

HEARING ON LESSARD RE-ZONING PETITION  
Oct. 5, 1954

Planning Commission Members present: Mr. Tisdale, Mr. Yelton, Mr. Weideman, Mr. Osborne, Mr. Arp and Mr. Tygart.

Others attending: Mr. Lessard, Mr. Christenson and Mr. Ackley.

The Hearing was called to order by Chairman Mr. Tisdale.

Mr. Ackley representing the petitioner Mr. Lessard, spoke in favor of granting the petition pointing out that the International Harvester Agency would be housed in the proposed building which is planned to be similar in type to the Butler type of building. He promised storage free of charge for city equipment and impounded cars within a proposed fenced enclosure. He concluded that if it was not a re-zoning matter, that a temporary use permit be considered.

Mr. Christenson also speaking in favor of the petition re-emphasized Mr. Ackley's arguments and pointed out that an easement of 20' on the West boundary would be given the City for street purposes.

Mr. Lessard said he owned this property in conjunction with the Woodard Lbr. Company. His arguments coincided with Mr. Ackley and Mr. Christenson's.

There being no further arguments either for or against said petition, the hearing was adjourned to meet in regular session.

Gladys Kanick, Secy.

MINUTES OF THE REGULAR MEETING OF THE CITY PLANNING  
COMMISSION, 10/5/54

Meeting called to order by Chairman Luther Tusdale/

Present: Messrs. Arp, Osborn, Tygart, Weideman, and Yelton.

Motion was made by Mr. Weideman, seconded by Mr. Yelton that the Planning Commission recommend that the Council deny the Lessard petition to re-zone and consider the granting of a temporary use permit for a period of ten years. Carried.

Motion was made by Mr. Tygart, seconded by Mr. Yelton that the Planning Commission recommend to the City Council that a temporary use permit be granted Harvey Foster for a period of ten years according to the petition presented the Planning Commission by Mr. Foster. Carried.

Motion was made by Mr. Osborne seconded by Mr. Tygart that the Planning Commission recommend to the Council that the request of the Brookings Mill Company for the extension of a non-conforming use permit for a portable saw-mill, be granted. Carried, unanimously. To expire 4/30/55.

Motion was made by Mr. Arp seconded by Mr. Weideman that the Planning Commission recommend to the Council that the petition of the Presbyter-

2-Planning Commision Meeting 10/5/54 cont'd.

ian Church to vacate Fir St. and that portion of the alley lying within the Stout property, be vacated in accordance with the petition requesting this vacation. Unanimously carried.

Mr. Arp to present written statement to the Council of the above and foregoing recommendations of the Planning Commission.

Motion was made by Mr. Tygart that we adjourn until Nov. 2nd. 1954.

Gladys Kanick, Secy.

# HINTS OF PROCEDURE.

- (1) Should have map - showing present activity.  
Locate present bldgs + facilities.
- (2) Weigh your areas for value -
- (3) Establish zones.
- (4) Consider school plots, churches, + recreational areas.
- (5) Industrial areas as is - + for expansion.

## (6) Civic center.

City offices + Police Dept - Fire Dept.  
Large Auditorium  
Pool + Gym.

Smaller rooms - Scouts, clubs etc, Library -  
Bowling alleys.

## (7) Public Utilities -

Sewer -

Water -

Gas -

City Equipment Yard.

## (8) Retail Merchandizing - Business Districts.

Bank -

Service Station.

Parking Facilities.

## (9) Subdivision -

Name of streets - (determined by subdivider)

House number -

Ratified by planning Comm  
No duplicates.

Boulevards -

Avenues

Streets

Lanes.

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 10t 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 Armeo 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.

Respectfully submitted  
City Planning Commission

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Luther Tisdale, Pres.

Gladys Kanick, Secy.

*(an easement 20' wide along)  
No.7. To grant to the city  
the free use of a portion  
of the fenced area for city  
purposes*