

MINUTES OF THE REGULAR MEETING OF THE
CITY PLANNING COMMISSION
6/3/54

Meeting called to order by Chairman Luther Tisdale.

Present: Messrs. Aldrich, Arp, Osborn, Tygart, Weidemand and
Yelton.

Minutes of the previous regular meeting read and approve. The minutes of the special meeting of May 25th. were read and approved with the correction that the Grootendorst petition read to request "extension of a non-conforming use" instead of "change in zoning."

A review of rules governing re-zoning were read by Mr. Arp.

The concensus of opinion was that the Commission recommend against re-zoning but the suggestion that the building under construction be granted a change in use was considered.

Motion was made by Mr. Weideman, seconded by Mr. Tygart that the final report attached hereto, be submitted to the council. carried.

Motion was made by Mr. Aldrich, seconded by Mr. Tygart that the Commission adjourn until July 6, 1954.

A hearing on the Grootendorst petition was set for Tuesday, 8 P.M. June 15th. Notice of this hearing to be published in the June 10th. issue of the Brookings-Harbor Pilot. Gladys Kanick, Recorder

Gladys Kanick, Recorder

HEARING BY THE PLANNING COMMISSION
ON COUNCIL'S REQUEST TO RE-ZONE
6/3/54 (Campbell's)

Hearing called to order by chairman Luther Tisdale.

Members present: Messrs. Aldrich, Arp, Osborn, Tygart, Weideman and Yelton.

Others present: Mr. & Mrs. Phillips, Dale and Merrill Phillips, Mr. & Mrs. Dempsey, Mr. Menning, Mr. Phelps, Mr. Breuer, Mr. Christenson, Mr. Campbell, Mr. Foster and Mr. Bolvi, and Mr. Dunning.

Mr. Tisdale asked for opinions in regard to the matter at hand.

Mr. Campbell explained that his property was split into two zones and would like to have it all commercial.

The Messrs. Dale and Merrill Bullock, Mr. Christenson, Mr. Foster and Mr. Bolvi and Mr. Menning declared themselves favorably to the proposed change.

Mr. Menning and George Dunning, and Mr. & Mrs. Phillips were present merely as observers.

Mr. Dempsey declared himself in favor and wished to know why this district was restricted to one-story buildings. Mr. Arp explained that tourist commercial zones were hotel and motel developments and ocean view preservation was of paramount interest.

Mr. Campbell explained that the upstairs of his proposed building would be reserved for offices, halls or possibly apartments.

Mr. Dempsey said property owners on the hill side of the highway like Mr. Trospen, had no objections to this change.

Mr. Beuer reported that Mr. Christenson had asked him to appear and speak in favor of the matter which he did.

Everyone having had ample opportunity to be heard and there being no further or new opinions, the hearing was declared finished and the Commission adjourned to meet in special session within the hour.

Gladys Kanick, Secretary.

June 8, 1954

A F I N A L R E P O R T

To the Hon^orable 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 (-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 persons interested 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 chief reasons given were to permit an increase in height limit of buildings on the property in question. No 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 remove such restrictions 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.

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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 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 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 heights 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 Pres
Richard Tesdale

HEARING BY PLANNING COMMISSION ON
GROOTENDORST PETITION TO RE-ZONE
6/15/54

Hearing called to order by Chairman Tisdale.

Members present: Mr. Aldrich, Mr. Arp, Mr. Osborn, Mr. Weideman and Mr. Yelton.

Mr. Tisdale called for opinions in regard to the petition. There being no one present either for or against and none written in protest, the hearing was declared closed.

The Commission adjourned to re-convene in special session to consider the petition.

Gladys Kanick, Secy.

Meeting called to order by chairman Tisdale.

All members present except Mr. Tygart.

Motion was made by Mr. Yelton, seconded by Mr. Aldrich that the Planning Commission recommend that a building permit be issued for one R-3 extension as per the plans presented by the H.E.Grootendorsts and petition granted. Carried.

Motion was made by Mr. Yelton, seconded by Mr. Weideman that any bills contracted by the Planning Commission including the secretary's services be paid out of the present year's budget. Carried.

Motion was made by Mr. Aldrich, seconded by Mr. Osborn that we adjourn until July 6th. 12 *12*

Gladys Kanick, Secy.