

MINUTES OF THE REGULAR MEETING OF THE CITY
PLANNING COMMISSION, Feb. 2, 1954.

Meeting called to order by Chiarman, Luther Tisdale at 8:10 P.M.

Members present: Ed Aldrich, O.D.Arp, Ken Osborne, James Yelton, Roy Weideman.

Minutes of hhe previous meeting were read and approved.

The Secretary's report on the L.E.Lessard and Brookings Machine Shop petition to re-zone hearing held January 27, 1954 at the City Hall, was read by Mr. Weideman.

Mr. Arp gave a report on zoning which included the amount of acreage in M-1 to be 45 acres with 24 acres of this amount South of the highway adjoining heavy industrial. Out of this area only a little over 3 acres have been developed leaving over 20 acres available for expansion. He also presented a few important rules having a legal bearing on amendatory zoning ordinances.

Copies of these rules to be given members of the planning Commission and one for a permanent record in the minutes.

Discussion of the arguments to re-zone by the petitioners, showed nothing to be gained for the public good or welfare and plenty room for expansion in the proper zones was shown available.

Motion was made by Mr. Osborne, seconded by Mr. Aldrich that the L.E.Lessard and Brookings Machine Shop petition to-re-zone be recommended to the City Council for rejection. Upon being put to vote was unanimously carried. Final report to be given the Council.

The Boy Scout petition to amend the use of a single lot from R-2 to a non-conforming use was presented, verified for sufficiency and a hearing date set for Feb. 23rd. A tentative report of this action to be given to the City Council.

A discussion on zone maps to be given or sold to interested citizens, was held. Concensus of opinion was that the proper maps not available as yet.

Motion was made by Mr. Weidemand, sec. by Mr. Osborne that we adjourn until March 2nd.

Gladys Kanick, Secy.

February 2, 1954

To the City Planning Commission of Brookings.

Gentlemen: As requested by the Planning Commission and in accordance with my duties as zoning officer, I herewith present certain important factors that have to do with general and amendatory zoning ordinances. They are well established principles and are generally recognized by numerous authorities. They are fundamental for the successful operation of zoning law.

Authority to zone was conferred upon Oregon cities and municipalities by state law, wherein the power thus delegated was, as stated therein for the PUBLIC INTEREST, health, comfort, convenience, preservation of the public peace, safety, morals, order and the PUBLIC WELFARE.

Brookings enacted a general zoning ordinance April 22, 1952. Its adoption has been fully justified. Zoning is planning. Not just for today but most important, it is long range planning. It will promote orderly growth and create sound values for the entire community. Zoning is a basic thing. Without zoning growth and progress would be erratic and tend to develop the city into a disorderly pattern of patches.

The following are a few important rules that have a legal bearing on the subject of amendatory zoning ordinances:

No. 1 - It is a well established principle that the validity of an amendatory ordinance depends on whether it tends to promote the GENERAL WELFARE

No. 2 - When a general zoning ordinance has been enacted, property owners or persons buying property have a right to rely upon the rule of law -- that the classification made in the general ordinance will not be changed unless the change is required for the PUBLIC GOOD

No. 3 - A property owner who desires to have his property reclassified shall first prove to the planning commission that the requested reclassification will be for the PUBLIC INTEREST, health, convenience, comfort, safety, order and the PUBLIC WELFARE

No. 4 - Merely the benefits of a large investment is not a valid reason for rezoning

No. 5 - 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 rezoning

No. 6 - Do not assume that because no one appears in opposition to a proposed rezoning it is any more valid than any other requested spot zoning.

No. 7 - 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

No. 8 - Amendment to a general zoning ordinance should be made with caution and only when changing conditions clearly require the amendment. Otherwise the very purpose of zoning will be destroyed.

Respectfully submitted,

O. D. Arp, Zoning Officer

February 2, 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 in regard to a petition by E.L. Lessard and the Brookings Machine Shop to re-zone an area of approximately 2 acres currently zoned as C-2 Commercial to an M I. Industrial zone, more fully described in the petition.

On January 27, 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 on the proposed change in zoning. Those present at the hearing generally supported the petition to re-zone. The following spoke in favor of the change: Gordon Goetz, Clifford Brimm, Elmer Bankus, Al Jennings, C.H.Grayschel, W.H.Brady, Earl Breuer, Roy Brimm, Fred Moore, and Les Dimmick.

Various reasons and opinions were offered in support of the petition for rezoning. The majority stressed the need for expansion of the Brookings Machine Shop. The Commission does not question the sincerity of the proponents for the petition to re-zone. However, the general zoning ordinance does provide more than ample area for expansion in all districts. The present Ordinance provides a total of some 45 acres, exclusive of streets, that have been zoned into M I industrial districts. Of this area some 24 acres are located South of Highway #101 and adjoining the M 2 heavy industrial district. Out of this area of 24 acres, less than 3 acres have been developed, leaving approximately 20 acres available for expansion. We therefore see no reason why M I industrial districts should be increased in area.

Serious consideration was given to the possible effects that the proposed change might have on the whole zoning structure. Would this change be an opening wedge to establish an industrial area within the district now zoned for commercial development? What effect would an industrial development on the highway have on the traveling public, who pass thru our community? How about the home owners and residents to the West of the City? Will they enjoy their daily drive thru an industrial district in order to reach down town Brookings? What would happen to development and value in the residential districts overlooking and adjoining this area to the North? Would they enjoy looking down at an industrial district close to their front yard? These and other questions are of grave importance to the City of Brookings and are certainly in the interest of the public at large.

The Commission did further consider the following important rules that govern zoning, particularly those that have a legal bearing on rezoning. First, it is a well established principle that the validity of an amendatory Ordinance depends on whether it tends to promote the general welfare. Second, when a general zoning ordinance has been enacted, property owners or persons buying property have a right to rely on the rule of law-- that the classification made in the general ordinance will not be changed unless the change is required for the Public Good. Third, 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, convenience, comfort, safety, order and the public welfare. Fourth, Merely the benefits of a large investment is not a valid reason for rezoning. Fifth 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. Sixth: Do not

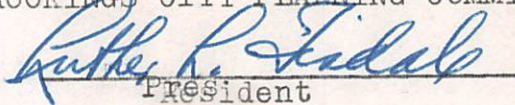
2- Final Report--- Lessard Petition to re-zone

assume that because no one appears in opposition to a proposed re-zoning, it is any more valid than any other requested spot zoning. Seventh: 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. Eighth: Amendment to a general zoning ordinance should be made with caution and only where Changing Conditions clearly require the amendment, otherwise the very purpose of zoning will be destroyed.

We, the City Planning Commission of Brookings after careful study and serious consideration of all the factors contained in this report and by unanimous vote, do hereby recommend to the City Council of Brookings that the petition by E.L. Lessard and the Brookings Machine Shop for re-zoning, be denied.

Respectfully submitted

BROOKINGS CITY PLANNING COMMISSION


President

Secretary