

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
October 12, 1954

Meeting called to order by Mayor Dimmick.

Councilmen Present: Messrs. Manley, Lesmeister, Campbell and Smith.

Officers present: O.D.Arp, Edw. F. Ackley, Chief Cross, Eng. Echols, Judge Nelson, Fire Chief Nelson and Recorder Kanick. Others present were Messrs. Stephanie, Walker, Brimm, Christenson and Murphy.

Minutes of the previous regular meeting and of the Special meeting of Sept. 29th. and of the hearing on Sept. 17th. were read and approved as read.

The following bills were presented:

Brookings Water Company.....	6.00			
Acme Transport Co.....	312.02	State Street	Fd.	
Harold A. Jochens.....	33.00	"	"	"
Frank's Plumb. & Elec. Shop.....	42.75	"	"	"
Willis Plumbing & Heating Co....	35.20	"	"	"
Kramer Auto Co.....	6.68	"	"	"
Chetco Home & Auto Co.	16.09	"	"	"
O.K. Rubber Welders.....	12.70	"	"	"
Brookings Red-E-Mix.....	189.00	"	"	"
Gibbs Concrete Products.....	100.00	"	"	"
Brookings Plywood Corp.....	24.00	"	"	"
Dick & Virg's Richfield Sta.....	48.02	"	"	"
GeoslCurry Elec.....	97.15	Gen'l	Fd.	
Oleta Walker.....	9.00			
Brookings Vol. Fire Dept.....	25.00			
Myrtle Nelson.....	7.50			
Menning Buick.....	1.00			
B.&H. Logging Supply.....	162.88			
Brookings Texaco Co.....	3.20			
Dick & Virg's Richfield Sta.....	97.73			
Evans Elec. Co.....	4.50			
Dunning Motors.....	104.66			
W.S. Chadwick.....	8.35			
Iva Kruger.....	3.25			
Yelton's.....	3.49			
Wards' Propane Gas.	16.23			
West Coast Tel. Company.....	39.90			

Motion was made by Mr. Manley, seconded by Mr. Campbell that bills be allowed as read. Carried.

The recorder was asked to write the Chamber of Commerce a reply to it's letter requesting action to to obtain reduction of speed limits thru Brookings, to the effect that the City had been working on this particular program for two years without obtaining any results to date.

The City Treasurer reported that an increase in the city's loan was necessary until new tax returns come in in November. Motion was made by Mr. Lesmeister, seconded by Mr. Smith that the Mayor and City Recorder be authorized to increase the city 's loan from \$17,000 to \$20,000 at this date. Carried.

Financial reports on the City's budget and financial condition presented by the treasurer.

A resolution by the Brookings-Harbor Chamber of Commerce was presented and read. The recorder was asked to write a reply to the effect that the Council was in accord with recommended policies and that it was entirely in agreement and were studying ways and means of carrying out this program.

2-Minutes of Oct. 12, 1954

Motion was made by Mr. Campbell seconded by Mr. Smith that the City pay Mr. Jochen's bill for sewer line repair in the street in front of the Lloyd Stephanie barber shop with the understanding that Mr. Stephanie pay Mr. Weideman's bill for sewer breakage repair in the sum of \$34.55.

ORDINANCE #63, entitled : "AN ORDINANCE PROVIDING FOR LICENSING OF PUBLIC TAXICABS FOR HIRE IN THE CITY OF BROOKINGS AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE" was on motion by Mr. Smith seconded by Mr. Campbell, read once in full and twice by title and put upon it's immediate & final passage. Mr. Campbell, aye; Mr. Lesmeister, aye; Mr. Manley, aye; ~~Mr.~~ Smith, aye. and Dimmick, aye.

Mr. Arp read a report (attached hereto) of the Planning Commission. Motion was made by Mr. Smith, seconded by Mr. Manley that the Council approve and adopt the report of the Planning Commission in respect to the Lessard petition, Brookings Milling Company temporary use permit request, and Foster & Bolvi's temporary use permit request. Carried.

Upon the recommendation of the Planning Commission, the request of the Presbyterian Church for street and alley vacation was approved and motion was made by Mr. Smith, seconded by Mr. Lesmeister that a hearing on the vacation of a portion of Fir St. and a portion of a certain alley, be held November 1st. and notices of such hearing be published in the Oct. 14th. and Oct. 21st. issues of the Brookings- Harbor Pilot.

The Recorder was asked to write the State Highway Department for a report on the engineering costs for Hillside & Pacific.

Mr. Ackley was asked to write letters to property owners on Hillside & Pacific Avenue, who are delinquent on their assessments advising that January 1st. 1955 was the final date on payments.

Ord. #64 entitled: " AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION AND MAINTENANCE OF OUTDOOR ADVERTISING, STRUCTURES OF BILLBOARDS IN THE CITY OF BROOKINGS, OREGON, LICENSING AND REGULATING THE BUSINESS OR OCCUPATION OF OUTDOOR ADVERTISING, PROVIDING FOR ISSUANCE OF PERMITS AND FEES THEREFORE: PROVIDING PENALTIES FOR VIOLATION AND DECLARING AN EMERGENCY" was read by the recorder once in full, twice by title and on motion by Mr. Lesmeister, seconded by Mr. Manley put upon it's final passage and passed by the following vote: Mr. Dimmick, aye; Mr. Campbell, aye; Mr. Lesmeister, aye, Mr. Manley, aye and Mr. Smith, aye. Unanimously carried.

On motion by Mr. Manley, Council adjourned until November 9th. 1954.

Gladys Kanick, Recorder

Oct. 12, 1954.

A FINAL REPORT TO:

The Honorable Mayor and City Council
of Brookings, Oregon

Gentlemen:

We, the City Planning Commission of Brookings, do herewith present a final report on the petition by E.L. Lessard and others to re-zone a certain portion of Tax lot 27 B, a part of the Mortimer Tract in Section 6, T 41 S, R. 13 W. W.M. more fully described in the petition itself, and being approximately one acre in area.

On October 5, 1954 after due notice and pursuant to Ordinance No.35, the Commission did hold a public hearing on the above petition to give all persons interested and the general public an opportunity to be heard. Mr. E.L. Lessard, Mr. A.S.Christenson and Atty. E.F.Ackley attended the hearing in support of the petition. No protests were received. The Commission after careful study and deliberation on the above petition did take into consideration the following on zoning changes:

No.1

A City has the power to amend a zoning ordinance if there has been a substantial change of conditions and that change is in the furtherance of the Public Interests. Ref: O.R. S 227-210 notes on decisions.

No. 2

Although a City Council has wide discretion in enacting zoning ordinances, it has no right to place restrictions on one person's property and by mere favor remove such restrictions ~~of~~ from ~~another's~~ property. There must be a reasonable ground for the discrimination. Ref: O.R.S.-227-210 Notes on decisions.

No.3

It is a well established principle that the validity of an amendatory Ordinance depends on whether it tends to promote the General Welfare.

No.4

When a general zoning ordinance has been enacted, property owners or persons buying property, have a right to rely on the rule of the law--- that the classifications made in the general ordinance, will not be changed unless the change is required for the public good.

No.5

A property owner, who desires to have his property re-classified shall first prove that the requested re-classification will be for the public interest, health, safety and the public welfare.

No.6

The fact that the property in question would be of much more value if the requested use or change be granted, is not a ground for re-zoning.

No.7

Merely the benefits of a large investment is not a valid reason for re-zoning.

No.8

A change of zone or district must promote the General Welfare of the people at large and not for the interest of any private group or individual.

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2-A Final Report cont'd.

No.9

An amendment to a general zoning ordinance should be made with caution and only where changing conditions clearly require the amendment, or otherwise the very purpose of zoning will be destroyed.

The above rules are well established principles of zoning law and are fundamental. They must be considered in all proposed changes if zoning in Brookings is to survive. The Commission does therefor by unanimous vote recommend to the City Council that the petition by E.L. Lessard to re-zone the above property be denied.

The Planning Commission however, did give serious consideration to the general condition of the property involved and the surrounding area which is at present unplatted and in an undeveloped state. The Commission did further consider a temporary use permit for the above property as provided for in Section 6, Ordinance No.19, such permit to be for a limited period of time and subject to certain conditions.

At the expiration of such temporary use permit the said property would be restored to all the uses in a C-2 district as now zoned. Therefor, after careful study of all the factors involved, the Commission does recommend to the City Council of Brookings that a temporary use permit be granted to E.L. Lessard on the property as described in the above petition for re-zoning and as shown in the blue shading on the accompanying map. Such permit to be granted for a 10 year period at the expiration of which the property shall be returned to C-1 uses. The permit shall be granted subject to the following conditions:

No.1: To erect upon the property a building comparable to the Arceo or Butler Steel Buildings and approved by the City Council.

No.2: To provide the City Building department with a plot plan showing location, setbacks etc.

No.3: To fence in premises as directed and approved by the City Council.

No.4: The building to be used as a machine shop and sales agency.

No.5: To remove from the premises the old saw-mill and any other unsightly equipment, etc. now located on Tax lot 27B as well as the property specifically covered under this permit.

No.6: To dedicate to the City of Brookings for street and road purposes, a 20 foot strip of land joining and parallel to the West boundary of Tax lot 27 B.

27. *aseiment 20 foot wide along*

10.7. *To grant to the city the free use of a portion of the fenced area for city purposes.*

Respectfully submitted

City Planning Commission

Luther Tisdale, Pres.

Gladys Kanick, Secy.

Gladys Kanick