

MINUTES  
SPECIAL COUNCIL MEETING  
BROOKINGS COMMON COUNCIL  
CITY OF BROOKINGS  
MARCH 26, 1979

- I. This Special Council meeting was called for the purpose of considering the Final Application to U. S. Economic Development Administration for funding of the Brookings-Harbor Industrial Water Line Project and also to approve payment on the High Level Water System Project.
- II. Meeting was called to order at 1:30 p.m. by Mayor Elmer Hitchcock. Members present were: Councilmen C. Dwight Allen, Darrell Allsup and Ray Lockman. Councilman Bill Canet was absent. John Spicer, City Attorney was present.
- Staff present were: City Manager Frank Freeman and Recorder-Treasurer Marge McKernan.
- III. Steve Cox, with HG.E.E., INC. advised that this is attentative application for a grant in the amount of \$240,000. The Port of Brookings has applied to the State Revolving Fund to borrow the amount of \$161,625. Total cost of the project is estimated to be \$401,625.

Mr. Cox also advised that the possibility of borrowing money from the County was pretty bleak.

Curry County Commissioners Shirley Van Loo and Mike Fitzgerald were in the audience. Mr. Fitzgerald stated that he felt it was in the best interest of the Port to proceed along the lines they are now pursuing, but that the County could possibly have available the amount of \$60,000. to loan to the Port.

Mr. Cox advised that as the Brookings Water System now stands it can supply water to additional 600 to 700 residences, which would be approximately 2,000 people and still be able to supply water to the Port for the schrimp industries. To upgrade the present system it would cost approximately \$15,000. if the population would increase above the 2,000. The first obligation is to serve the City and surrounding areas that are now supplied with water from the Brookings Water System. Under the present system there is a possibility that the water would have to be curtailed.

Fred Stuzman, elected representative of Brookings-Harbor Port Commission, stated that the Port needs support to insure sufficient water to increase the facilities, modernize the plants and entice new firms in the area, thus creating an ever increasing economic impact of new jobs and facilities to the area. He presented a report on 1978 economic impacr on Curry County through the port of Brookings. This report is made a part of these minutes.

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Mr. Stuzman also advised that it was the City of Brookings in the beginning that volunteered to supply water to the port for industrial use, otherwise they would not be here now asking for support.

After more discussion a MOTION was made by Councilman Allen, seconded by Councilman Allsup and carried unanimously that this attentive agreement be signed with the stipulation that the final agreement must be first approved by the Public at a Public Hearing before it is finalized.

IV. MOTION was made by Councilman Allsup, seconded by Councilman Allen and carried that payment in the amount of \$41,868.40 be paid to Horton Bros. on the High Level Water System Project.

V. ADJOURNMENT

MOTION was made by Councilman Allen, seconded by Councilman Allsup and carried that the meeting be adjourned. The meeting then adjourned at 2:40 p.m. This meeting was recorded on tape and is on file in the Recorder's office.

  
MAYOR

ATTEST:

  
RECORDER-TREASURER

EXHIBIT A

SUBJECT:

SUPPORTING DOCUMENTATION IN SUPPORT OF A CHANGE OF  
ZONE AND AMENDMENT TO THE PROPOSED COMPREHENSIVE  
PLAN IN THE CITY OF BROOKINGS, OREGON

PREPARED ON BEHALF OF:

MR. RON FALLERT  
P. O. BOX 670  
BROOKINGS, OREGON 97415  
PHONE: (503) 469-2136

PREPARED BY:

LYLE A. STEWART, AIP  
PATTERSON, STEWART & ASSOCIATES  
45 HAWTHORNE  
MEDFORD, OREGON 97501  
PHONE: (503) 772-5203

I. PURPOSE OF APPLICATION

The purpose of this application is to request modifications to the City's Proposed Comprehensive Plan and to a change of zoning classification as delineated on the official zoning map of the City of Brookings, Oregon, as follows:

- A. The total site contains 6.65 acres .
- B. Comprehensive Plan amendment applies only to tax lots 801, 900, 1300 and 1400, which lots are delineated on map 41 13 6BC of the Curry County Assessor. Such modification request, if granted, would change the designation of such lots from "Residential Low Density" to "Commercial Tourist". This amendment affects 4.95 of the 6.65 acres of land. See Exhibits 2 and 4.
- C. Change of Zone Classification applies only to tax lots 801 and 900 which lots are delineated on map 41 13 6BC of the Curry County Assessor. This change affects only 1.39 of the 6.65 acres of land and would change such property from "RL" to "CT". See Exhibits 3 and 5.

Further, the purpose of this application is to set forth in graphic and written terms facts, opinions and other planning information in support of the application. Such information will, we believe, provide the City's Planning Commission and Council with substantial evidence to make a finding that both the general welfare and a public need will be served by granting such Comprehensive Plan amendment and change of zone classification.

II. MAPS AND ILLUSTRATIONS ACCOMPANYING APPLICATION

Accompanying these written statements and made a part hereof, are a series of planning maps and illustrations which describe, in graphic terms, the essence of this report and, if granted, the type of development which is proposed for the subject property. Such maps and illustrations are as follows:

- A. Existing Land Use Map -- Exhibit 1
- B. Existing Comprehensive Plan -- Exhibit 2
- C. Existing Zoning - Exhibit 3
- D. Proposed Comprehensive Plan Amendment -- Exhibit 4
- E. Proposed Change of Zone Classification -- Exhibit 5
- F. Traffic -- Exhibit 6

G. Proposed Site Utilization -- Exhibit 7

H. Rendering of Proposed Site Development -- Exhibit 8

III. PROPOSED USE OF PROPERTY (See Exhibits 7 and 8)

If the Comprehensive Plan amendment and the change of zone classification are approved, it is proposed to construct the following development:

A. Motor Inn and Conference Facility

1. 80-85 rooms with expansion capability for an additional 25-30 rooms.
2. 200-500 capacity meeting room with meal-serving capability.
3. 165 capacity restaurant and coffee shop.
4. 130 capacity lounge and dining facility

B. 14 Single-family townhouse, condominium, residential units adjacent to the Residential Low Density area.

C. Off-street parking

D. Landscaping and recreation area

IV. BURDEN OF PROOF

Pursuant to Section 4 of City Council Resolution No. 213, passed by the Council and signed by the Mayor on September 19, 1978, the following is submitted for Planning Commission and City Council consideration:

A. Conformance with the Comprehensive Plan and City Zoning Ordinance

1. Minor modifications to the Comprehensive Plan and Zoning Map will be required. See Exhibits 2 and 3, 4 and 5.
2. The subject property consists of five irregularly shaped lots on the west side of the Oregon Coast Highway (US 101). The total subject property contains 6.65 acres and extends from Crissey Circle on the north approximately 530 feet south. The property extends west approximately 700 feet from US 101 to the Pacific Ocean. See Exhibit 1 and all other exhibits submitted herewith.
3. At present an irregularity exists between the City's Comprehensive Plan and the official zoning map. On the zoning map the line dividing the "RL" and "CT" zones lies approximately 138 feet south of Crissey Circle while on the Comprehensive Plan Map this same dividing line lies approximately 390 feet south of Crissey Circle. See Exhibits 2 and 3.

4. The zone map change request (RL to CT) affects two lots containing 1.39 acres of land. The Comprehensive Plan amendment request (Residential Low Density to Commercial Tourist) affects four lots containing 4.95 acres of land. See Exhibits 1, 2 and 3, 4 and 5.
5. The request contained in this application would set the dividing line between the "RL" and "CT" designations at Crissey Circle as delineated on Exhibits 4 and 5.
6. The property east of Highway 101, along the entire frontage of the subject property, is designated "Commercial General" on the Comprehensive Plan and is currently zoned "CG". The continuation of the "CT" classification north to Crissey Circle is a less intensive zone than the "CG" and more compatible with highway frontage than the "RL" zone.
7. No change in the text of the Comprehensive Plan or the Zoning Ordinance is requested.
8. Proposed Site Utilization (Exhibit 7) suggests that substantial landscaping and the 14 single-family condominium unit townhouses and parking be separated not less than ten feet from the north property line at Crissey Circle. Such landscaped separation is proposed to buffer the proposed Motor Inn - Conference Facility from the existing homes. No vehicular access to the townhouses or to the Motor Inn will be off Crissey Circle.

B. Public Need for this Comprehensive Plan Amendment and Change of Zone Classification

1. Brookings, in terms of climate and natural resources, is attractive to visitors seeking tourist, fishing, and recreation activities. A motor inn - conference facility on this site would provide quality lodging, eating and meeting accommodations to attract additional, year-round tourists to the City.
2. The tourist industry is described in the Comprehensive Plan report ("Planning for Brookings"), as one of Curry County's basic industries. As such, the Motor Inn complex will add to local employment opportunities by creating approximately 40 permanent jobs in the facility and 80-120 additional jobs in the Brookings area.
3. A quality meeting facility with in-house dining, lodging and lounge facilities is a needed element in the City for both local use and as a "place" to attract small regional conferences. Additional visitors to the City will stimulate additional retail sales.

4. Tourists inject considerable "outside dollars" into the City's economy while creating little additional load on city services and on the school system.
5. The Motor Inn Complex and the 14 condominium units would add approximately \$4,130,000 in assessed value to the City's tax base and, therefore, would aid in relieving the tax burden from residential properties.
6. The development, as stated above, while adding substantially to the City's tax base, would create very minimum additional population.

C. How the Public Need Will Be Best Served by Changing the Permissible Use of the Property Concerned as Compared with Other Available Property

As noted above, the land area of the subject property is in excess of six acres (6.65 acres). The size of the complex proposed cannot be accommodated on a significantly smaller site. If attempted, the results would not be consistent with the desired objective of a quality development with a substantial ratio of open space to building coverage.

The site has extensive tree coverage, the majority of which will be retained in the final development. The site has a magnificent view of the ocean which is desirable for a quality level motor inn - conference center complex. The site has easy access off Highway 101. Sewer, water and all other utilities are available and have adequate capacities to serve the intended uses. Approximately 79% of the 6.65 acre site currently is zoned as "CT" and will permit the proposed uses.

We believe that a complex of the type proposed will provide the City of Brookings with a quality lodging, dining and conference facility at no public cost. Such an integrated facility presently does not exist anywhere on the South Oregon Coast. Such a complex, introduced in the Brookings landscape, will serve local people with dining and conference opportunities. Further, it will provide an attractive place for tourists and conference delegates to stay and will inject substantial outside dollars into the Brookings' economy to the benefit of the entire community and its people.

As described in paragraph "D", below, no other appropriately zoned site exists in Brookings which could accommodate the proposed complex with the level of quality proposed.

D. Other Areas in the City with Appropriate Land Use Designations

Five (5) sites, other than the one herein proposed, have appropriate zoning for the uses considered in this application. However, each of the five, for the reasons hereinafter described, are not suitable for the complex proposed.

Site 1 - 6.22 acres zoned "CT" and located along the north bank of the Chetco River, immediately upstream of the Dot Martin Bridge.

Comments:

1. Located in flood plain.
2. No sewer or water on property
3. Difficult vehicular access via a steep road from Highway 101 west of the bridge approach

Site 2 - 2 plus acres zoned "CG" and located across Highway 101 from the subject property.

Comments:

1. Sewer and water available
2. Access adequate
3. Site is inadequate in size and lacks trees and other natural amenities

Site 3 - 18 acres zoned "MG" and located south of Brook Ply and northeast of Brookings waste water treatment plant

Comments:

1. The only undeveloped "MG" (Industrial) property in Brookings and should be held for industrial use
2. Sewer and water available
3. Access via Center or Wharf streets
4. This site is environmentally inadequate for the intended use of a motor-inn - conference complex

Site 4 - 3.75 acres zoned "CT" and located immediately south of the subject property.

Comments:

1. Inadequate size
2. Inadequate access via a private easement from Highway 101
3. No (or poor) visual exposure from Highway 101
4. Sewer and water available



Site 5 - 1.65 acres zoned "CG" and bounded by Oak Street, Railroad Avenue, Alder Street and Hemlock Street.

Comments:

1. Inadequate size
2. Located two blocks south of Highway 101 and has no visual exposure from highway
3. Sewer and water available
4. Environmentally inadequate
5. Would require a high-rise building to house the proposed uses and parking

As delineated on Exhibits 7 and 8, the proposed development has located the single-family residential townhouses in that portion of the site which is presently zoned "RL" and has retained the presently zoned "CT" portion for the location of the motor inn - conference center complex.

The complex, developed in reasonable conformity with Exhibit 7, Proposed Site Utilization, and buffered with considerable landscaping, should create no burden to the single-family residential area to the north. Proposed development on the subject property--at the property line of the Crissey Circle residential area--will be less intensive and more "open" than would a conventional, single-family residential development.

X  
E. Mistake in the Original Comprehensive Plan

We believe "irregularity" is a more appropriate term than "mistake". As stated in subsection IV-A, above, a difference exists between the present Comprehensive Plan Map and the Zoning Map in regard to the line dividing the "Commercial-Tourist" and "Residential Low Density" designations. This irregularity, however, is not of major consequence and has little bearing on the purpose or merit of this application. See Exhibits 2 and 3.

F. Change in the Character of the Neighborhood

The neighborhood, as described in Exhibit 1, contains a variety of uses, zones and land-use designations:

1. South of the subject property (all in the "CT" zone), in addition to vacant land without direct access to Highway 101, is the location of six single-family homes, a small motel and an electric motor repair shop.
2. East of the property, across Highway 101 and south of Easy Street is a restaurant, another small motel, a glass shop, a food market, an art gallery, and a vacant lot. All of this property is zoned "CG". A church and one single-family home are located on "CL" zoned property.

3. Property north of Easy Street and east of Highway 101, is all zoned "RM" and contains a duplex, two detached houses on a single lot, 12 single-family homes, and 16 vacant lots.
4. North of the subject property, is the location of 10 single-family homes on property zoned RL.

The majority of the subject property (76.1%) is already zoned "CT". The proposed complex will be less intensive, and cover less of the site with buildings, than most of the developed property in the neighborhood. Access to the complex will be from Highway 101 and will, in no way, negatively impact any residential area.

Traffic on Highway 101 contains both local and regional trips. The proposed complex will not, in any way, alter the character of traffic in the neighborhood.

Exhibit "F" shows that 5400 vehicles was the average, 24 hour, daily traffic for 1977--the most recent figure available from the Highway Division of the State Department of Transportation. At peak load, the proposed complex would add approximately 600 vehicular trips in a 24 hour period and approximately 50 trips during a peak hour.

In preparing the site development plan, great care has been taken to preserve most of the fine trees that exist on the site. The design proposed is a "village" concept as contrasted with the typical motel development where building and parking cover virtually 100% of the site.

We believe the overall proposed development will be visually attractive and economically advantageous to the City. The uses proposed are no more intensive than many of the Conditional Uses permitted in the RL zone--particularly churches, community centers, governmental structures, hospitals, recreational clubs and schools. See Section 4.010-(2) of the City's Zoning Ordinance.

Exhibit "B"

SLACK SLACK ~~AND STONE~~

HARRY A. SLACK  
HARRY A. SLACK, JR.  
~~JERRY A. SLACK~~  
MARTIN E. STONE

ATTORNEYS AT LAW  
222 E. 2ND STREET  
COQUILLE, OREGON 97423

P. O. Box 158  
TELEPHONE: (503) 396-3171

March 19, 1979

Mayor and Common Council  
City of Brookings  
Brookings, Oregon 97415

Re: Application for Amendment to Brookings  
Zoning Ordinance and Comprehensive Plan  
for the City of Brookings

Gentlemen:

I represent Francis A. Arrell and Ellen E. Arrell, opponents of the Amendment to the above Zoning Ordinance and the above Brookings Comprehensive Plan, as the same relates to land use in the Crissey Circle area and in particular, to the application for change of Zone and Comprehensive Plan made by Southcoast Lumber Co.

The Brookings Planning Commission has held at least two hearings on the matter, one hearing on October 24, 1978 that was "held over" to the next month's meeting. The next hearing on the matter was held by the Planning Commission on February 27, 1979 and the Planning Commission heard Mr. Stewart who appeared on behalf of Mr. Ron Fallert. The minutes of that hearing do not reflect the connection between Ron Fallert and Southcoast Lumber Co.

In 1970 the City of Brookings adopted a Comprehensive Plan for the City of Brookings complete with text and map. The City of Brookings formally implemented that Plan by enacting a zoning ordinance on July 14, 1970 (Ordinance No. 216). Please compare the Brookings Comprehensive Plan with the Zoning map prepared pursuant to the Plan. Nearly all of the property apparently owned by Southcoast Lumber Co. is to be low density residential according to the Comprehensive Plan. The zoning map made pursuant to the Comprehensive Plan is in error. There was no showing at the Planning Commission hearings that a mistake was made in making the Comprehensive Plan. Also, it is highly unlikely that there was a mistake made in the preparation of the Comprehensive Plan. The mistake was made in implementing the Plan by the scrivener of the zoning map. We may request that the Brookings Planning

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Commission or Council declare the zoning map erroneous and that it be made to conform with the requirements of the Comprehensive Plan.

Zoning must conform to the Comprehensive Plan of the City of Brookings. At the municipal level in the State of Oregon, zoning must be in accordance with the Comprehensive Plan. Fasano v. Board of County Commissioners, 264 Or 574, 507 P2d 23 (1973); Baker v. City of Milwaukie, 271 Or 500, 533 P2d 772 (1975).

The proponents of this amendment to the Comprehensive Plan and the Zoning Ordinance blithely announced to the Planning Commission that there was a mistake made in the Brookings Comprehensive Plan. That conclusion is not supported by any fact or evidence and, as previously indicated, it is extremely unlikely that it can ever be supported by any fact or any evidence.

x  
If the Comprehensive Plan is to be changed after it is adopted, "...changes in it should be made only when such changes are consistent with the overall objectives of the Plan and in keeping with changes in character of the area or neighborhood to be covered thereby." Cunningham v. City of Brookings, 11 Or.App. 579, 504 P2d 760 (1972). The Brookings case also holds: "When an application is made for reclassification of a tract of land from one zone to another, there is a presumption that the zones established by the original Zoning Ordinance are well planned and arranged and were intended to be more or less permanent, subject to change only when there are genuine changes in conditions." Facts were not presented to the Planning Commission, and probably none will be presented to this Council, that show a change in the character of the property to be rezoned or a change in the character of the neighborhood that will be affected by the rezone. As a matter of fact, there has been no change, the property of the proponent is now as vacant as it was when the Comprehensive Plan was enacted and when the Zoning Ordinance was enacted and, if anything, there is more of a low density residential use in the area than there was at the time of the Plan or Zoning Ordinance enactment.

Reference must be made to the hearings before the Planning Commission, the composition of the Planning Commission and procedures before the Planning Commission. There were two hearings on this matter, one on October 24, 1978 when

it appeared that the opponents would prevail because the proponent, Southcoast Lumber Co. made a completely inadequate presentation. At the February 22, 1979 Planning Commission meeting Southcoast Lumber Co. made a presentation adequate in form but in our opinion not adequate in substance. The decision of the Planning Commission cannot be upheld or sustained for the following reasons.

1. Two members of the Planning Commission in attendance at the February 27, 1979 meeting were not members of the Planning Commission at the October 24, 1978 meeting. Nothing in the Planning Commission hearing record indicates that the new members reviewed the October 24, 1978 proceedings. If so, their decision was based on what they heard at the February 27, 1979 meeting and that did not include the opponents presentation.

2. Planning Commission member Ralph Cheney was asked to be disqualified by the opponent because he spoke in behalf of the proponent at the October 24, 1978 meeting. Commissioner Cheney refused to step down or disqualify himself and the opponents were not afforded an impartial Planning Commission and were therefore denied due process.

3. Notices were not sent to all property owners within 250 feet because the State of Oregon is the owner of property to the West and it was not notified.

4. Public need for fourteen condominium units was not shown and, the specific area requested to be rezoned by the proponent is the area where the fourteen condominium units are suggested to be built.

5. The public need alluded to in the proponent's written material submitted to the Planning Commission is based on conclusions only. There is no fact offered suggesting unemployment in the Brookings area that requires a tourist industry to meet an unemployment problem. There is no fact or evidence presented that there is insufficient dining facilities and lodging facilities in the Brookings area. What is needed in this respect is evidence that tourists can't find lodging and can't find dining facilities in Brookings. There is no fact in evidence to support the conclusion that Brookings needs to attract conferences.

6. The opponents were not given a full and fair opportunity to be heard at the Planning Commission meeting.

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They were arbitrarily cut short by the chairman of the Planning Commission. The opponent was not permitted to examine the proponent's representative.

7. The Planning Commission made no findings of fact and, it is abundantly clear under Oregon Law that findings of fact based upon the record must be made and those findings must properly support the change or amendment to the Zoning Ordinance or the Comprehensive Plan. Also, under Oregon Law, zone changes are not entitled to a presumption of legislative validity such as other actions and orders of a municipality. Archdiocese of Portland v. County of Washington, 254 Or 77, 458 P2d 682 (1969).

The proponents seek a zone change to Commercial Tourist (C-T) but the proponents make no commitment concerning the tourist facility. As a matter of fact, they specifically avoid making any commitment in this respect. Once changed to commercial tourist zone as requested by the proponent, outright uses permitted are, among other things, multiple family dwellings; car washes; service stations; commercial amusement and recreation establishments such as bowling alley, theater, pool hall; other outright uses are motel or hotel; tavern; nightclub; cocktail lounge; bus station; food store; laudramat; office; or parking lot or any combination thereof.

Mr. and Mrs. Arrell have been told by competent real estate people that, if the zone change is granted there will be a substantial diminution of the value of their real property. Their real property adjoins the area in question on the North.

Mr. and Mrs. Arrell will contest this matter in the Courts and I suggest that they will be successful in preventing the amendments as ordered by the Brookings Planning Commission.

Yours very truly,

HARRY A. SLACK, JR.

HASJR:cm

Francis A. & Ellen I Arrell  
1323 Crissey Circle  
Box 547  
Brookings, Oregon 97415

The Common Council City of Brookings, Oregon

Regarding the Zone change from RL to TC for lots 12 & 13 Pacific Circle Sub Division . We submit the following facts and information.

1. There is plenty of land available in South Coast Lumber company's adjoining 4 plus acres for the 4 condominiums between the Motel -Restaurant buildings and the ocean.
2. The entire context of the neighborhood will be changed from quiet residential.
3. The 4 condominiums could not be placed as proposed due to a free flowing stream that has run with water year round for the 27 years we have lived here. This stream forms a Y at the upper end, flows thru the middle of the lower lot and is nearly 20 feet below the south bank near the ocean and about 5 feet below at the upper end.
4. Their plan show no provision for an antipersonnel fence or landscaped screening in the 10 feet next to the residential property or to Crissey Circle. They state they want no access from Crissey Circle but the zone change passed by the planning commission would allow the whole south end of the Circle to be opened to traffic for anything they wish to build in a TC Zone.
5. A meeting facility for 500 to 600 people was promised to the many organizations spoken to and who sent representatives to speak at the planning commission. These facilities do not show

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upon their plan as proposed.

6. A zone change was requested for the 2 lots to build a Motel - Restaurant = Convention Complex. Their proposal shows none of the above upon the two lots but rather a part of a parking lot upon the above lot and 4 condominiums, with 14 units, upon the lower lot, These are similar to their 5th street property which has room for nearly 100 such units.

7. We do not oppose the Motel, Restaurant Convention Center but must insist upon protection formour home.

*Francis A. Arrell*

Francis A. Arrell

*Ellen I. Arrell*

Ellen I. Arrell



March 20, 1979

To: Brookings Common Council  
City of Brookings, Oregon

From: Mr. and Mrs. Don F. Gibbs  
P.O. Box 321  
Cave Junction, Oregon 97523

Gentlemen:

We are owners of Lot 9, Pacific Circle Plat, 1331 Crissey Circle Drive, Brookings, Oregon. We wish to offer the following comments regarding the proposed rezoning of Lots 12 and 13 Pacific Circle Plat:

1. Attached to this letter is a copy of our letter dated October 24, 1978, to the Planning Commission, City of Brookings. Our objections to changing the character and the use of any lots in the Pacific Circle Plat are outlined in that letter.

2. We wish to emphasize that we are not opposed to the motel-restuarant complex which has been proposed for the commercial property south of Lots 12 and 13. Our objection is to changing the zoning and the use of Lots 12 and 13. We believe they should be used for single family dwellings as are the other lots in this subdivision.

3. We believe the character of the subdivision would be damaged by placing fourteen families along with their automobiles, some recreational vehicles, some boats and trailers, and other general family belongings on two lots which the designer of this subdivision originally restricted to a maximum of four dwellings. The noise, confusion, traffic and parking problems are bound to be much greater for fourteen families than for four families. We believe this intrusion of high density dwellings into a designated low density subdivision will adversely affect the property values of other owners in the subdivision, and will undoubtedly lessen the aesthetic values of the neighborhood. It will simply not be as pleasant a place to live.

4. I asked the applicant's representative, Mr. Stewart, at the Planning Commission meeting on February 27, 1979, if the occupants of the 14 proposed condominium units would be required to park in the parking lot designated on his site plan and walk to their residences. He replied that these details had not been worked out. We feel that from a practical standpoint applicant will have to provide vehicular access and probably parking adjoining the townhouse units. The Planning Commission did not discuss this matter, but we request the Council obtain definite plans for roads and parking. Applicant has stated that there would be no vehicular access to townhouses or the Motor Inn from Crissey Circle. Our fear is that, especially when the north end of the designated parking lot is full, Crissey Circle Drive will be closer - sometimes much closer - than an available parking lot space. This will encourage townhouse occupants and their guests to park on Crissey Circle. Crissey Circle is only a 40 foot street and

there is already a parking problem at times with no users from Lots 12 and 13. The only way to prevent a severe traffic and parking problem on Crissey Circle would be to erect a fence or barrier to prevent foot traffic as well as vehicular traffic from Crissey Circle.

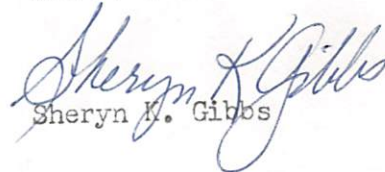
5. Applicant, in his testimony to Planning Commission, spoke to the public need for a motor inn and conference facility with quality lodging, eating, and meeting accommodation. Others in the audience said these facilities were needed. However, the public need for townhouse condominiums was not addressed, nor did any of the audience state this need. We believe the condominiums are an adjunct which will not contribute to the existence or the success of the tourist accommodations. The condominium units do not require visual exposure from Highway 101, nor do they have to be near the restaurant-conference complex. We believe the Council should request applicant to show why the condominiums should not be located on other, properly zoned, property.

6. Applicant advised the Planning Commission that five other sites were not suitable. One of these was 3.75 acres located immediately south of subject property, and already zoned CT. This property is locally known as the "Cliff House property". Applicant said not suitable because inadequate size, inadequate access, poor visual exposure. This 3.75 acres is contiguous to applicant's property and, if acquired or jointly used, would provide 9.01 acres of already properly zoned land. This is 2.36 acres more than applicant will have if Lots 12 and 13 are rezoned. Also, access would be no problem, nor would visibility because applicant would have the same access and visibility he now contemplates. In the October 24, 1978, Planning Commission meeting Mr. Fallert stated South Coast would not be interested in acquiring property adjoining their land to the southeast, and he doubted very much if the developers would go for such an acquisition. City of Brookings Resolution No. 213 requires a proponent to prove that the public need is best served by granting a zone change as compared to using other available property. The fact that South Coast would not be interested in the other property would appear to be a matter of private need, not public need. We request the Council to pursue the matter of other properly zoned property which appears to be quite suitable.

Respectfully submitted,



Don F. Gibbs



Sheryn K. Gibbs

Encl.

October 24, 19

Planning Commission  
City of Brookings, Oregon

Re: Zone Change Proposal  
Lots 12 & 13 Pacific Circle Subdivision

Gentlemen:

My name is Don Gibbs, and my permanent residence is 5150 Caves Highway, Cave Junction, Oregon. My wife and I own Lot 9, 1331 Crissey Circle.

We are strongly opposed to changing lots 12 & 13 from residential to commercial use. This subdivision was established some 30 years ago as a residential community with the lot arrangement and roadway designed to serve that purpose, and it has developed through the years as strictly residential in accordance with the plans and intent of the developer. People have purchased these lots in good faith and with knowledge of the restrictive covenants that apply to improvements to the lots. The esthetic values of the neighborhood have been preserved and the character of the subdivision has been maintained.

To allow lots 12 & 13 to be used for any purpose other than for single family dwellings would violate the conditions under which the property owners have purchased and used the other eleven lots. Commercial use of these two lots would be in total disharmony with the intended use and with the actual use of the other lots in this plat.

The Pacific Circle Plat was designed long before the state, the county, and the city became vitally concerned about land use. This private developer set aside land that was uniquely suitable for residential purposes in an arrangement to serve that purpose. Now, many years later, when most of the plat has developed in accordance with the stated and intended use, it would not be in the public interest or in the private interest to ignore the original intent and subsequent land use by permitting the two lots to be used for commercial purposes.

My request is that you retain the RL zoning for Lots 12 & 13.

Sincerely,

Don Gibbs

SIMMONS Custom Homes  
P.O. Box 1616  
Brookings, OR

MARCH 20, 1979

City of Brookings  
City Council

Re: Crissey Circle Zone Change

Gentlemen:

I own lots 1 & 4 on Crissey Circle and wish to document my displeasure over the handling of the Zone change regarding the proposed Red Lion complex. I am very much in favor of such a complex, but I am extremely disappointed by the apparent disregard for the rights and interests of the present residents. It seems to me that such residents should have been consulted with and given the following minimum assurances:

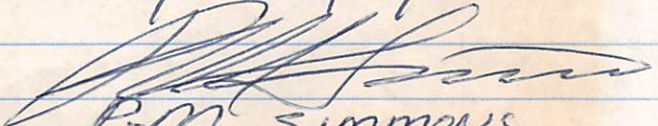
1. That the complex would not create increased traffic on Crissey Circle. The complex should be designed to prevent any increased traffic and other use of Crissey Circle.
2. That residents or employees or visitors of the complex would be prevented from using Crissey Circle as a parking facility. The preliminary layout would seem to have parking inadequacies such that parking on Crissey Circle would be more attractive than parking in the complex.

3. That an adequate and pleasing buffer plan between the complex and Crissey Circle would be designed and effected. It is certainly unfair to permit a zone change and then cause a devaluation of ones property when more reasonable alternatives are available.

In summary, I strongly oppose the complex as presently proposed since it unfairly encroaches on the livability and desirability of Crissey Circle as a well established residential zone. It infringes on the privacy and rights of the present residents.

In my way of thinking the only fair way to proceed is for the developers to attempt to win the concurrence and approval of the present residents before a use permit is issued. I know the residents are willing to cooperate and that they want the complex to be built. They (we) simply want some common human decency and assurance that our property will not become devalued and the Circle turned into a commercial nightmare.

Very truly yours,

  
P.M. SIMMONS

P.O. Box 4008  
Brookings, Ore. 97415  
March 2, 1979

To The City Council  
Brookings, Oregon

From Paul E. & Mildred H. Doty  
1339 Crissey Circle, Brookings

Friends :-

We are in favor of the development being planned for the area south of and adjoining Crissey Circle, with certain reservations :-

The Circle, being a strictly residential area, is now practically all built up with homes. A number of these homes have children and elderly people living in them, and often the street is used for pedestrians, or children with bicycles, tricycles, or what will you.

If I understand correctly the general plan of this proposed development shows no way of completely closing off, for all future time, the possibility of a northerly entrance to the tract. Without that stipulation the traffic to and from the north would present a very definite hazard to people living along this street.

May we suggest that the Council consider the feasibility of requiring the building of a permanent wall or fencing along the north boundary of the tract, so that for all time, traffic may never be routed through Crissey Circle to enter any part of the pending development.

Respectfully submitted

Paul E. Doty

(Paul E. Doty)

Mildred H. Doty

(Mildred H. Doty)

March 15, 1979

City Councilmen  
City of Brookings  
Brookings, Oregon 97415


Gentlemen,


As homeowners on Crissey Circle, we were, naturally, very upset to learn that the Brookings Planning Commission had unanimously approved the Red Lion Plan to re-zone the North section of their proposed development.

We strenuously object to this re-zoning for many reasons - all of which were outlined at the meeting by our neighbors, Mr. Gibbs and Mr. Arrell and obviously ignored by the Commissioners.

We sincerely hope the City Council will re-consider this zone change - otherwise, why have any zoning laws at all? Aren't they designed to protect homeowners - even though we can't hope to compete with "Big Business"?

Sincerely,

  
[Mrs. Earl M. Booth]

  
[Earl M. Booth]

City of Brookings Planning Commission

Recommendation to the City Council of the City of Brookings

IN THE MATTER OF an application for an amendment to the City of Brookings Comprehensive Plan, application number Z-78-5.

Having first received an application for an amendment to the City of Brookings Comprehensive Plan, and having given notice and held hearing as provided for by the City of Brookings Zoning Ordinance No. 216, the City of Brookings Planning Commission recommends to the City Council of the City of Brookings that the amendment a zone and comprehensive general

plan amendment to rezone Lots 12 and 13 of Pacific Circle

Subdivision from RL to CT.

The Planning Commission recommendation on the amendment application has been made for the following reasons:

See attached supporting documentation in support of a change of zone and amendment to the comprehensive plan in the City of Brookings, Oregon.

Dated on this, the 27 day of February, 19 79.

Voting "Aye"  
on the recommendation

Voting "Nay"  
on the recommendation

<u>Commissioner William Robinson</u>	_____
<u>Commissioner Jane Brim</u>	_____
<u>Commissioner Jay Hagen</u>	_____
<u>Commissioner Chester Thompson</u>	_____
<u>Commissioner Richard Timmons</u>	_____
<u>Commissioner Ralph Cheney</u>	_____
_____	_____



VOUCHERS PAYABLE  
CITY OF BROOKINGS  
MARCH 31, 1979

<u>NAME</u>		<u>AMOUNT</u>
Abbeon Cal., Inc.	\$	9.88
A. R. Allyn		5.95
Jack Ashworth		5.95
R. E. Babb		8.45
Barco Coastal Supply, Inc.		74.50
Becco, Inc.		95.00
Blue Star Gas		31.09
Mary J. Brookfield		24.00
Brookings Electronics		198.00
Brookings Fire Dept.		494.99
Brookings Office Supplies		149.09
Brookings Shell		164.65
Brookings Supply, Inc.		43.15
Brookings Tire Service		7.50
Budge-McHugh Supply Co.		275.56
Chetco Rexall Drugs, Inc.		16.61
City Water Fund		269.25
Coast Chrysler Center, Inc.		114.99
Coast Fire Extinguishers		47.55
Coastal Petroleum Sales		781.22
Consolidated Freightways		127.72
R. S. Corbridge		10.00
Coos-Curry Electric	3,097.69	
Council of State Governments		7.75
Central Pacific Freight Lines		14.25
Curry Coastal Pilot		27.35
Curry General Hospital		27.35
Doc's Upholstery		9.50
Sam Dotson		5.90
Duanes Radio & T. V.		37.86
Engineered Contral Products		107.95
Finley Bros.		39.90
Rhonda Fitzpatrick		5.00
Fire Equip. Co.		54.00
Franks Office Equip.		61.13
Frank Freeman		7.80
Green Door Cafe		123.55
Greyhound		6.60
General Telephone		789.74
Harbor Logging Supply		23.24
Hatch Chemical Co.		63.54
Robert Hager		8.45
Dan Hall		108.47
Hanscams Center		20.91
Ann Hicks		41.56
David Horton		15.00
H. G. E., Inc.	11,453.98	
Ice Cream Barn		16.10
Tom Kerr		5.00
Kerr Ace Hardware		180.92

Page No. 2-Vouchers Payable  
 City of Brookings  
 March 31, 1979

<u>NAME</u>	<u>AMOUNT</u>
League of Oregon Cities	18.16
Littrell Parts	275.27
Christina Lucas	185.04
Jim McCoy	5.00
3-M Business Products	108.00
M. B. McKernan	25.00
Master Pools	197.50
Medford Laboratories	25.00
Mill Beach Garden Shop	12.25
Robert Millard	10.00
Miller Paint Co.	479.40
<del>Radines-Hallmark</del>	<del>48.00</del>
National Chemsearch	198.76
N.W. Law Engorcement Equip.	64.88
Nudelman Bros.	504.40
O'Neale Supply Co.	146.45
Ore. Municipal Judges Association	10.00
L. K. Owens	4.70
Mike Owens	169.03
Paramount Pest Control	10.00
Pacific Water Works	1,032.02
Terry Phillips	30.00
Gerald Ross Insurance Agency	23,252.00
Ray's Sentry	195.27
Connie Riha	5.00
Ritz Repair	619.00
Sears	123.53
Simmons Duplicating Supply	89.70
Dave Slatons Auto & Marine	38.47
Spicer & Downer	183.72
South Coast Stationery	18.45
Square Deal Builders Supply	73.31
Shell Oil Co.	918.88
Walt Thompkins	30.00
Tidewater Contractors	341.26
Traffic Safety Supply	305.78
Two Gus Cleaning Service	350.00
Iniversal Equip. Co.	142.69
Ron Wellock	20.00
Western Fire Quip. Co.	915.51
Postmaster	353.04
S.W. Community College	12.50
Or Dept of Motor Vehicles	25.00
Barry A. Sorenson	18.20
Jury Fees	60.00
Or. Judicial College	132.00
Petty Cash	27.67
N.W. Ore. Operations Section	15.00
Dept. of Civil Engineering	25.00
Oregon Water Program	10.00
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	\$51,136.43
Less	18.00
General Telephone	56.00
	<hr/>
	\$51,174.43