

The Minutes of the Regular Meeting of the
City Council, June 8, 1954

Meeting called to order by Acting Mayor, Warren Smith, officiating during the absence from the City of Mayor Dimmick.

Present: Mr. Campbell, Mr. Lesmeister, and Mr. Manley.

Officers present: Mr. Arp, Chief Cross, Judge Nelson, Eng. Echols, and Fire Chief Neil Nelson, and Recorder Kanick. Others present were Messrs. Phelps, Bollinger, and Repraeger.

Minutes of the previous meeting, read and approved.

The following bills were presented:

Ward's Propane Service.....	18.73
nCoos-Curry Elec. Co.....	97.23
W.S. Chadwick.....	3.95
Yelton's.....	2.38
M.&P. Richfield Service.....	91.96
Menning Buick.....	40.89
Ed & Mendy.....	11.79
Neil Nelson.....	34.89
Myrtle Nelson.....	6.75
Crescent City Radio.....	7.90
Marjorie Renhard.....	3.35
Brookings Water Co.....	6.92
West Coast Tel. & Tel. Co.....	40.45

Motion was made by Mr. Manley and seconded by Mr. Lesmeister that bills be allowed as the budget will permit. Carried.

Correspondence:

A copy of a letter written by the Brookings Water Company to the School District, read.

A letter from Elmer Bankus advising that twelve (12) hydrants had been installed and were ready for use May 31st. and that the City would receive billing for June July 1st. read. Hydrants installed were as follows: Letter attached.

A letter from Morgan & Bertelson regarding the city's audit, read.

A letter from the State Highway Department regarding Hillside and Pacific Ave. read. Mr. Smith was authorized to ~~draw~~ \$1700 from the U.S. National Bank and the recorder was directed to issue an interest bearing warrant in favor of the bank for this amount. This sum was required by the State as an advance to cover engineering costs on this improvement.

Progress payment on the Hillside and Pacific Ave. improvement to the contractor, Roy Weideman in the sum of \$4586.00 and \$100.00 to Engineer Chas. T.M. Echols was authorized and approved, on motion by Mr. Campbell, sec. Manley.

ORD.#57 was read by title for the third time and on motion by Mr. Lesmeister, seconded by Mr. Manley passed by the following vote: Campbell, aye. Lesmeister, aye; Manley, aye; Carried.

ORDINANCE #58 entitled: " AN ORDINANCE PROVIDING FOR THE MANNER OF EXERCISING THE INITIATIVE AND REFERENDUM POWERS RESERVED TO THE LEGAL VOTERS OF THE CITY OF BROOKINGS, CURRY COUNTY, OREGON, BY SECTIONS 1 and 1A OF ARTICLE IV OF THE CONSTITUTION OF OREGON: TO PROVIDED THE MANNER WHEREBY SAID LEGAL VOTERS MAY ENACT AND AMEND THEIR MUNICIPAL CHARTER UNDER THE PWERS RESERVED TO THEM BY SECTION 2 OF ARTICLE XI OF THE CONSTITUTION OF OREGON, AND DECLARING AN EMERGENCY WAS PRESENTED AND ON MOTION BY Mr. Lesmeister, seconded by Mr. Manley

read in full once, twice by title and passed at this meeting of the council. Lesmeisyer, aye, Campbell, aye and Smith, aye.

Whereupon Ord.#58 was read in full once, twice by titled and on motion by Mr. Manley, seconded by Mr. Lesmeister passed by the following vote: Campbell, aye; Manley, aye; and Lesmeister, aye. Carried.

Resolution #3 original copy attached hereto, authorizing a special election to be held August 11th. 1954 to pass on the charter (Ord.#59) was moved for adoption by Mr. Manley, seconded by Mr. Campbell and passed by the following vote: Campbell, aye; Lesmeister, aye; Manley, aye. Carried. Notices of such election to be published in two issues of the local paper.

ORDINANCE #59, an Ordinance ADOPTING AND ENACTING AN ORIGINAL CHARTER FOR THE CITY OF BROOKINGS, OREGON, AND DECLARING AN EMERGENCY WAS ON motion by Mr. Lesmeister, seconded by Mr. Manley read in full once, twice by title and passed this meeting of the council. Mr. Campbell, aye; Mr. Lesmeister, aye; and Mr. Manley, aye.

Whereupon ORDINANCE #59 was read in full once, twice by title and on motion by Mr. Lesmeister, seconded by Mr. Campbell was passed at this meeting of the council by the following vote: Campbell, aye; Lesmeister, aye; and Manley, aye.

ORDINANCE # 60 entitled: AN ORDINANCE DEFINING OFFENSES AGAINST PERSONAL INJURIES AND INCONVENIENCE AND THE PUBLIC PEACE, SAFETY, AND GENERAL WELFARE: CREATING A NEW SECTION TO ORDINANCE NO.13, OF THE CITY OF BROOKINGS, TO BE KNOWN AS SECTION 100-A; AND DECLARING AN EMERGENCY" was presented and moved by Mr. Lesmeister and seconded by Mr. Campbell that this ordinance be read in full, once, twice by title and passed at this meeting of the council. Campbell, aye; Lesmeister, aye; and Manley, aye.

Whereupon ORDINANCE # 60 was read once in full, twice by title and upon motion be Mr. Campbell, seconded by Mr. Lesmeister passed by the following vote: Campbell, aye; Lesmeister, aye, Manley, aye.

Motion was made by Mr. Lesmeister, seconded by Mr. Manley, that the the budget as presented by the budget committee be published three time in the local paper and that notice of hearing on the budget be set for Friday, 8 P.M./and published once in the local paper.
(June^P 25th.)

Mr. Rapraeger was present in the matter of the school sewer. Committee on this sewer matter reported contacting the plumber on this job but nothing definite accomplished. Tabled for the time being.

Mr. Bollinger, who was present in regard to Pioneer. Mr. Echols gave assurance that the contractor Mr. Brown would get this road satisfactorily finished at once.

Ackley reported hearing from Congressman Ellsworth that a census of the City of Brookings would be taken the third week of June.

Mr. Arp assured that the Planning Commission would take up the matter of the numbering of City streets at it's next regular meeting.

The Planning Commission's The/final report on the petition of Mr. Campbell to allow a two story building in a Tourist (C-1) Commercial, was presented and read. Copy attached hereto.

Mr. Ackley advised that the legal procedure now was to set a date for a hearing on this petition and to publish a notice of such hearing in the local paper. Recorder authorized to set hearing date for Friday, June 11th. and have notice in local paper on June 10th.

Chief of Police Cross brought up the need for earlier closing hours of pool-rooms for the benefit of the age group from 18 to 21. The City Atty. was asked to prepare an ordinance closing places of entertainment from 1 p.m. to 8 a.m. and present at the next council meeting.

The City Attorney was also asked to write delinquent property owners on the Hillside and Pacific Ave. improvement and the recorder to furnish list of names of those in arrears.

Mrs. Lesmeister was appointed to head a committee to contact Elmer Bankus in regard to deeding Mill Beach and roadway to the City for a municipal park in an exchange for a five year waiver of privilege taxes.

Motion was made by Mr. Manley, seconded by Mr. Campbell that the Council adjourn until July 13th.

Budget and financial reports presented by the Recorder.

Gladys Kanick, Recorder

June 8, 1954

A F I N A L R E P O R T
OF THE PLANNING COMMISSION

To the Honorable Mayor and City Council
Brookings, Oregon

Gentlemen: We, the City Planning Commission of Brookings do herewith present our final report on the City Council's motion, proposing to re-zone the C.F.Campbell property now within a Tourist (C-1) Commercial district to a central (C-2) Commercial district.

On June 3rd. 1954 after due notice and pursuant to Ordinance No. 35, the Commission did hold a public hearing on the above motion to give all person interest and the general public, an opportunity to be heard on the proposed change. The hearing was well attended and generally supported the proposed change. The ~~main reasons~~ reasons given were to permit an increase in height limit of buildings on the property in question. Nor reasons were given that had a substantial relationship to the public welfare.

In addition to the results of the public hearing the Commission did consider certain important rules that have a strong legal bearing on zoning changes. They are the basic principles of zoning and are as follows:

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 removes such restrictions from another's property. There must be a reasonable ground for the discrimination. Ref; O.R.A. 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.

June 8, 1954

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.

No.9

Property owners have no vested rights by reason of the enactment of a zoning ordinance establishing use ~~of~~ districts.

No.10

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 and are fundamental. They must be considered in all proposed changes ~~if~~ ⁱⁿ zoning in Brookings is to survive.

After a careful analysis of the proposal to re-zone this particular property, and after due consideration of all the factors involved, the Commission fails to find a good and sufficient reason for re-zoning any part of the Tourist (C-1) Commercial district as now zoned.

The Commission therefor recommends against re-zoning the property in question, however, the Commission does suggest that the Council give some consideration to the real point at issue, that of raising the height limit of a building now under construction on the property in question.

The Commission feels that any change in regulation within a district should apply to the entire district and not to one property alone. Any change in the regulation of building height in the C-1 district should be limited to two stories in order to fully preserve and protect values of properties on the upper side of Highway 101.

Respectfully submitted.
BROOKINGS CITY PLANNING COMMISSION

Luther L. Tisdale
Luther Tisdale, President

TO THE PLANNING COMMISSION OF THE CITY OF BROOKINGS, OREGON.

You, and each of you, are respectfully hereby notified that the Council of the City of Brookings, upon its initiative and on its own motion, on May 17, 1954 at a regularly called and held special meeting thereof, adopted the following Resolution, a copy thereof, duly certified to by me, being attached to and made a part hereof.

That this notice, hereby given to the Planning Commission of the City of Brookings, is herewith served upon you as ordered by the City Council in said Resolution.

Dated: May 17, 1954.

Gladye Sanchez

Recorder of the City of Brookings.

Personal service of the original hereof admitted for the City Planning Commission this 17 day of May, 1954.

Planning Commission of the City of Brookings.

By _____
(title)

Record of City of Brookings.

BE IT HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF BROOKINGS, OREGON;

That at the initiative of the Council and on its own motion all and entire of the following described real property, lying within the City of Brookings, Oregon, be zoned as and under the designation of C-2 Central Commercial District, as the same is set forth and defined in Ordinance No. 19, of the City of Brookings, and that such of the said real property as lies and is contained within a zone, defined and designated in said Ordinance as C-1 Tourist Commercial District be rezoned as aforesaid C-2 Central Commercial District.

The hereinabove set forth, and referred to real property is more fully described as follows: A tract of land lying in the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Six (6), Township Forty-one (41) South, Range Thirteen (13) West of Willamette Meridian, Curry County, Oregon; beginning at a point on the East-West center line of said Section Six (6), said point being East 565.80 feet from the Southwest corner of the said $SE\frac{1}{4}$ of $NW\frac{1}{4}$ and also West 754.80 feet from the center of said Section Six (6); thence East 407.10 feet; thence North 16 deg. 38 min. East 145.70 feet to a point on the Westerly line of U. S. Highway 101; thence following said highway line Northwesterly (North 73 deg. 32 min. West) 496.00 feet, more or less, to a point which bears North 5 deg. 11 min. West from the point of beginning; thence South 5 deg. 11 min. East 286.30 feet to the point of beginning. Containing ~~2.14~~ acres more or less.

That upon the adoption of this Resolution the City Recorder of Brookings shall immediately give notice to the Planning Commission of the City of Brookings of said passage and shall at the same time transmit to the said Commission a duly certified copy of this resolution.

That the said Planning Commission shall within ten (10) days after it has received said notice from the City Recorder make its tentative report and hold such public meeting thereon at such times as the said Planning Commission may, at its discretion, deem necessary.

That, within five (5) days after the expiration of the aforesaid ten (10) days period of time, the final report of the Planning Commission upon the aforesaid proposed change, alteration and amendment of the zoning of the aforesaid described real property shall be filed by the said Commission with the City Recorder.

Dated: May 17, 1954.

By

P. J. Lesmeister
Councilman.

Adopted by City Council this 17 day of May, 1954.

record of City of Brookings.

Wladyslaw Krawiec
Recorder of the City of Brookings.

BROOKINGS *Water* COMPANY

Brookings, Oregon

June 1, 1954

City of Brookings
Brookings, Oregon

Gentlemen:

This is to advise that twelve (12) hydrants are installed and ready for use as of May 31st and the City will receive billing at the published tariff rates on July 1st covering charges for June.

The location of the 12 hydrants is as follows:

Easy Street at Highway 101
Arnold Lane and Highway 101
Mill Street and Highway 101
Pacific Ave. and Hillside Ave.
Pacific Ave. and Fern St.
Pacific Ave. and Pioneer Road
Pioneer Road and Easy St.,
Highway 101 at Young's Motel
Willow Street and Spruce St.
Oak Street and Spruce St.
Alder Street and Birch St.
Pacific Ave. at High School

Very truly yours,

BROOKINGS WATER COMPANY



Elmer Bankus, Owner

mb