

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY OF BROOKINGS
June 16, 1981

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Chairman Earl Breuer.

II. ROLL CALL

Those present were: Chairman Earl Breuer, Commissioners Mary Jane Brimm, Ralph DeJarnett, Ted Mattson, Jean Hagen and Dick Swigert.

Staff members present were: City Manager Lynn Stuart, Marshall Ferg Building Official and Praecilla Pruitt Secretary.

Representative from the press was Dick Keusink of the Curry Coastal Pilot.

III. APPROVAL OF MINUTES

MOTION by Commissioner Brimm, seconded by Commissioner Hagen that we approve the May 21, 1981 Planning Commission meeting minutes. Motion carried unanimously.

IV. WELCOME TO VISITORS

Chairman Breuer welcomed Mayor Kerr and Councilman Geraghty and approximately 10 other visitors that were present in the audience.

V. PUBLIC HEARINGS

1. Marshall Ferg informed the Commission that the conditional use request by Anita Stuart had been withdrawn and would not be heard.
2. Conditional use permit No. CU-81-3 by Pauline M. Blank at 434 Arnold Lane on Tax Lot 800-900, Map 41-13-6CA for home occupation to operate a barber and beauty shop. Marshall Ferg informed the Commission that the conditional use request would provide plenty of offstreet parking and had met all the requirements. Mrs. Blank stated that she had been unable to find a suitable place in the business district that was small enough for one person and so was requesting the conditional use permit. She stated that she had talked with a number of her neighbors, homeowners and renters and they had no objections. There was no one present to speak for or against the request and the following motion was made:

MOTION by Commissioner Swigert, seconded by Commissioner DeJarnett that we approve the conditional use permit No. CU-81-3 by Pauline M. Blank at 434 Arnold Lane, Tax Lot 800-900, Map 41-13-6CA. Motion carried unanimously.
3. Variance No. V-81-4 by Robert L. & Phyllis A. Kerr on Tax Lot 8003, Map 41-13-5CD at 218 Del Norte Lane to allow a 4' encroachment into the 10' sideyard setback for deck purposes. Marshall Ferg informed the Commission that this property was steep and the elevation was 55' and 40' at the low point of the deck and it would be about 8 to 10 feet off the ground. There was no one present to speak for or against the request and the following motion was made:

MOTION by Commissioner DeJarnett, seconded by Commissioner Brimm that we approve the variance No. V-81-4 on Tax Lot 8003, Map 41-13-5CD at 218 Del Norte Lane. Motion carried unanimously.
4. Zone change No. Z-81-1 by Dr. and Mrs. Gerrid Joy and James D. Peterson on Tax Lots 8100-8302-8310, Map 41-13-5CD on Del Norte Lane to allow construction of apartments and townhouse units.

Chairman Breuer informed those present that the hearing would be conducted according to Resolution No. 213 which set forth the hearing procedure. Marshall Ferg stated that the developers had addressed the goals of LCDC pertaining to the zone change

application which had been included in the packet of information forwarded to the Planning Commission. Staff requested that the zone change application be made a part of the minutes pertaining to the hearing, and said application is marked Exhibit "A" and by reference made a part hereof. Mr. Gerrid Joy made the introduction and introduced his representative Bud Jones, agent for his project. Mr. Jones passed out copies of the issues necessary to be addressed in Resolution No. 213 to establish the burden of proof and conform to the Comprehensive Plan and all ordinances of the City of Brookings. Mr. Jones read these issues to the Commission and audience, and said issues are marked Exhibit "B" and by reference made a part hereof. Chairman Breuer asked for anyone that wished to speak for the proponent. There was no one present to speak. Chairman Breuer asked for questions to be asked of the proponent and there were no questions. He then asked for those in opposition to speak. There was no one present to speak. A Memorandum supporting the zone application was read by Chairman Breuer which had four signatures including Marian L. Fountain, Harry L. Haynes, Bob Kerr and Janice M. Miller. Commissioner Swigert questioned if they had checked with the City Engineer to see if an improvement district would be necessary for sewer and water. Marshall Ferg stated that if final plans are approved for construction that they would have to address issues concerning water, streets, etc., and would need to be addressed by the Planning Commission and the City Engineer at the time plans were submitted for approval. The developer stated that whatever was necessary for them to do they would be willing to do it. Mr. Ferg read a letter of opposition from Nelson L. Currier of Del Norte Street who was concerned about traffic, street, water and sewer problems. Chairman Breuer didn't feel that there was a street problem. Mr. Jones came forward to rebut the letter that was read and stated that there would not be 50 families as stated in the letter but only a few. Walt Wollenbecker of Tanbark Lane questioned how far down the bank they would be building and if there would be any problems of land slippage. He also asked the slope of the land and if there would be dwellings only for older citizens and not for young families. Mr. Jones replied that they were building on the river bank and it is steep. He also stated that he would not be disturbing the existing terrain. The slope was 30% and a soil analysis had been performed. Mr. Jones further stated that the project on Smuggler's Cove now in construction is a medium priced unit. The proposed project adjacent to Smuggler's Cove upstream is a more reasonably priced project suitable for young families. The units further up the river would be townhouses and more expensive. The traffic would not be severe as condominiums do not create a lot of traffic. Mr. Wellenbrock asked how accessibility would be made from Del Norte. Mr. Jones stated that the unit at the bottom will have through access to Del Norte Lane. The townhouse project would be served off of Fountain Court. The townhouses would probably be two bedrooms. Commissioner DeJarnett questioned what control they would have over people who during the summer months park and go down through the development. Mr. Jones replied that there would be no control. Joan Heavey stated that she was in favor of the project, but questioned if all the units would be two story or one story as there was a need for units for senior citizens and also how much guest parking offstreet and the need for this development, and how many rental units and homes for sale are available. A member of the audience stated there were around 6 houses for sale in the Del Norte and Railroad area. Mrs. Joy stated that the Oregon Unit Ownership law set the parking requirements for the unit owners and the development had gone beyond the minimum requirements. She stated that they had units that accommodate a different market outside of the Brookings area including Medford, Grants Pass and Ashland

except where a signature is required.

File No. Z-57-7

EXHIBIT "A"

Planning Unit

APPLICATION FOR ZONE CHANGE

Fee Paid

CITY OF BROOKINGS

Receipt No. _____

Application received by: _____

Date: _____

P.C. Public Hearing Date _____

FEE: \$100.00 Non-refundable.
Take checks payable to City of Brookings.
Application for change from

ZONE R-1 _____ TO _____

ZONE R-H _____

THE BURDEN OF PROOF FOR APPROVAL OF APPLICATION IS ON THE APPLICANT, NOT THE CITY OF BROOKINGS.

COMPREHENSIVE PLAN DESIGNATION:

PROPERTY OWNER Name: Dr. & Mrs. G. Joy/D. Peterson

Address: 222 Del Norte Lane

City: Brookings, Oregon

LEGAL DESCRIPTION OF PROPERTY

PROPOSED FOR ZONE CHANGE: TOWNSHIP: _____ RANGE: _____ SECTION: _____

PARCEL NO. : 41-13-5 CD TAX LOT: 8100 & 8302 + 310 ACREAGE: _____ CODE: _____

ATTACH METES AND BOUNDS OR INDICATE OTHER LEGAL DESCRIPTION IF REQUESTED.

APPLICANT:

AGENT:

Name: Dr. & Mrs. G. Joy/D. Peterson

Name: Marshall Jones

City: Brookings State: Oregon

City: Brookings State: Oregon

Telephone: 469-5615

Telephone: 469-4710

IF A PERSON (S) OTHER THAN THE OWNER OF THE ABOVE-DESCRIBED PROPERTY IS FILING THIS APPLICATION, OR ACTING AS AUTHORIZED AGENT IN BEHALF OF THIS APPLICATION, A NOTARIZED AFFIDAVIT OR POWER OF ATTORNEY MUST BE SUBMITTED WITH THE APPLICATION.

IT IS NECESSARY THAT EACH APPLICANT FOR A ZONE CHANGE PROVIDE TO THE GOVERNING BODY OF THE COUNTY THE FOLLOWING INFORMATION REGARDING THE REQUEST. YOU MAY FIND IT ADVANTAGEOUS TO SUBMIT THE SUPPORT DATA BY USE OF A SEPARATE DOCUMENT. IF SO, INDICATE BELOW.

1) BASIC PROPOSAL: THE PURPOSE OF THIS ZONE CHANGE IS _____
...Separate Document Attached...

2) GENERAL LOCATION: A) GENERAL Del Norte Lane - Brookings, Oregon

B) SPECIFIC (within 1 1/10 of a mile from nearest intersecting county and/or state road) US 101

C) CITY OR STATE ROADS ADJOINING PROPERTY (NAME) _____
City of Brookings - Del Norte Lane

D) ROAD CONDITION ...excellent...

3) PHYSICAL DESCRIPTIVE: DESCRIBE THE FOLLOWING FEATURES AS RELATED TO THE PROPERTY.

CURRENT USE OF THE PROPERTY: ...no present use...outdated cabin (shack)
on parcel #8100

CURRENT USE OF ADJOINING PROPERTY: residential...contiguous to present
R-H property on one side...

(C) TOPOGRAPHY (SUBJECT PROPERTY - GENERAL AREA: ...river environment...topography
slopes to Chetco River (North Bank).

(D) UNIQUE CHARACTERISTICS: DESCRIBE ANY OF THE FOLLOWING CHARACTERISTICS OF THE AREA
PROPERTY THAT MAY INFLUENCE YOUR APPLICATION: SOIL CHARACTERISTICS, DRAINAGE, WATER
COURSES, OWNERSHIP PATTERNS, PROPERTY VALUES, NATURAL RESOURCES OR CLIMATIC CONDITIO
...Separate Document Attached...

(E) AVAILABILITY OF SERVICES:

I) WATER SUPPLY City of Brookings

II) WATER DISTRICT _____ NO. OF ACRES IRRIGATED _____

III) SEWAGE DISPOSAL: a) COMMUNITY SEWER _____; OR b) SEPTIC TANK _____
IF b) HOW MANY LOTS HAVE RECEIVED SOILS APPROVAL _____

IV) FIRE DISTRICT Brookings; LOCATION OF NEAREST STATION _____
DISTANCE TO NEAREST STATION 2 miles +

V) SCHOOL DISTRICT _____

a) NEAREST ELEMENTARY SCHOOL _____

DISTANCE TO _____; EXISTING ENROLLMENT _____; CAPACITY _____

b) JUNIOR OR MID-HIGH SCHOOL _____

DISTANCE TO _____; EXISTING ENROLLMENT _____; CAPACITY _____

c) SENIOR HIGH SCHOOL _____

EXISTING ENROLLMENT _____; CAPACITY: _____

d) IF ANY OF THE ABOVE SCHOOLS ARE AT OR BEYOND CAPACITY ENROLLMENT, WHAT MEASURES
HAVE BEEN TAKEN TO EASE THE PRESSURE:

...none beyond capacity (in fact we have underenrollment)

(F) FACTORS RELATED TO STATE PLANNING RULES 3 and 4 (AGRICULTURE AND FORESTRY):

A) PREDOMINANT USE OF PROPERTY IN THE AREA residential only...

Refer to LCDC Goal #4: Urbanization, the subject property is urbanizable
land with all public services available.

No agriculture or forestry now, nor in the past, as subject property is river
slope (North Bank) of the Chetco River.

B) PRESENT USE OF THE SUBJECT PROPERTY Presently, the subject property is
undeveloped with the exception of one small deteriorated cabin.

Referring to LCDC GOAL #10: Housing, under the subtitle GUIDELINES: SECTION A.
PLANNING - paragraph #4 "...ordinances and incentives should be used to
increase population densities in urban areas taking into consideration
(1) Key facilities (my comment: community water service, sanitary sewage serv
public power, telephone, TV cable, city maintained paved streets, fire and pol
protection, etc.) (2) The economic, environmental, social and energy consequ
of the proposed densities and (3) the optional use of existing urban land,
particularly in sections containing...unsound substandard structures..."

C) COMPATABILITY OF PROPOSED USE TO EXISTING USE, INCLUDING SIZE AND ACCESS:

The proposed use would be compatible to the adjacent R-II property and land use of the SMUGGLERS COVE PROJECT. The proposed project would be of a residential nature, no commercial nor industrial use whatsoever, and therefore would be totally compatible with the entire NORTH BANK-CHESTCO RIVER land use spectrums.

D) CHARACTER OF THE LAND, INCLUDING VEGETATION, AGRICULTURE SOIL CAPABILITY AND FORESTRY SITE INDEX, TOPOGRAPHY:

The overall character and nature of the subject property is river slope topography...which is a unique physical characteristic allowing just such a development.

E) ASSESSOR'S CLASSIFICATION OF THE PROPERTY AND ADJOINING PROPERTIES:

Residential use...also our proposal.

F) OTHER STATEWIDE PLANNING RULES EXPLAIN HOW EACH OF THE FOLLOWING ARE AFFECTED:

RULE NUMBER

5 OPEN SPACES/HISTORIC AREAS, NATURAL RESOURCES.

Attached Note:

6 AIR, WATER AND LAND RESOURCES QUALITY.

Attached Note:

7 AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS.

Attached Note:

9 ECONOMY

Attached Note:

10 HOUSING

Refer to "Basic Proposal" - Goal #10: Housing

11 PUBLIC FACILITIES AND SERVICES. INDICATE WHICH FACILITIES AND SERVICES ARE AVAILABLE.

City maintained paved road (Del Norte Lane)
City Water & Sewer Service
Solid Waste Disposal Pickup
Public Power, Telephone, TV Cable
City Police
City Fire Protection

12 TRANSPORTATION. WHAT STANDARD ROAD WILL BE CONSTRUCTED, AND IS THE PROPERTY SERVED BY A TRANSIT SYSTEM.

Existing City maintained paved road
(Del Norte Lane)
...good condition

15 ENERGY. WHAT MEASURES ARE TO BE INCORPORATED TO SAVE ENERGY (I.E., ACTIVE OR PASSIVE SOLAR ENERGY, ETC.)

...as required by UBC...also solar and radiant energy will be incorporated into unit designs...insulation requirements will be surpassed in construction.
All exterior walls will be 6" minimum.

16 ESTUARINE RESOURCES (IF APPLICABLE)

N/A

17 COASTAL SHORELANDS (IF APPLICABLE)

N/A

18 BEACHES AND DUNES (IF APPLICABLE)

N/A

19 OCEAN RESOURCES (IF APPLICABLE)

N/A

6) PROPOSED FINDINGS: THE OREGON SUPREME COURT FASANO DECISION SET THE STANDARDS FOR CI THAT MUST BE ADDRESSED IN A QUASI-JUDICIAL DECISION. AT A MINIMUM, THE FOLLOWING FIVE BASIC ELEMENTS MUST BE SUPPORTED BY FACTUAL EVIDENCE.

A) COMPLIANCE WITH BROOKINGS COMPREHENSIVE PLAN. THIS APPLICATION CONFORMS TO THE COMPREHENSIVE PLAN FOR THE CITY OF BROOKINGS BECAUSE:

...pending City input...

B) THERE IS A PUBLIC NEED FOR THIS TYPE OF ZONE CHANGE BECAUSE:

...lack of this character and nature of housing within the city limits of Brookings...refer to GOAL #10 - HOUSING LCDC under "BASIC PROPOSAL," this application...

1) THE PUBLIC NEED IS BEST MET BY CHANGING THE ZONE ON THE PROPERTY SUBMITTED IN THIS APPLICATION BECAUSE:

...at present we (Brookings) have a market void in regards to this nature of

housing. Water-front properties, river, lake or ocean, are presently beyond

the financial means of the majority of our people.

YOU WILL BE NOTIFIED 10 DAYS IN ADVANCE OF THE DATE OF PUBLIC HEARING ON THIS MATTER AND WHETHER YOU OR YOUR AGENT IS REQUIRED TO BE PRESENT TO REPRESENT YOUR POSITION. YOU MAY PRESENT ANY ADDITIONAL EVIDENCE OR PRODUCE WITNESSES AS DEEMED NECESSARY AT THAT TIME. ANY EXHIBITS ENTERED INTO THE RECORD OF THE PUBLIC HEARING PROCESS MUST REMAIN AS PART OF THE OFFICIAL RECORD AND ARE NOT RETURNABLE UNLESS BY PRIOR ARRANGEMENT.

THIS APPLICATION IS HEREBY SUBMITTED AND THE STATEMENTS AND INFORMATION HEREIN CONTAINED ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE AND BELIEF.

BY: [Signature]

ADDRESS: 222 Del Norte Ln

CITY

Brookings

STATE

OR

ZIP

97415

DATE: 4-27-81

SEE ATTACHED SHEET FOR ADDITIONAL INFORMATION TO BE SUBMITTED WITH THE APPLICATION

BASIC PROPOSAL: The purpose of this zone change is (R-1 to R-H) to allow the construction of multi-family housing within the confines of a unique shoreline natural area.

In keeping within the provisions of the STATEWIDE PLANNING GOALS AND GUIDELINES OF THE OREGON LAND CONSERVATION and DEVELOPMENT COMMISSION (LCDC):

GOAL #10: HOUSING

...to provide for the housing needs of the citizens...also within the framework of this aforementioned goal, "buildable lands"...lands in urban and urbanizable areas, that are suitable, available and necessary for residential use...

Under subheading "Guidelines" - Section A Planning: Paragraph #2 (in part) ...such land should be necessary and suitable for housing that meets the housing needs of households of all income levels...

Paragraph 4 under Section A Planning states (in full): "Ordinances and incentives should be used to increase population densities in urban areas taking into consideration (1) key facilities (my comment: such as fire protection, police protection of property, solid waste disposal, community water service and revenue, community sewage disposal service and revenue, public power, telephone service and TV cable, existing city maintained paved street/road, near medical services, postal services, schools, churches etc., etc.) (2) the economic, environmental, social and energy consequences of the proposed densities and (3) the optional use of existing urban land particularly in sections containing significant amounts of unsound sub-standard structures...

GOAL #14: URBANIZATION

...to provide for an orderly and efficient transition from rural to urban land use...

Factors mandated to be considered under the provisions of the above aforementioned goal:

- (2) Need for housing, employment opportunities, and livability;
- (3) Orderly and economic provision for public facilities and services;
- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area;
- (5) Environmental, energy, economic and social consequences; etc.

Continuing under mandated considerations:

...land within the boundaries separating urbanizable land from rural land shall be considered available over time for urban uses. Conversion of urbanizable land to urban uses shall be based on consideration of:

- (1) Orderly, economic provision for public facilities and services;
- (2) Availability of sufficient land for the various uses to insure choices in the market place;
- (3) LCDC goals; and,
- (4) Encouragement of development within urban areas before conversion of urbanizable areas.

Under the subheading "Guidelines" - Section A. Planning: paragraph #2 ...the size of the parcels at urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels."

We feel after an exhaustive in-depth examination of the above stated goals and objectives of the OREGON LAND CONSERVATION and DEVELOPMENT COMMISSION (LCDC), as well as the needs, goods and objectives of our own specific community of Brookings ...and in so much as our own personal goal is to provide much needed housing within our community (within the specific framework of GOAL #10: Housing) ...we petition our city to allow the aforementioned rezone (ie, R-1 to R-H) to occur.

We justify our petition principally, on the basis and findings of LCDC GOAL #14: URBANIZATION...some but not all of our feelings of justification are: ...under said goal (refer paragraph #2), "need for housing, employment opportunities and livability..." The need for housing is without question, the construction of the proposed facilities, also without question, provide employment opportunities. Of utmost importance is the fact that, at present, every man employed on the present SMUGGLER'S COVE project is a resident of the City of Brookings. Not one single individual is out of state, nor even out of city. Therefore the entire present project payroll is recirculated within the City of Brookings in one manner or another.

And in conclusion of said paragraph #2 "...livability..." We, as developers, believe we are creating a "livability" atmosphere beyond comparison. We are the first to, in our opinion, take a unused, neglected overgrown unwanted parcel of urbanizable non-tax producing land and literally transform this parcel to a unique nautical motiff environmental attuned livability complex...

Under paragraph (4) of LCDC GOAL #14: URBANIZATION..."...maximum efficiency of land uses within and on the fringe of the existing urban area;"

As you will note from the site plan, the subject property at issue is a urbanizable parcel "within" (paragraph #4) an urban area.

The project would not require any new or additional public services or facilities (paragraph #3).

There would be no adverse social consequences, adverse economical implications, nor significant energy demands. The project is and would be designed to be reflective of the immediate nautical environment (paragraph #5).

Secondly, and no less importance, we justify our petition on the very basic fact of contiguous R-H zone land use.

You will again note the physical location of the subject property in relation to the R-H parcel (SMUGGLER'S COVE).

LCDC GOAL #5 OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATIONAL RESOURCES

This section states in part: "...programs shall be provided that will...(3) promote healthy and visually attractive environments in harmony with the natural landscape character..."

We believe that we are perhaps the only developers who have added as a part of our landscape program native landscape stones and plants as our present project (SMUGGLER'S COVE) progresses. We have had this very same native stone crushed for roof covering, further we are the only developers to add extensive roof planters with native plants to accent our natural landscape environment ...naturally this sensitivity of our environment will be expanded to include any adjacent development.

Under the subheading "OPEN SPACE" - GOAL #5 the statement is made "...consists of lands used for agricultural or forest uses..."

The subject property contains no such lands...and so we conclude the term does not apply in this petition.

Under the subheading "WILDERNESS AREAS" - GOAL #5 the statement is made "...areas where the earth and its community of life are untrammled by man, where man himself is a visitor who does not remain. It is an area of undeveloped land retaining its primeval character and influence, without permanent improvement or human habitation..."

The subject property, again, contains no such lands...and, again, we conclude the term does not apply in this petition.

Under the subheading "GUIDELINES" SECTION A. PLANNING: Paragraph #7 states:...local, regional and state governments should be encouraged to investigate and utilize... cluster developments...and similar techniques to implement this goal (ie Goal #5).

LCDC GOAL #6 AIR, WATER and LAND RESOURCES QUALITY

This section states in part: "...all waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards, and implementation plan, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources or (3) threaten the availability of such resources..."

After review of our existing aforementioned resources we can only conclude our proposed project will absolutely have no adverse effect whatsoever.

LCDC GOAL #7 AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

This section states in part, "...Areas of Natural Disaster and Hazards are areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, ground water, erosion and disposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas..."

Insomuch as no man, nor work of man, stands beyond the reach of an Act of God... perhaps there is no area of total safety.

However in a broad sense, it would appear, the most apparent danger any river-front development might experience would be flooding. In all cases any permanent facilities would be established above the flood level as established by the National Flood Insurance Act of 1968.

LCDC GOAL #9 ECONOMY OF THE STATE

The very goal of this (#9) section is "... to diversify and improve the economy of the state."

This section states in part: "...plans and policies shall contribute to a stable and healthy economy in all regions...plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability; labor market factors; transportation; current market forces; availability of renewable and non-renewable resources; availability of land; and pollution control requirements...Economic growth and activity in accordance with such plans shall be encouraged in areas that have underutilized human and natural resource capabilities and want increased growth and activity..."

Under the sub-section heading "IMPROVE THE ECONOMY OF THE STATE," ...refers to a beneficial change in those business industrial and commercial activities which generate employment, products and services consistent with the availability of long term human and natural resources.

Additionally, under the sub-section heading "Areas Which Have Underutilized Human and Natural Resource Capabilities"...refer to cities...which are characterized by chronic unemployment or a narrow economic base, but have the capacity and resources to support additional economic activity..."

From the above goals and objectives we can only conclude that the project at issue will provide our economically depressed community with two (at least) sorely needed products...jobs and an on-going healthy tax base (finished product), and needless to say the immediate generation of construction capital (all materials purchased locally).

(D) UNIQUE CHARACTERISTICS:

In our personal opinion the physical nature and location of subject peoperties are of an outstanding "unique characteristic."

Since day-one the subject properties have been totally ignored by individuals and developers. The properties have been unwanted and of no interest to anyone although said properties were of a urbanizable location and character...therefore although all public services were available, there was little, if any, tax revenue generation.

The owners and developers of SMUGGLER'S COVE saw in this overgrown, fallow land, a "unique characteristic"...that unique characteristic was its nautical estuarine environmental character. The view-shed of the Chetco River, Harbor Boat Basin, surrounding hills, etc., etc. lent the subject properties to a grande hillside development affording numerous homewoners, rather than just a select few, the opportunity of enjoying this "unique characteristic."

Referring to the goals and objectives of LCDC GOAL #16 - ESTUARINE RESOURCES: (in part) "...protect, maintain, where appropriate develop...Oregon's estuaries..."

Continuing under the subheading "PRIORITY" under the provisions of LCDC GOAL #16 - ESTUARINE RESOURCES:

"Priorities for use of each of the management units shall be designated which maintain, promote, encourage, or enhance uses and activities compatible with the requirements of this Goal (#16), the capability of the resources, and the objectives of the classification..."

Paragraph #3 "...water related uses which do not degrade or reduce the natural estuarine resources and values..."and

Paragraph #4, "...non-dependent, non-related uses which do not alter, reduce or degrade the estuarine resources and values..."

It is our opinion that a loving and sensitive use of adjacent estuarine properties would in no way reduce or degrade the estuarine resources and values...and, if anything would only endorse those values by establishing pride of environment and ownership in such a unique local.

EXHIBIT "B"

To: Members of the Panel...
All Interested Citizens...

Pursuant to that application for rezone known as the Peterson/Joy Rezone Proposal for those properties located off Del Norte Lane (North Bank-Chetco River) noted on the attached plat....please be informed of the following:
In reference to Resolution No. 213, Section 4 "Burden of Proof," paragraph B, items #1 - #7...
Item #1..."conformance with the comprehensive plan and when appropriate, city zoning ordinance..."

We believe our rezone proposal application is in conformance with the City of Brookings Comprehensive Land Use Plan. The subject property at issue is presently zoned for residential use (refer to City of Brookings Land Use Plan page 24). On page 241 of the Comprehensive Plan the map titled "Generalized land-use" (CCCOG Housing Study, 1976) also designates the subject property as "residential." On page 252 of the Comprehensive Plan the map titled "Urbanization Suitability" designates the subject property as "suitable" for residential use.

At issue...and therefore the very purpose of this meeting is not a request for change in the character of the allowed use of the subject property, but rather one of density.

As each of you are aware the subject property is presently zoned "R", residential. Our request is still for residential...but of a higher density-"R-H."

As previously stated, we believe our request is in conformance with the City of Brookings Comprehensive Land Use Plan and we base this request on the following Comprehensive Plan's goals, objectives, policies and strategies:

The subject property, although presently zoned residential, is now sitting idle-vacant, and has been since day one. To our knowledge no one has ever been even remotely interested in the use of this property for residential use or any other purpose.

As your Panel is aware we were the very first developers to visualize the idle lands of the North Bank of the Chetco River appropriate for a new concept of residential use in the City of Brookings. As we state, this idea is new only for Brookings...the concept in itself is as old as man himself. The concept is simply "cluster dwellings"...when first developed (who knows when?) this housing concept provided safety and security from the dangers of those days...man or beast.

Over the thousands or tens of thousands of years the very basic reasoning for "cluster dwellings" has changed little, if any. However over the past few centuries there was one significant change or development by man that caused the basic reasoning for "cluster dwellings" to become less important...that development was gunpowder! No longer did people have to cluster together for protection...and then also, the West was opened with its countless millions of acres for the taking...everyone could provide for their own protection and build a dwelling located in the middle of vast acreage.

But times have changed...and continue to change. We now have police protection fire protection...we have city streets, city water, sewage disposal, etc.etc. And once again people gather close together to dwell in cities and towns... although today the reasons are different (employment, hospitals, schools, etc.). The end result is pretty much the same.

Today new problems present themselves to local government. Our vast untouched acreage is gone...not disappeared but gone for the taking! We have tens of millions of more people competing for the same goods and things. Therefore as each of you are aware prices of everything are skyrocketing completely out of sight.

If our attitude as related to housing (as with many other things) is not tempered or slightly changed...where will your children live? As each of us reach our twilight years where will we live?

Property, single family residential building lots on the north bank of the Chetco River sell (or are for sale) anywhere from \$70,000 to \$125,000 each, when they are available. Who in this room can afford such prices...much less our children?

Those of you who can...one question: You have the money to buy at any price, and build to your hearts pleasure...but do you have the right to be the sole benefactor of the riverfront environment?

The basic concept of the Smuggler's Cove idea was to allow a greater number of people to enjoy the Chetco Harbor Boat Basin environment. The adverse impact was not and will never be severe. As stated previously, we did not compete for the property - no one ever wanted it...it had never been used. The city streets were in...the water system existed (we improved it). The city sewage system was there as were power telephone, etc. Referring to the City of Brookings Comprehensive Land Use Plan under "Visual Resources," pages 163-164...

"...The visual resources of the south coast are varied and outstanding. Much of the attractiveness of the area derives from its association with the Pacific. Shorelines, the meeting place of land and sea, and areas of dynamic beauty...further usual interest is added by the rivers and streams themselves; by the picturesque harbor; by the abundance of wild-life, including shorebirds and migrating waterfowl;...by the many native ornamental shrubs...by the myrtlewood groves and by the wind-pruned trees and shrubs on the bluffs overlooking the sea.

This resource has both aesthetic and economic values. The visual beauty of the area is one of the main reasons people choose to live and continue to live here. The economic values are intimately tied to the aesthetic values. Brookings profits from the influx of individuals attracted to the south coast. Property values are also related to the quality of the visual experience.

Preserving aesthetic values could be done by encouraging building designs that do not conflict with or dominate the scenery; by encouraging site designs and construction methods that minimize physical disturbance of an area; by encouraging use of natural materials in construction; and by encouraging uses consonant with the quality of the visual experience.

Areas of exceptional beauty that merit special attention in planning and building and site design evaluations include the bluffs...overlooking the estuary...

Granted...it seems the aforementioned visual experience might possibly justify our request for higher residential density adjacent to the Smugglers Cove project...

But what effect would a higher density factor have on our coveted "open space" or simply "elbow room"....?

Again referring to the City of Brookings Comprehensive Land Use Plan on page 164...

"...there are large areas of open space in and around the City of Brookings. Two large state parks totalling 263 acres are located within the city limits. The Pacific Ocean provides 63,750,000 square miles of open space to the citizens of Brookings...very large areas within (417 acres) the Urban Growth Area are designated as open space. Because of environmental limitations to development these areas are well suited to this use. Open space in large ownership tracts that are used for timber management surround the City on all landward sides..."

Plus there are additional thousands of acres of state and national parks in the immediate and general area.

It is interesting to note under the sub-heading "Housing Element" on page 55 of the Comprehensive Land Use Plan, "...the development trend in Brookings is toward higher residential densities. As land prices and construction costs rise this trend can be expected to continue...most units are owner occupied. There are few units, if any, available for rent at any given time... Brookings will assure there is an affordable and adequate supply of housing for purchase and for rent to accommodate existing residents and anticipated population growth."

Under the statement of Policies under the Housing Element:

- #1. It is the policy of Brookings to ensure the availability of adequate numbers of housing units...and allow for flexibility of housing location, type and density.
- #5. Brookings will encourage the construction of more rental units as well as alternatives to conventional housing.
- #6. Brookings location on the Oregon Coast and its potential for continuing recreation and tourist oriented development, indicate that the city has opportunities for development of quality residential and recreational facilities with a more flexible design than has generally been true in the past.

For this reason, Brookings will encourage "...Planned Unit Development..."

Under subsection of the Housing Element - "STRATEGIES:"

- #1. "Brookings shall designate and maintain an adequate supply of land zoned for high...density residential development.
- #2. Brookings shall consider alternatives to minimize lot size and siting of structures such as cluster concepts, Planned Unit Development, percentage of land covered requirements, etc. etc..."

Under subsection - "Implementation Procedures:"

- #1. Brookings will attempt to provide a wide range of housing...by exercising zoning concepts that allow...a variety of housing types such as single-family dwellings, cluster housing...and condominiums..."
- #2. "Brookings shall develop innovative regulations for developments which allow for flexibility by designing Planned Development areas..."

On page 36 & 37 under OPEN SPACE & NATURAL RESOURCES: under the section "Strategies:"

- #1. a) Encourage clustering residential use in appropriate areas to preserve open space amenities.
c) Encourage building designs that do not conflict with or dominate the scenic resources in order to preserve aesthetic values.
d) Encourage site designs and construction methods that minimize physical disturbance of an area.
e) Encourage use of natural materials in construction.
f) Advocate uses compatible with the quality of the usual experience.

Item #2. & #4 "...the public need for the proposal...how the public will best be served...etc., etc.,..."

On page 14 of the Comprehensive Land Use Plan the number one problem under the issue of "HOUSING," states "...There is a general lack of available rental units in Brookings at any given time as well as a shortage of property designated for high density development..." And under the same issue "HOUSING" under subsection "Issues..."

- #1. How can the city encourage the development of additional multi family units...?
- #3. Should the city take a look at alternative forms of residential development such as planned unit development and permitting construction up to the property line?"

We sincerely believe items #2, #3, & #4 of Resolution #213 are answered very well by the above quotations from our own Comprehensive Plan.

Item #5 "Mistake in the original comprehensive plan, if any:"

We do not believe the Comprehensive Plan is in error...but as the plan so states itself the plan simply needs thoughtful expansion in order to satisfy our ever-changing life-styles, patterns, economic situations, personal values, etc., etc.

Item #6 "...Change in the character of the neighborhood, if any:"

There should be no significant adverse change in the character of the neighborhood...there would be no reason for change.

Item #7 "...Such other factors which relate to the public need for helpful, safe, and aesthetic surroundings and conditions..."

On page 18 of the City of Brookings Comprehensive Land Use Plan under the heading "GROWTH MANAGEMENT AND DENSITY," in part paragraph #2..."high land and construction costs are leading to denser development. The preference of many retired persons for small lots also contributes to the trend. Since unit dwellings on small lots provide privacy and space while minimizing property upkeep..."

Paragraph #3 (in part), "...The city proposes to encourage growth by providing land use densities...which will accomodate this growth..."

Paragraph #4 (in part), "...The City of Brookings recognizes that growth will occur and desires to provide land properly designated for that growth..."

On page 31 under the heading "URBANIZATION," paragraph #2 under the subheading "POLICIES," "... to encourage the development of existing buildable lands within the City prior to developing lands in the Urban Growth Area."

And in conclusion, Members of the Panel, interested citizens and others present...we wish to conclude our summary of items under burden of proof, as required under paragraph C, Resolution #213, with this statement duly signed by the proponents of this issue and thank each and everyone of you for your patience, your time, and your interest on this matter whether pro or con.

Don Peterson - Proponent

Dr. & Mrs. G. Joy - Proponent

Marshall B. Jones - Agent

area who have expressed interest in this type of development. Chairman Breuer mentioned that on the Commission tour of the property that there was more than enough offstreet parking. There were no further comments and Chairman Breuer declared the hearing closed. He then asked for a decision of the Commission. Commissioner Brimm felt that they had addressed all the issues and made the following motion:

MOTION by Commissioner Brimm, seconded by Commissioner DeJarnett that we approve the request and make a recommendation to the City Council for approval of the zone change No. Z-81-1 on Tax Lots 8100-8302-8310, Map 41-13-5CD on Del Norte Lane. Motion carried unanimously.

VI. OTHER ACTION

1. Street width variance by Brookings-Harbor School District 17-C on Easy Street to allow construction of sidewalks and curbs adjacent to the Kalmiopsis School.

City Manager Lynn Stuart stated that he had received a request from the School District to install a curb, gutter and sidewalk along Kalmiopsis School and it had been presented to the City Engineer who had recommended a 36' roadway. This would allow two 10' traffic lanes and two 8' parking lanes and sidewalks. It was Staff recommendation that it would be an acceptable roadway cross section. Chairman Breuer did not agree with the 36' roadway request since the previous Council and the present City Engineer had just passed an ordinance with a 40' street width and now they were willing to reduce it by 4'. Commissioner Swigert stated that he didn't feel that there was adequate right-of-way for a 40' roadway. Commissioner Brimm mentioned about moving the fence. The City Manager stated that the right-of-way narrows down and the roadway would be narrowed down and desired to have consistent width, and Staff was proposing amendments to the Subdivision and Zoning Ordinance. Chairman Breuer stated that he would go along with the request only if they would change the ordinance to a 36' street width. Commissioner DeJarnett felt that it should be checked if you could get sufficient distance desired for street width by moving the fence, as eventually there would be more traffic on Easy Street than now. Mr. Peckham stated that you could install a 40' road if the fence was moved back, but it would put it over the bank and necessitate filling on the end close to Fern Street and building a retaining wall. The City Manager stated that the City Engineer felt that if we built a wide street it would have to be narrowed down and it would be better to have a straight alignment. Chairman Breuer stated that he felt it should be a 40' street all the way through. The City Manager stated that there were two proposed LID districts on Easy Street from Highway 101 back to Fifth Street which is really the primary access route to by-pass the heavy congestion area of Highway 101 and get to town in that direction. It is not the intention to have traffic go past on Pioneer Road then come back past the schools on Easy Street.

MOTION by Commissioner Swigert, seconded by Commissioner Hagen that we approve the variance for thirty-six foot street width face to face of curb on Easy Street as requested. The Commissioners were polled with the following results: Commissioner Hagen, yes; Commissioner Brimm, no; Commissioner Mattson, no; Commissioner DeJarnett, no; and Commissioner Swigert, yes. The motion did not carry.

2. Notice of hearing before Curry County Planning Commission on July 2, 1981 on conditional use application by Ted Freeman on Tax Lot 400, Map 40-13-35.

Marshall Ferg stated that this was a notice of hearing and the area was located 4 miles up the Chetco River and 2 miles above the City water intake. Chairman Breuer

felt that the Planning Commission should be represented at the hearing and that he would attend and invited any of the other Commissioners to go with him. —

3. Building Permits for May 1981.

Marshall Ferg informed the Commission that there were a total of 10 permits issued totalling \$122,047.80.

VII. ADJOURNMENT

The meeting was adjourned at 9:13 p.m.



Chairman Earl Breuer

ATTEST:



Secretary