

CITY OF BROOKINGS
PLANNING COMMISSION REGULAR MEETING
OCTOBER 1, 1963

MEETING CALLED TO ORDER AT 8:00 P. M. VIRGIL GOLDSBERRY ACTING CHAIRMAN. OTHER COMMISSIONERS PRESENT; JACK HOLTE, ARCHIE McVAY, BRYON BRIMM AND CHARLES GRAYSHEL. ABSENT; JOHN MOLINO AND ED OAR.

MINUTES OF THE LAST REGULAR MEETING WERE READ AND APPROVED AS READ.

THE PUBLIC HEARING WAS OPENED TO CONSIDER PROPOSED ZONE CHANGE, SAID PROPOSAL OUTLINED IN NOTICE OF HEARING PUBLISHED IN THE LOCAL PRESS ON SEPTEMBER 26, 1963. A NUMBER OF PERSONS WERE PRESENT, SEVERAL OF THEM REQUESTING THAT THE ZONE CHANGE BE MADE. ATTORNEY, JOHN EBINGER, REPRESENTING A GROUP OF PROPERTY OWNERS IN THE AFFECTED AREA REVIEWED THE HISTORY OF THE AREA AND EXPLAINED THE REASON FOR THE REQUESTED CHANGE. HE EXPLAINED THAT A PETITION HAD BEEN CIRCULATED AND THAT EVERYONE IN THE AREA THAT HE HAD TALKED TO WAS IN FAVOR OF THE CHANGE; HOWEVER, IN THAT THE OWNER OF THE PROPERTY BEING CONSIDERED FOR REZONING, ALSO OWNED ADDITIONAL LAND ADJACENT THERETO IT WOULD BE DIFFICULT IF NOT IMPOSSIBLE TO OBTAIN SIGNATURES OF PERSONS OWNING OVER 50% OF THE AREA AFFECTED UNLESS THE OWNER OF THE PROPERTY BEING CONSIDERED FOR REZONING WAS IN FAVOR OF THE CHANGE. BECAUSE OF THIS, THE COUNCIL WAS ASKED TO INITIATE THE PROPOSAL BY THEIR OWN MOTION. THE COUNCIL ACTED ACCORDINGLY SO THAT THE MATTER COULD BE CONSIDERED AT THIS PUBLIC HEARING.

MR. EBINGER STATED THAT THERE WERE SOME 59 RESIDENTIAL UNITS IN THE IMMEDIATE AREA WITH A VALUATION APPROXIMATING \$600,000.00, AND IT WAS THE FEELING OF THE RESIDENTS THAT IF COMMERCIAL ENTERPRISES WERE ESTABLISHED IN THE AREA THE VALUE OF EVERY HOME WOULD BE REDUCED. HE ASKED IF THE CITY COULD AFFORD THIS. HE STATED THAT IF THERE WAS A SHORTAGE OF COMMERCIAL AREA IN THE CITY IT MIGHT BE A DIFFERENT STORY AND THE FACT THAT THE PROPERTY HAS NOT SOLD FOR COMMERCIAL PURPOSES, INDICATES THAT THERE IS NO DEMAND FOR BUSINESS LOCATIONS IN THE AREA.

MR. JESSE HOAGLAND, REPRESENTING MR. AND MRS. W. G. HOAGLAND, THE OWNERS OF THE PROPERTY BEING CONSIDERED FOR ZONE CHANGE, STATED THAT A GREAT DEAL OF THOUGHT AND GOOD PLANNING HAS GONE INTO THE PREPARATION OF THAT SUBDIVISION, IN ADDITION TO MAY THOUSANDS OF DOLLARS. HE EXPLAINED THAT DEED RESTRICTIONS ON THE PLAT WOULD PRECLUDE ANY TYPE OF DEVELOPEMENT WHICH WOULD BE HIGHLY OBJECTIONABLE, AND THAT THE ZONING ORDINANCE WAS ALSO FULL PROTECTION FOR ADJACENT PROPERTY OWNERS. HE EXPLAINED THAT THE BUSINESS LOTS BACK UP TO THE REAR OF RESIDENTIAL LOTS AND ARE SEPARATED FROM THEM BY A TWENTY FOOT ALLEY AND ALSO THAT A PLANTING SCREEN TWENTY FEET WIDE HAS BEEN PROVIDED TO SHUT OFF THE RESIDENCES FROM BUSINESS. HE NOTED THAT AN OFF STREET STRIP 60 FEET WIDE IN FRONT OF THESE LOTS HAD BEEN PROVIDED FOR PARKING WHICH IS MUCH NEEDED THESE DAYS. IF REZONED IT WOULD REQUIRE REMAPPING AND VACATION PROCEEDINGS TO MAKE SUITABLE RESIDENTIAL SITES. HE FELT THAT AS THE CITY GROWS THIS BUSINESS LOCATION WILL BE NEEDED. HE NOTED THE COSTS INVOLVED IN REMAPPING AND VACATION PROCEEDINGS; THE THOUSANDS OF DOLLARS SPENT FOR CLEARING, SURVEYING, CONSTRUCTION OF STREETS, OILING AND WATER MAINS, AND THAT THE DEVELOPEMENT HAD NOT BEEN ALL PROFIT BY ANY MEANS. HE REQUESTED THAT THE COMMERCIAL ZONED PROPERTY BE CONTINUED AS SUCH AND THAT THE PORTION BEHIND THE DAIRY QUEEN, NOW UNZONED, BE ZONED COMMERCIAL ALSO.

A LETTER DIRECTED TO THE MAYOR AND CITY COUNCIL, FROM MR. HOAGLAND WAS PRESENTED TO THE COMMISSIONERS. IN HIS LETTER MR. HOAGLAND REITERATED THE INFORMATION GIVEN BY HIS SON AND ALSO POINTED OUT THAT OVER FIVE AND ONE HALF ACRES OF HIS LAND HAD BEEN DEDICATED FOR PUBLIC USE. HE STATED THAT THERE WAS NO PLANNING COMMISSION AT THE TIME THE PLAT WAS PRESENTED TO THE CITY COUNCIL FOR APPROVAL AND THAT AS HE REMEMBERED, THE APPROVAL WAS UNANIMOUS AND THE ZONING WAS APPROVED A SHORT TIME LATER. HE STATED THAT ANYONE BUYING IN THIS SECTION COULD PLAINLY SEE WHAT WAS MAPPED OUT FOR THE LOCATION, AND THAT THE MEN WHO SET UP THE ORIGINAL ZONING, ZONED FOR THE BENEFIT OF THE COMMUNITY AT LARGE. HE OPINIONED THAT MORE AND MORE OF THE PEOPLE LOCATING IN THE COMMUNITY WOULD BE BUILDING OUTSIDE THE CITY LIMITS BUT THAT THE BUSINESSES WILL BE LOCATED INSIDE THE CITY. HE STATED THAT HE AND MRS. HOAGLAND REQUEST THAT THE CITY REJECT ANY CHANGE IN ZONING FOR THAT PARTICULAR LOCATION.

MR. EBINGER STATED THAT DEED RESTRICTIONS ARE HAZARDOUS, AND WITH ALL DUE RESPECTS FOR THE OWNERS, SINCE THEIR INTERESTS ARE NOW ELSEWHERE, THEY WOULD NOT NECESSARILY BE IN CONTROL OF THE FUTURE DISPOSITION OF THE PROPERTY, AND UNABLE TO CONTROL THE TYPE OF BUSINESS OR COMMERCIAL ENTERPRISE THAT MAY SUBSEQUENTLY ESTABLISHED. HE POINTED OUT THAT THE GENERAL BACKGROUND OF THE AREA AND THE NAME "WOODLAND PARK", IMPLIES A SECLUDED RESIDENTIAL AREA AND ANY BUSINESS ENTERPRISE WOULD HAVE AN ADVERSE AFFECT. HE STATED THAT THE EXPENSE OF REMAPPING AND VACATING PROCEEDINGS WOULD BE VERY SMALL.

IT WAS NOTED BY THE RECORDER THAT SOME 20 PERSONS HAD SIGNED THE UNFILED PETITION, ASKING FOR THE REZONING, AND THAT THE SIGNERS REPRESENTED APPROXIMATELY 113,000 SQ. FT. OF THE AREA, WHEREAS IT WOULD REQUIRE 155,000 SQ. FT. OF AREA OWNERSHIP IN ORDER TO MEET THE 50% REQUIREMENT FOR A PETITION TO BE EFFECTIVE.

COMMISSIONER GOLDSBERRY NOTED THAT IT WAS NOT THE GENERAL POLICY OF THE PLANNING COMMISSION TO RECOMMEND CHANGES UNLESS PETITION REQUIREMENTS ARE MET; ALTHOUGH HE RECOGNIZED THE PROBLEM OF MEETING SUCH REQUIREMENTS, WHERE ONE OWNER IN AN AREA CONTROLS 50% OR MORE OF THE PROPERTY IN THE AFFECTED AREA. HE ACKNOWLEDGED THAT THE CITY COUNCIL HAD REFERRED THE MATTER TO THE PLANNING COMMISSION, BY THEIR OWN MOTION, WHICH PRECLUDES THE NECESSITY OF OBTAINING A PETITION ON THE MATTER.

MR. EBINGER EXPRESSED HIS VIEW THAT IT WAS A MISTAKE TO ZONE THE AREA COMMERCIAL WHEN THE ZONING WAS MADE AND THAT CHANGING IT NOW WOULD NOT NECESSARILY BE SPOT ZONING, BUT WOULD MERELY CORRECT A ZONING ERROR.

COUNCILMAN ERNEST CHRISTENSON, STATED THAT HE WAS IN COMPLETE ACCORD WITH MR. EBINGER AND THE OTHER PROPERTY OWNERS IN THE AFFECTED AREA AND IN FAVOR OF THE PROPOSED CHANGE.

COMMISSIONER, CHARLES GRAYSHEL SAID THAT HE FELT THAT THE PROPERTY ENCOMPASSED BY THE DAIRY QUEEN SHOULD CONTINUE AS COMMERCIAL, AND ALSO QUESTIONED IF ANYONE WOULD DESIRE TO BUILD RESIDENCES BEHIND THE DAIRY QUEEN PROPERTY. HE FURTHER STATED THAT THE PROPOSED CHANGE FOR THE OTHER PROPERTY UNDER CONSIDERATION NEEDS MORE STUDY. HE STATED THAT THERE WOULD NOT BE MUCH OF A PROBLEM OR COST INVOLVED TO CHANGE PARCEL 3, FOR RESIDENTIAL UTILIZATION, IF A DECISION WAS REACHED TO DO SO.

PORTIONS OF ZONING ORDINANCE NUMBER 19, WERE READ AS A MATTER OF INFORMATION AS TO USES ALLOWED IN C-1 AND C-2 ZONED AREAS.

MR. EBINGER OPINIONED THAT THE PLANNING MEMBERS SHOULD LOOK THE PROPERTY OVER AND STUDY THE MATTER FURTHER BEFORE REACHING A DECISION ON THE MATTER.

A PROPERTY OWNER PRESENT ASKED WHETHER A PORTION OF THE AREA IN QUESTION COULD BE UTILIZED AS A CITY PARK, AND WONDERED IF THE OWNER HAD BEEN APPROACHED REGARDING SUCH A POSSIBILITY. COMMISSIONER GOLDSBERRY EXPLAINED THAT THE MATTER OF VACATING THE OFFSTREET PARKING AREA WAS PREVIOUSLY TABLED WITH THE THOUGHT THAT SUCH AREA MIGHT BE USED FOR PARK PURPOSES IN THE EVENT A ZONING CHANGE WAS MADE, HE ENTERTAINED A MOTION THAT FURTHER STUDY BE MADE BEFORE THE PLANNING COMMISSION DECIDES ON THE ISSUE.

COMMISSIONER HOLTE AGREED THAT MORE STUDY WAS NEEDED AND BECAUSE OF ARGUMENTS ON BOTH SIDES OF THE QUESTION, SUGGESTED THAT THE PROPOSAL BE TABLED UNTIL AFTER FURTHER STUDY.

MOTION BY CHARLES GRAYSHEL THAT THE PROPOSAL BE TABLED UNTIL MEMBERS CAN INSPECT THE AREA AS A GROUP AND GIVE FURTHER CONSIDERATION THERETO. SECONDED BY COMMISSIONER BRIMM. CARRIED BY ALL PRESENT.

THE COMMISSIONERS SET THE TIME OF 12:00 NOON, OCTOBER 2, 1963, AS THE DATE TO MEET AND INSPECT THE AREA.

ACTING CHAIRMAN, VIRGIL GOLDSBERRY, CLOSED THE HEARING.

MINUTES OF THE LAST REGULAR AND THE SPECIAL MEETING OF THE CITY COUNCIL WERE READ.

A REFERRAL FROM THE COUNCIL ASKING THAT THE PLANNING COMMISSION STUDY THE CITY POLICY AND POSITION PERTAINING TO COMMERCIAL BUILDINGS WHICH HAVE BEEN PARTIALLY DESTROYED AND LEFT UNOCCUPIED AND UNATTENDED WITHOUT BEING REPAIRED OR REHABILITATED, WAS TAKEN UNDER ADVISEMENT.

A LETTER FROM THE BUILDING DEPT. WAS READ, RECOMMENDING THAT IMMEDIATE ACTION BE INSTITUTED TO ENFORCE CORRECTION OF THE SITUATION.

AFTER CONSIDERABLE DISCUSSION AND A REVIEW OF SECTION 203, OF THE UNIFORM BUILDING CODE MOTION WAS MADE BY CHARLES GRAYSHEL THAT THE PLANNING COMMISSION RECOMMEND THAT THE OWNERS OF PROPERTY ADJACENT TO THE WESTERLY SIDE OF THE BROOKINGS HOTEL, AND THE OWNERS OF PROPERTY REFERRED TO AS THE KRUGER BUILDING, BE SERVED NOTICE TO DEMOLISH OR REPAIR SAID BUILDINGS IN ACCORDANCE WITH THE ORDINANCES OF THE CITY OF BROOKINGS AFTER PRELIMINARY NOTICE IS SERVED, SAID NOTICE ALLOWING 48 HOURS FOR THEM TO STATE THEIR POSITION AND SIGNIFY WHETHER THEY CAN CONFORM TO ORDINANCE REQUIREMENTS, FURTHER, THAT REASONABLE DISCRETION BE EXERCISED REGARDING THE DATE REQUIRED TO COMMENCE THE REQUIRED REPAIRS OR IMPROVEMENTS OR DEMOLITION AND REMOVAL OF THE STRUCTURES OR PORTIONS THEREOF. MOTION SECONDED BY ARCHIE McVAY. CARRIED BY ALL PRESENT.

BUILDING PERMITS ISSUED FOR THE MONTH OF SEPTEMBER, 1963 WERE REVIEWED
(NUMBER 911-917 INCLUSIVE)

A GENERAL DISCUSSION FOLLOWED, PERTAINING TO THE POSSIBILITY OF ESTABLISHING A MUNICIPAL WATER SYSTEM FOR THE COMMUNITY. A REVIEW OF THE PAST ATTEMPTS AND PRESENT STATUS IN THIS REGARD INDICATED THAT THE COUNCIL HAD ALREADY MADE EVERY ATTEMPT TO ESTABLISH A MUNICIPAL SYSTEM, SHORT OF CONDEMNATION, AND HAD SEARCHED OUT MOST EVERY AVENUE OF FINANCING AND FEDERAL OR STATE AID FOR SUCH A PROGRAM. THE NET RESULTS OF THIS PAST WORK INDICATES THAT IN ORDER TO ESTABLISH A MUNICIPAL WATER SYSTEM THE FOLLOWING WOULD BE THE MOST PRACTICAL STEPS TO TAKE.

1. AN ELECTION WOULD HAVE TO BE CALLED ON THE PROPOSITION OF ISSUING NOT TO EXCEED \$1,000,000.00 OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF ACQUISITION AND IMPROVEMENT OF THE WATER SYSTEM.
2. THE OWNER OF THE BROOKINGS WATER COMPANY SHOULD BE CONTACTED AND A DEFINITE OFFER MADE FOR THE PROPERTIES. SHOULD THE OFFER BE ACCEPTED, HE SHOULD SIGN AN OPTION WHICH WOULD ENABLE THE CITY TO PURCHASE THE FACILITIES AT THE STIPULATED PRICE SUBJECT TO APPROVAL OF THE VOTERS ON THE AFORESAID BOND ISSUE.
3. PUBLICITY STRESSING THE NEED FOR THE CITY TO ENTER THE WATER BUSINESS SHOULD BEGIN, WHETHER OR NOT A PURCHASE PRICE CAN BE AGREED UPON. CONDEMNATION PROCEEDINGS SHOULD BE INSTITUTED FOLLOWING THE APPROVAL OF BOND-AUTHORIZATION BY THE VOTERS IF A SATISFACTORY PURCHASE PRICE HAS NOT BEEN AGREED UPON.
4. SUBMIT APPLICATION FOR ADVANCE FOR PUBLIC WORKS PLANNING BASED UPON A PROJECT COST OF APPROXIMATELY \$800,000.00 AND STATE THAT GENERAL OBLIGATION BONDS IN AN AMOUNT OF APPROXIMATELY \$1,000,000.00 WILL BE ISSUED. (NO ACTION WILL BE TAKEN UPON SAID APPLICATION UNTIL THE CITY IS IN THE WATER BUSINESS.)

OR

1. OBTAIN AN OPTION WHICH WOULD ENABLE THE CITY TO PURCHASE THE FACILITIES AT A STIPULATED PRICE, SUBJECT TO APPROVAL OF THE VOTERS ON A BOND ISSUE.
2. ELECTION CALLED ON THE PROPOSITION OF ISSUING SUFFICIENT GENERAL OBLIGATION BONDS FOR THE PURPOSE OF ACQUISITION OF THE PRESENT SYSTEM.
3. AFTER THE CITY IS IN THE WATER BUSINESS, SEEK OUT AVAILABLE FUNDS FOR SUBSEQUENT IMPROVEMENTS.

NO ACTION WAS TAKEN REGARDING THE WATER SITUATION NOR WAS ANY RECOMMENDATION MADE TO THE COUNCIL IN CONNECTION WITH THE MATTER.

MOTION BY CHARLES GRAYSHEL THAT COMMISSIONER JACK HOLTE BE AUTHORIZED TO ATTEND THE LEAGUE OF OREGON CITY'S CONVENTION, TO BE HELD IN PORTLAND OCTOBER 20-22, 1963, AS A REPRESENTATIVE OF THE BROOKINGS PLANNING COMMISSION. MOTION SECONDED BY BRYON BRIMM. CARRIED BY ALL PRESENT.

MEETING ADJOURNED AT 10:30 P.M.

COUNTERSIGNED:

Don Rose Smith
SECRETARY

[Signature]
ACTING CHAIRMAN