3, 2002
Re: **Resolution declaring the City's election to receive state revenues**

BACKGROUND

State Revenue Sharing law, ORS 221.770, requires the city to pass a resolution each year stating that we want to receive state revenue sharing money. The law also requires the City Recorder to certify that two required public hearings were held one before the budget committee and the other before the city council. State revenue sharing funds are a vital part of the City budget.

RECOMMENDATION

Staff recommends that City Council approve the resolution declaring the city's election to receive state revenues.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

In the mater of a resolution)
Declaring the City's election to)
Receive State Revenues) **Resolution No. 02-R-702**

The City of Brookings ordains as follows:

Section 1. Pursuant to ORS 221.770, the city hereby elects to receive state revenues for fiscal year 2002-2003.

Bob Hagbom, Mayor

ATTEST by City Recorder this ____ day of June, 2002.

Paul Hughes, City Recorder

I certify that a public hearing before the budget committee was held on April 24, 2002, and a public hearing before the City Council was held on June 10, 2002, giving citizens an opportunity to comment on the use of State Revenue Sharing.

Paul Hughes, City Recorder

ROLL CALL ON ADOPTION

AYE NAY ABSENT

Mayor: Bob Hagbom
Councilors: Larry Curry
 Rick Dentino
 Frances Johns
 Lorraine Kuhn

**BEFORE THE PLANNING COMMISSION
CITY OF BROOKINGS, COUNTY OF CURRY
STATE OF OREGON**

**In the matter of Planning Commission File No.) Final ORDER
CZ-1-02; application for a Zone Change; Walter) and Findings of
Battaglia, applicant.) Fact**

ORDER denying an application for a 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) on the area bounded by Shigh Creek on the north, Highway 101 on the east, Harris Beach State Park on the south, and the Pacific Ocean on the west, know as the Dawson Tract.

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Section 144, Amendments, of the Land Development Code; and,
2. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on April 2, 2002; and
3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated March 25, 2002, and by oral presentation, and evidence and testimony was presented by the applicant and the public at the public hearing; and,
4. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and recommended that the City Council deny the request, and
5. The Brookings City Council duly considered the above described application in a public hearing at a regularly scheduled public meeting held on May 13, 2002, and is a matter of record; and
6. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council, upon a motion duly seconded, accepted the Planning Commissions recommendation; and

THEREFORE, LET IT BE HEREBY ORDERED that the application for an amendment on the subject parcel is denied. This denial is supported by the following findings and conclusions:

FINDINGS

1. The applicant has requested a change of zone from the existing R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) Zone to the R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot size) Zone, over the area of the Dawson Tract bounded on the north by Shigh Creek, on the east by Highway 101, on the south by the north boundary of Harris Beach State Park, and on the west by the Pacific Ocean.
2. The applicant provides the following statements as the basis for the zone change:
 - "That the current zoning does not represent the highest and best use of the land included in the Dawson Tract."

- “Most recent development has been on parcels larger than the present minimum, a voluntary concession by the developers.”
 - “There is no economic reason to develop to a low standard; in fact, economic conditions may justify even large minimums than those requested.”
 - “Most previously subdivided, unbuilt parcels are already at least 10,000 sq. ft.”
 - “...the existing streets, water supply, storm drains and other public infrastructure have a limited capacity and cannot support a large number of additional dwellings; and
 - “...especially, there are already problems with traffic safety due to the small streets, heavy commercial traffic and lack of enforcement; and,
 - “...we are concerned whether emergency services can be effectively provided to everyone in Dawson Tract at current population levels.”
 - Sub-standard streets, no street plan.
 - No parks.
 - Good will of developers.
 - Concern for the environment.
3. Section 144, Amendments, of the Land Development Code, states “This code or the comprehensive plan map or text may be amended by changing the boundaries of districts or designations or by changing any other provision thereof, whenever the public necessity and convenience and the general welfare requires such an amendment...”
 4. The applicant has submitted a petition with signatures representing 101 lots within the area of the proposed zone change.
 5. There are 220 privately owned lots within the area of the proposed zone change.
 6. Goal 10, Housing, of the city’s Comprehensive Plan contains the following policies that would apply in this case.
 - City shall not unduly restrict land development thereby artificially inflating the cost of both new and existing housing, but rather provide land in suitable quantities and encourage the construction of new residential units to meet increased demand.
 - City shall provide for a variety of housing options and sites and plan for suitable locations. It is recognized the private sector will continue their leadership role in this function.
 - City shall, through mapping and other means, provide, where known, general information relative to site development suitability.
 7. The land area of the proposed zone change is essentially flat except a gully along the west side of Highway 101, the southerly boundary with the state park and along the ocean bluff.

CONCLUSIONS

1. The subject property was zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) at the time of annexation in 1989. In 1993 the city adopted the Dawson Tract Neighborhood Circulation Plan, which created a street standard for the Dawson Tract area that provided for street standards that are narrower than the normal city street standard.

2. Water and sewer mains were constructed throughout the Dawson Tract area in 1990 and were designed to accommodate development at a density allowed by the R-1-6 Zone. Each new development is responsible to convey storm water safely through their property to the ocean.
3. There is no evidence that developers in the past thought that lots in the area should be larger. Review of all of the subdivisions that have been approved since the area was annexed indicate that 122 lots have been created by subdivision and of those 84 lots, 69%, are less than 10,000 sq. ft. in size. Many of these subdivisions were influenced by topography, which caused lots to be larger. All but one of the subdivisions that were on flat stable ground, Cottage Court, Ocean Park I, Oceanside Estates II, and Williams Subdivision, created a total of 71 lots, of which only three (4%) were greater than 10,000 sq. ft. The one exception was the Kury Estates Subdivision, which created 16 lots, only three of which were less than 10,000 sq. ft. With this subdivision, still only 18% of the lots were 10,000 sq. ft. or greater in size.
4. The applicant has submitted a petition representing only 46% of the 220 privately owned lots within the area subject to the zone change.
5. The applicant has not submitted any evidence to substantiate the statements submitted as the basis for the zone change.
6. The proposed rezone is not consistent with the policies of Goal 10, Housing, of the city's Comprehensive Plan. By restricting this area to 10,000 sq. ft. lots, the city would be placing an undue restriction on land that is capable of being divided to the smallest lots allowed and has no specific reason to require larger lots. By placing a more restrictive zoning in the Dawson Tract area the city would also cause an artificially inflated land cost because larger lots sell for more than smaller lots. The city, like most cities today, needs affordable housing and flat land provides the best opportunity to provide housing at a lower cost. The proposed zone change would tend to increase housing costs in the only area where the city has the best opportunity to keep costs down.
7. The applicant has not presented sufficient evidence to show that the public, health, safety, welfare, and convenience would be best served by the proposed zone change.

Dated this 10th day of JUNE 2002.

Bob Hagbom, Mayor

ATTEST:

John C. Bischoff, Planning Director

**BEFORE THE CITY COUNCIL
CITY OF BROOKINGS, COUNTY OF CURRY
STATE OF OREGON**

In the matter of Planning Commission File No. APP-2-02;)	Final ORDER
an appeal of a Planning Commission decision approving a)	and Findings of
subdivision; North Brookings Community Association,)	Fact
Walter Battaglia, Chair, appellant.)	

ORDER denying an appeal of the Planning Commissions approval of a subdivision creating 10 lots located in the southeast corner of the north/south and the east/west alignment of Dawson Rd. file No. SUB-2-02; Assessor's Map 40-14-36BB, Tax Lot 5000; zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Section 176.060, of the Land Development Code which authorizes the Planning Commission to approve, approve with conditions or deny a request for a subdivision, based upon evidence that the proposal meets the following criteria:

- A. Conformance with the comprehensive plan, and applicable development standards of this code, and state and federal laws.
- B. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.
- C. Adjoining property under separate ownership can either be developed or be provided access that will allow its development in accordance with this code.
- D. Conditions necessary to satisfy the intent of the land development code and comprehensive plan can be satisfied prior to final approval.
- E. The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing circumstances.
- F. The proposed name of the subdivision shall be approved by the commission, provided the name does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Curry County, except for the words "town", "city", "place", "court", "addition", or similar words unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name, or unless the applicant files and records the consent of the party who platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed.
- G. The proposed name of a street in the subdivision shall be approved by the commission provided it is not the same as, similar to or pronounced the same as the name of an existing street in the same zip code area, unless the street is approved as a continuation of an existing street. A street name or number shall conform to the established pattern for the area.

H. Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and reservations and restrictions relating to the private streets are established.

2. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on April 2, 2002; and

3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated March 15, 2002 and by oral presentation, and evidence and testimony by the applicant and the public at the public hearing; and,

4. At the conclusion of the public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and approved the request for the subject application and directed staff to prepare a Final ORDER and Findings of Fact to that effect.

WHEREAS, the appellant appealed the Planning Commission's approval of the subdivision, pursuant to Section 156, Appeal to the City Council, and

1. The Brookings City Council duly considered the above described application on the agenda of a public hearing on May 13, 2002, and

2. Presentations were made by the Planning Director in the form of a written Staff Agenda Reports dated May 6, 2002 and by oral presentation, and evidence and testimony were presented by the appellant, the applicant and the public at the public hearing; and,

3. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council, upon a motion duly seconded, considered the Staff Agenda Report and denied the appeal and approved the subdivision, and directed staff to prepare a Final ORDER and Findings of Fact to that effect.

THEREFORE, IT IS BE HEREBY ORDERED that the application for a subdivision on the subject parcel approved. This is supported by the following findings and conclusions:

FINDINGS

1. The applicant is requesting a subdivision to divide a 2.09-acre parcel of land into 10 lots ranging in size from 7,529 to 8,481 sq. ft. with an average size of 7,953 sq. ft. and will create a new street with a hammerhead turnaround pursuant to the provisions of the Dawson Tract Neighborhood Circulation Plan.
2. The subject property is zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) and is designated as Residential by the Comprehensive Plan.
3. The proposed subdivision is located within the area of the Dawson Tract Neighborhood Circulation Plan, which allows cul-de-sac streets of 20 feet in width with a 4 foot wide sidewalk on one side and no more than 400 feet in length.

4. All of the lots surrounding the subject property have frontage on a public street.
5. Pursuant to the Dawson Tract Neighborhood Circulation Plan all lots fronting on a narrow street with no on-street parking must be at least 7500 sq. ft. in size to accommodate four additional parking spaces.
6. The county planning staff has stated that there are no other subdivisions in the county with the name of, or similar to Spindrift Subdivision.
7. A check of the 97415 Zip Code area has revealed that there are no streets with the name of, or similar name as Spindrift Ln.
8. Dawson Rd. is a paved travel way within a 45-foot wide right of way adjacent to the north boundary of the subject property and a 50-foot right of way adjacent to the northerly 190 feet of the westerly boundary and 45 feet from that point south, with no other improvements.
9. There is a water and sewer main located in both alignments of Dawson Rd.

CONCLUSIONS

1. All of the lots created by the proposed subdivision are less than twice the size of the minimum lot allowed by the R-1-6 Zone and therefore there are no remainder lots. All of the lots surrounding the subject property have frontage on a public street and are either developed or can be accessed for development. The proposed subdivision will not prevent any of the surrounding lots from being accessed for development.
2. The conditions of approval applied to the approval of this subdivision will include standard conditions and project specific conditions, all of which can be satisfied prior to the recordation of the final plat map.
3. By intersecting with the north/south alignment of Dawson Rd. the new street, Spindrift Ln., provides the best sight distance for cars traveling north on Dawson Rd. The proposed street plan is consistent with the provisions of the Dawson Tract Neighborhood Circulation Plan and provides the safest, economical and environmentally sound street alignment.
4. There are no subdivisions in Curry County with the name of, or similar to, Spindrift Subdivision.
5. There is no street within the 97415 Zip Code area with the name of or similar to Spindrift Lane.
6. The proposed subdivision is consistent with the provisions of the R-1-6 Zone in terms of lot size and design, is consistent with the provisions of the Dawson Tract Neighborhood Circulation Plan, and meets the criteria addressed above. The subdivision is consistent with the goals and policies of the Comprehensive Plan, particularly Goal 10, Housing, which contains a policy that the city will not place undue restrictions on the development of land and with the overall goal of using land within the city efficiently.

7. The appellant has failed to submit substantive evidence to show that the subdivision, as approved by the Planning Commission, does not meet the criteria for approval set forth in Section 176.060, Major Partitions And Subdivisions, of the Land Development Code.

Dated this 10th day of JUNE, 2002

Bob Hagbom, Mayor

ATTEST:

John C. Bischoff, Planning Director