

MINUTES
REGULAR MEETING - PLANNING COMMISSION
CITY OF BROOKINGS
September 6, 1977

CALL TO ORDER: Chairman Breuer called the meeting to order.

INVOCATION: By Chairman Earl Breuer.

ROLL CALL: Chairman Breuer, Commissioners William Robinson, Chet Thompson, and Archie McVay.

Al R. Hooten, City Manager, was present representing the Mayor; and Wendell Bartholomew, Building Official, was present.

APPROVAL OF MINUTES:

Minutes of the August 2, 1977, meeting were approved by MOTION, second, and unanimous vote.

WELCOME TO VISITORS:

Chairman Breuer welcomed members of the press, representative Sandy from CCCOG, and citizens in the audience.

BUILDING REPORT:

Building Official Bartholomew was given permission to give his building report after the scheduled public hearings.

PUBLIC HEARINGS:

1. REQUEST BY FRANK M. CEMPELLIN FOR AN AMENDMENT TO THE BROOKINGS COMPREHENSIVE PLAN.
See Report on Public Hearing attached herewith and made a part of these minutes.
2. REQUEST BY FRANK M. CEMPELLIN FOR AN AMENDMENT TO THE ZONING MAP TO CHANGE THE ZONING FROM RL TO RH ON TAX LOT 300, MAP 41-13-6CB.
See Report on Public Hearing attached herewith and made a part of these minutes.
3. REQUEST BY KENNETH BLACK FOR A CONDITIONAL USE TO PERMIT THE OPERATION OF A LIFE INSURANCE OFFICE IN A DWELLING LOCATED IN AN RH ZONE.

Mr. Black's application was in order and no rebuttal or comments had been received according to Building Official.

Mr. Black was not present to answer questions posed by the Commissioners.

It was MOVED, seconded, and carried unanimously this request be tabled until Mr. Black shows up to answer questions by the Commissioners.

LEGISLATIVE ACTION:

1. ✓ REQUEST BY MARVIN POPE FOR LOT SPLIT, TAX LOT 2000,
MAP 41-13-6AB ON 5TH STREET.

Mr. Pope has building on Parcel 1B and has opportunity to sell Parcel 1A. All utilities are available.

After discussion it was MOVED and seconded that lot split requested by Mr. Pope be granted. Carried unanimously.

2. REQUEST BY JERRY SWANSON FOR LOT SPLIT, TAX LOT 4300,
MAP 41-13-5BB ON PIONEER ROAD. ✓

After discussion about access and egress, it was MOVED and seconded lot split be granted provided the 20' shown on map is combination road and utility easement. Motion carried unanimously.

3. ✓ REQUEST BY JERRY ARRELL FOR LOT SPLIT, TAX LOT 3505,
MAP 40-13-3LDD ON 7TH STREET.

Map showed lot divided into three parcels with 15' easement going back to parcels 2 & 3.

After discussion it was MOVED and seconded that requested lot split be granted with a 20' easement instead of the 15' easement as shown on map. Motion carried unanimously.

4. ✓ REQUEST BY NORBERT & BEVERLY DANTZMAN FOR LOT SPLIT, TAX
LOT 1700, MAP 41-13-6CB ON MOORE STREET.

It was mentioned this area is not served by City water and consequently no building permit would be issued until the line was in.

It was MOVED and seconded lot split be granted as requested by Norbert & Beverly Dantzman. Motion carried unanimously.

5. ✓ REQUEST BY WES SANDERS FOR LOT SPLIT, TAX LOT 700,
MAP 40-13-32CC ON HASSETT STREET.

Mr. Sanders was not present, nor had he furnished a map with his request.

It was MOVED and seconded this request by Wes Sanders for lot split should be tabled until Commissioners are provided with a map. Motion carried unanimously.

6. ✓ REQUEST BY CHET THOMPSON FOR LOT SPLIT, TAX LOT 1400,
MAP 41-13-6BB ON FIRST STREET.

This property is adjacent to the English Subdivision.

After discussion it was MOVED and seconded lot split be granted to Chet Thompson on First Street. Motion carried by unanimous vote.

7. PRELIMINARY PLAT - HEATHER LANE SUBDIVISION BY CHET THOMPSON, DEVELOPER.

Commissioner Thompson suggested he abstain from voting because of a possible conflict of interest. The remaining Commissioners present did not see any conflict of interest and asked Commissioner Thompson to sit in on the action.

After determining the presented plat met City requirements it was MOVED that Commission accept the Preliminary Plat on Heather Lane Subdivision. Motion seconded and carried unanimously.

8. REQUEST BY RUSSELL E. SHAWVER FOR INFORMATION REGARDING OPERATING A CHIMNEY SWEEP SERVICE FROM HIS HOME AT 1016 - 7TH STREET.

Mr. Shawver appeared before the Commission to determine whether or not he could operate a chimney sweep service from his home without making application for conditional use permit. He stated there would be no advertising at his home but he would run an add in the paper giving his telephone number. So, actually, he would be using his home only for the purpose of receiving telephone requests for service.

After discussion, it was MOVED and seconded the request by Russell E. Shawver to use his home as office to receive telephone calls for chimney sweep service be approved without conditional use permit. Motion was seconded and carried unanimously.

REPORT FROM BUILDING OFFICIAL:

Had, in his opinion, rather a slow month. It seemed like the building permits sort of dribbled out and didn't amount to anything, so when they were added up the total valuation for the month of August was \$268,116.00. Two dwellings, a four-plex, eight remodels, one small storage building, four commercials, and two signs. Revenue collected amounted to \$1,142.00 plus \$44.62 tax for the governor, making a total of \$1,186.62 for the month.

Mr. Bartholomew said he believed it was appropriate to take a second look at the action we had here as far as the recommendation to the Council that we rezone an area that is along Del Norte Lane. New information has come to our attention and possible we are in violation of the Comprehensive Plan by recommendation that we spot zone out of that area. Talked to people that were involved in this request and told them I had serious doubts we had complied with all the aspects of the law and they somewhat concurred and were not at all surprised that I suggested to them we might call them back and have more of a formal hearing so we could get all of the facts before us.

Chairman Breuer mentioned that as Sandy (CCCOG) pointed out, we are allowed to make an error so let us let the Council give it back to us. The Chairman was of the opinion an attorney should be present at the Planning Commission meetings and said he had

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asked the Council a number of times in the past for this service, but as yet the Planning Commission was meeting without counselor.

The Chairman reminded Commissioners the vacancy on the Commission from the resignation of Thelma Huovila still exists. He submitted the names of Jean Hagen, owner of Hagen's Cleaners, and Dean Kerr, owner-operator of the bowling and restaurant complex located on Oak Street. Responding to a call for additional names, City Manager Al Hooten suggested Richard Timmons who had testified earlier in the Cembellin public hearing and whose field has been in environmental management. These three names will be submitted to the Mayor and Council for their consideration in filling the present vacancy.

REPORT FROM CITY MANAGER:

Mr. Hooten recalled the Swagg Rock Development was really no new thing to the City. He has letter dating back to January 16, 1976 from the Cembellin file which was sent out to property owners in that area trying to find out if they were interested in forming a sewer district. To a person, they all turned it down except Mr. Frank Cembellin who, at that time, saw actually some benefit to him on what he wanted to do. However, after a lapse of time, much effort and delayed issues, it seems as though now, for any of it to develop, they all have to have sewer systems.

Mr. Hooten then took the opportunity to publicly thank Mr. Niemi and Mr. Thorp, because from the City's standpoint they had taken a lot of time working with these people, talking with them, and trying to get them to buy the concept of a regional system, and, it finally took some outsiders, if you will, to put something together which does, in fact, meet the area-wide planning concept of our sewer study. It does unite those parcels with a single lift station which is certainly economically proper.

He said the second thing - the City is going to try to begin implementation just because of this problem. You might say a good year and a half ago this was proposed and it will probably take another 90 days, if we are real lucky, to lock this thing and form an assessment district. Your'e looking at almost two years down the road from the time this was first broached and we've seen a whole series of lot splits for one purpose here tonight, and that is to build additional houses. Some on private driveways, others accessible from the street, but I think the time will come when the City will probably require the man, when he comes in to acquire a building permit, to sign a statement that when the time comes that the City is ready with the rest of the property and wants to build a street, if, whatever the assessment cost will be, that person will not remonstrate against the project.

If the City would ever stop and figure the amount of man-hours and time we spend in getting these certified letters out and getting them back, and everyone says "no", which is their right, but the next morning they call up the City and give the Public Works

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Department "you know what" because there is a chuck-hole in the street. The City, because of its growth, is going to have to move in this kind of direction so people aren't allowed to disagree with everything that looks like progress. A blank statement, but it should receive serious consideration.

Third item - we are approaching our meeting date, the third Monday of the month, which is our regular CCI meeting. At that time we are thinking very seriously of having a lot of information to put before you. The CCCOG staff has done a lot of evaluation. We have gathered up those little surveys we were able to get back. They are in the process of gleaning some ideas from them. We are thinking of having a hosted dinner that night, if you will, with the CCI group during which time there will be an informative, educational and instruction period followed by quick tour of the community to really get us down to where we will finally begin to be putting things on paper and making decisions on the planning process.

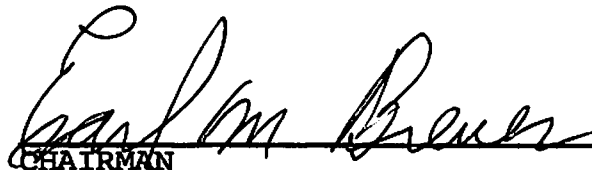
Mr. Hooten asked Sandy Dierich, CCCOG, to address the Commission. She made pertinent comments and a follow-up letter she wrote is made a part of these minutes.

There was discussion about sewerage the Hassett Street area.

Also, Ms. Dierich did comment about the importance of having a visual imagine of the areas where changes are requested, rather than just looking at a map. Building Official Bartholomew advised he usually took the Commission on a tour of the areas to be acted upon the Monday prior to the regular Tuesday meeting day so they are familiar with the sites.

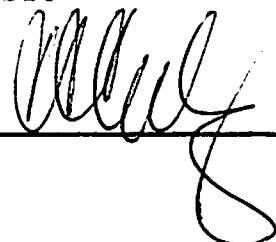
ADJOURNMENT:

After thanking various members of the audience, and expressing his thanks for the citizen turn-out, Chairman Breuer adjourned the meeting which was recorded and the tape is on file in the Building Official's office.



CHAIRMAN

ATTEST:



CITY OF BROOKINGS PLANNING COMMISSION
PUBLIC HEARING - FRANK CEMPELLIN ISSUE
September 6, 1977

COMMISSIONERS PRESENT:

Chairman Earl Breuer
Chet Thompson
Archie McVay
William Robinson

City Manager Al R. Hooten, Building Inspector Wendell Bartholomew, Sandra Dierich, Coos/Curry COG, and News Media were also present.

Chairman Breuer: We have a request here by Frank Cembellin for an amendment to the Brookings Comprehensive Plan. Wendell, do you want to comment on this before we get into it?

Building Inspector Wendell Bartholomew: Yes, I'd like to if I may, Earl. This is a Public Hearing. We will conduct it to the best of our abilities in a standard form of Public Hearing for the purpose of amending the Comprehensive Plan for the City of Brookings. There will be testimony given by the proponents; there will be testimony or comments to be given by the opponents; there will be opportunity given to further make comments in writing. I would announce that everybody that wants to speak address the Chair; you will state your name, full name and address. This is for the record and it is very important that we have this. We do not at this time have a recording secretary with us. We are depending entirely upon our tape recorder, so please make your statements very clear and precise so that we can get it on the record. The order would be that first the proponents will present their case, call their witnesses and all the testimony they have. At that time the proponents presentation will be closed. The opponents will at that time have permission to make their statements. Earl, you may start the proceedings.

Chairman Breuer: I would make just one additional comment. The hour is late and most of us are involved in the work-a-day world, so keep your statements as brief as possible covering the material that you have to. I can use the gavel, but I don't want to. Mr. Cembellin is here, I believe, so if he wants to speak or speak through his attorney, he has the floor at this time.

Mr. John Spicer, representing Mr. Frank Cembellin: I will be presenting the evidence for him tonight. It will be hopefully brief. A real estate broker will be first who will speak to the need for this type of project and suitability of the site we have chosen and also the chain of circumstances. I will then put on an engineer named John Thorp who will testify as to the effects on the community and the problems of the sewer and the streets and things of this nature. I would like to first call Mr. Sorvaag to the stand. (Witness not sworn in.)

Mr. Sorvaag, would you state your name and address. My name is C. M. Sorvaag, nickname Bud, my address is Box 1074, Brookings, Ore.

Spicer: You are registered broker are you not?

Sorvaag: Yes, sir.

Spicer: Could you state your qualifications to the Planning Commission?

Sorvaag: I have a broker's license since 1972 in Oregon, and Engineering Degree, and MDA Degree, and I do a considerable amount of appraising in the area.

Spicer: How long have you been an appraiser in the area?

Sorvaag: Since 1973.

Spicer: First of all, I would like to go into the area of the need of housing and the demand for such housing, in the price range of \$80 - \$85 thousand.

Sorvaag: There is a demand for such housing, particularly on the ocean front.

Spicer: What do you base this on?

Sorvaag: On recent sales.

Spicer: Are you basing that on basically prices of properties that you have recently sold?

Sorvaag: Based primarily on market data.

Spicer: Would you say that it is a seller's market right now?

Sorvaag: It is a seller's market; correct. The fact is, there is one title company here in town that handles 60% of the transactions between buyer and seller. There is a shortage of inventory in most real estate offices.

Spicer: So it would be a fair statement to say that there is a shortage of housing in Brookings?

Sorvaag: Right.

Spicer: Do you believe and are you familiar with the plans and I'll show them to you. (Mr. Chairman, do you want to mark the exhibits or shall I mark them myself?) (Exhibits marked by Mr. Spicer.) Are you familiar with Exhibit #1?

Sorvaag: Yes, that's the plan for condominium units.

Spicer: Is this the plan that Mr. Cembellin is planning to use?

Sorvaag: Yes.

Spicer: From your study of the market situation can you form an opinion as to whether there is a demand for that type of condominium in the area?

Sorvaag: I believe there is.

Spicer: Are you familiar with the property available in the Brookings-Harbor area?

Sorvaag: Yes.

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Spicer: Is there any property presently available for condominiums which would be suitable?

Sorvaag: There is one piece of property off, I believe its Moore Street, and it is zoned high-density residential.

Spicer: Is that property presently on the market?

Sorvaag: To my knowledge, not really.

Spicer: Are you familiar with that piece of property and with the Cembellin piece of property?

Sorvaag: Yes.

Spicer: Is the Cembellin piece of property better suited for condominium development than the Moore Street property?

Sorvaag: It has better amenities than the property on Moore Street. On the one hand you have a better access to the ocean, and number two, we have better weather conditions since the prevailing north-west wind here on the Cembellin property is well sheltered from these winds.

Spicer: Does the Moore Street property have any access at all to the beach?

Sorvaag: No sir: it's on a bluff, well, behind the rocks.

Spicer: Is there any other property in the city of Brookings that you know of that would be suitable for condominiums of this distinction?

Sorvaag: There is property on Bradys Point, but I don't know what the zoning is.

Spicer: Is it presently zoned for RH?

Sorvaag: No, low-density.

Spicer: And would that property be as suitable as the Cembellin property for building?

Sorvaag: It would be roughly the same except for - I think the Cembellin property has better access to the beach from various different points.

Spicer: Would you say the Cembellin property is better?

Sorvaag: I would say yes, it was.

Spicer: Since 1970 when the Comprehensive Plan was issued, have there been changes in the Brookings-Harbor area?

Sorvaag: Well, there is a much increased demand for property since that time.

Spicer: Has the demand for housing gone up?

Sorvaag: Fantastically.

Spicer: Would you say the same shortage in housing was in evidence as much then as now?

Sorvaag: Yes. You just can't supply the demand for housing at the moment. And people who come into my office trying to purchase a home for \$40 to \$50 thousand find that we just can't supply them.

Spicer: That will be all from this witness. I would now like to call Mr. John Thorp to the stand. Would you state your name and address to the commissioners.

Thorp: My name is John Thorp. I am a resident of Gold Beach, P. O. Box 1283.

Spicer: Are you a registered engineer?

Thorp: Yes, I am a registered, professional engineer in the State of Oregon and in California.

Spicer: Could you basically state your qualifications to the commissioners?

Thorp: I have had my license in engineering in the State of California since 1955, and in Oregon since 1970. My experience was primarily in the State of California with a small organization where I got into a great variety of work including some land planning and development with the California State Department of Parks and Recreation where they have a staff of approximately twenty professional land planners with whom I worked very closely.

Spicer: Mr. Thorp, I would like to have you identify your exhibits and pictures.

Thorp: This represents the Cembellin plan for the 14-unit condominium at the foot of Mill Beach here in Brookings.

Spicer: This is a site plan?

Thorp: Yes, this is a site plan.

Spicer: And the scale is one inch to twenty feet. Mark that Exhibit #2. And now I present to you another piece of paper. Can you identify this?

Thorp: This is an elevation looking from the east to the west on the shore and bluff line showing the proposed condominiums and the existing grounds with potential development on the uplands, also owned by Cembellin.

Spicer: Please mark this Exhibit #3. I also have another piece of paper here before me. Identify this please.

Thorp: This is an artist water coloring showing the concept of the appearance of the finished condominiums. This is a view from the south looking north or northeast.

Spicer: We should mark this Exhibit #4. I have here one last piece of paper. Could you identify this?

Thorp: This is a low elevation aerial view from the east towards the west showing the appearance of the condominiums more or less as a seagull would see it.

Spicer: Mark that Exhibit #5, and do we have any further exhibits?

Thorp: This is a first draft of a sewer plan showing how the area should be sewerred, not only the Cembellin but the areas tributary to the condominium site. This is a profile of Lateral A which is the mainline sewer shown on this plan.

Spicer: I would like to mark the profile plan Exhibit #6. And what did you identify this as?

Thorp: This is a Lateral A of the sewer line that would serve this area.

Spicer: Mark that Exhibit #7. Mr. Thorp, are you familiar with traffic engineering and traffic patterns?

Thorp: Yes.

Spicer: With the existing plans for a 14-unit condominium development, what would be the traffic load on these streets?

Thorp: I would estimate that the condominiums would probably generate not more than 50 to 60 vehicular trips in and out per day, over that road.

Spicer: How many units is Mr. Cembellin planning on installing there?

Thorp: Fourteen.

Spicer: Is he planning to pave the road on the hill section up to the end of his property line?

Thorp: Yes, he is.

Spicer: With those street improvements, will the existing streets handle the increase in traffic?

Thorp: Yes, the paving of the road a width of twenty (20) feet, I believe the City standards are a minimum of 32 feet, it would be more than adequate to handle the traffic load.

Spicer: Do you see any problems with water?

Thorp: No, I believe there is adequate water with City mains which are at the top of the hill at the end of Mill Beach.

Spicer: How about sewer? Is there a problem with sewer there?

Thorp: This area is possible to develop its own sewer system. The plan that I have shown there, the preliminary plan, will collect that area, the Allen area, the Timmons area, Barnes, Marvin, and Cembellin into one lift station and there discharge to a short force main into the City 8-inch pressure main. From there it would go into the existing sewer treatment plant.

Spicer: (Picture hung on board). Could you basically describe this system?

Thorp: This is the Allen and Timmons property. This is a 12-unit development of Mr. Cembellin's property. This is the 14-unit condominium. Mr. Barnes has two and one-half acres here, Marvin has another three or four lot potential in this area.

Thorp: (cont'd) The way this ground slopes down heavily this way, you have a creek here but this is high enough here so that with a sewer lift station here adjacent to the condominiums, all the sewage can be collected by gravity, and then discharged through a short force main to the existing City 8-inch pressure main which follows this route here back up the hill, then over to the treatment plant.

Spicer: Have you discussed the sewer system with the local residents, the Barnes and the Allens?

Thorp: Yes, I have talked with Mr. Cembellin, Mr. Barnes, and Mr. Allen on this, and Mr. Timmons also.

Spicer: They are here, are they not?

Thorp: Yes, they are in the audience.

Spicer: Correct me if I am wrong: have Barnes and Timmons indicated an acceptance to the idea of sewerage through this method?

Thorp: That's correct.

Spicer: So, we basically have three quarters of the property owners in agreement as of this moment?

Thorp: Yes.

Spicer: Do you have a basic idea of what the cost would be?

Thorp: Well, my estimation at this stage is well over a hundred thousand dollars, including a lift station, which includes a stand-by generator in case of power failure.

Spicer: I notice your plan has a high-pressure line. Is that practical at this point in time?

Thorp: Yes, it technically is feasible to do this.

Spicer: Is there enough capacity in the line?

Thorp: According to the information I have, it is. The City lift station has a capacity of 150 gallons per minute, and this charges the 8-inch pressure line and the 8-inch line has far more capacity than 150 gallons per minute.

Spicer: Are you familiar with the Cembellin property?

Thorp: Yes, I am.

Spicer: Is it feasible to build condominiums on this space?

Thorp: Yes, it appears to be a quite stable site. There is some outcropping of rock, most of which appears to be a fairly well cemented alluvial which should make a good foundation.

Spicer: So, is the land suitable driving piling should this become necessary?

Thorp: You could auger in post-piling as far as driving piling on that hillside.

Spicer: Is there any different pile driving?

Thorp: It would depend upon the architects recommendation, as to foundations.

Spicer: As far as you are concerned, the property is suitable for this type of construction?

Thorp: Yes.

Spicer: I would like to show you Exhibit #3. Could you basically describe this Exhibit?

Thorp: I have an interest here in basic condominium building. It is supported by retaining walls, primarily. Let me get out another exhibit, if I may. This shows a retaining wall structure with planting in front, or posts. And I would say for that site that combination of devices is very suitable.

Spicer: As far as view, is any other property besides the Cembellin property be bought with a view.

Thorp: No. As far as I can tell, looking at the site and the sections, there will be no infraction on the neighbors view as far as view of the ocean.

Spicer: Are you familiar with the price range of the condominiums?

Thorp: Not personally. I have heard some figures talked about but I am not personally aware of exact figures.

Spicer: Mr. Cembellin has that information?

Thorp: Yes.

Spicer: You are familiar with the site plan, are you not?

Thorp: Yes, I am.

Spicer: Is that a true and accurate depiction of the proposal?

Thorp: It is an accurate picture of the proposal, yes.

Spicer: I would like to call to the stand and question Mr. Cembellin and have him make his statement concerning selling prices.

Cembellin: I would like to say that things have changed. Every six months the price range goes from \$85 to \$90 thousand.

Spicer: I have nothing further at this time.

Chairman Breuer: If there are no further comments from the proponents, or from Mr. Cembellin, do we have....

Spicer: Let me ask one question here, I would assume all the evidence we put in here as far as changing the Comprehensive Plan would be applicable to the zoning change request.

Chairman Breuer: I would think that you are correct. Are we on solid ground, Sandy?

Spicer: It just depends on the procedure of each particular Planning Commission. I just wanted to make that point. I would like to have the Commission take judicial notes on the City's

Spicer: (cont'd) Comprehensive Plan on Sections #5, E-7 and Section #10. Section B-5 simply states that various cluster housing shall be encouraged and Section #10 simply states that requirements for housing shall be considered.

Chairman Breuer: Is there any one in the audience who wishes to speak on behalf of Mr. Cembellin?

James Barnes: Center Street, Brookings, Oregon. It's called Mill Beach down on the dead end. I think that this man has proposed a real good development and as his nearest neighbor, I don't know him personally, I've only met him a couple of times; but I am all for it. I would like to say that I think it is a beautiful arrangement. The beach there has enough room for other people to live there. I think this proposal here that we have looked at - it looks real good. That is all I have to say.

Chairman Breuer: Okah, thank you. Anyone else? If not, we will go to the opponents, if any, to the plan.

Bill Cunningham: Brookings, P. O. Box 607. I have some comments to make. Mr. Sorvaag said that there was one other piece of property that was suitable for condominiums - Bradys Point, which named by the Planning Commission and the City Council, because people in the neighborhood wanted a playground for their kids. That's a small reason and doesn't matter in this at all. However, there are other, such as the 14-acre Wheeler property, the Catholic School property, and various others including the property that the Planning Commission and the City Council has approved for Mr. Joy on Del Norte, subject to availability of water, and no other objection that I have been able to discern through the newspaper and by attending the meetings. So, there are plenty of pieces of property in town for condominiums. Another thing, I would like to mention is that in about 1970, the City Council busted its neck to match \$15,000.00 of the government's money to generate this Comprehensive Plan that was supposed to cost \$10,000.00 or \$12,000.00; we never did find out how much it did cost because it ran up and up and up. Ever since then the City Council and the Planning Commission have been ripping their rayons trying to reduce the lower residential areas of this town to the benefit of high-density and medium-density and other densities, anything but low-density. I have one more thing that I want to say. And that is I want to question Mr. Thorp. I would like to know where you graduated from college?

Thorp: From Oregon State College or University.

Cunningham: And what did you major in?

Thorp: Highway engineering.

Cunningham: As regard to the foundations of this property, I happen to be a registered geologist and I know as much about foundations as a good many engineers do. There is no way that you can justify a foundation of this kind with a simple engineering statement. I can say its bad, you can say its good. We need to substantiate that and that is with a drilling program. There is no other way that you can substantiate a foundation report without a drilling program. I know it and you know it.

Thorp: I said, from what I have seen...

Cunningham: Well, from what I have seen I can say one way or the other, that there is no way that you can substantiate without drilling.

Thorp: You are entirely...

Chairman Breuer: (Gavel falls.) We are not going to have an argument. You have made your point. Thank you.

Richard Timmons: Brookings, Oregon, P. O. Box 1598. I do own some property in the area under question. I was over to the engineer's office earlier, and I have a couple of points here of which I want to hit some first. The plan that he has laid out, the sewer plan, will work. It is a good plan. By the way, I am a registered professional engineer, also, in the State of California. Not in the field of civil engineering, but my field has been in Environmental Management. The sewer plan that is laid out will work; the water system will work. One question I have here is where in the layout is there spaces to park 28 cars for the 14 units?

Thorp: It shows on the site plan there on one of the exhibits. (Thorp counts the actual spaces shown on the exhibit and states they are three short.)

Mr. Niemi: (Mr. Thorp's associate) He explains there are additional unit areas for parking.

Thorp: Here you have two carports where you park for your units - 14 there plus the additional area.

Timmons: That was one question I had. The second point on the attorney's comment asking for Mr. Thorp's concurrence from all of us that we agreed with his plan; it was sort of a leading type of question and I think that another attorney would question that type of technique. I did not agree with the whole plan on the basis of your comment. The reason I am stating this is that I agree with the sewer plan and I agree with the water plan. I question the parking situation. You seem to have answered that question. Now, the other thing that I have to piggy-back on Mr. Cunningham's comment is that I think it would be very questionable to put a foundation into that area without test boring.

Thorp: No one would.

Timmons: Yes. And I don't believe you would consider putting this thing on a foundation until there was a test boring. Then when you ask the question, "Should there be test boring?", then the next question that should come up, "Should there be a retaining wall?" You can see in that area that the ocean level has come up and brought in debris. So that's another question. I think real serious consideration has to be given to that land... to where we are setting that condominium. If you take a look at all of the questions brought up here, there is no question that it can be engineeringly done. You know we've put a man on the moon so I know... well, we can put a condominium there, and make it work. The question is whether the City of Brookings wants to accept high-density residents in that area. It's that simple. And the question I would like to come back and ask Mr. Cembellin is how many square feet of ground space do you have for those 14 units?

Cembellin: About 2,000. I would have to scale them out.

Timmons: So then the question comes back, you can do anything you want to for the Comprehensive Plan as long as you put some 6,000 square feet into each residence. Is that correct?

Cembellin: I am not building residential homes, I am building a condominium.

Timmons: I realize that. I appreciate that. But that is really the question in front of the City of Brookings right now. It is not whether it is engineeringly feasible, we know we can do it. The question is whether or not the City of Brookings wants to accept high-density residents in that area. I thank you.

Chairman Breuer: Thank you. Anyone else? Well, folks, I thank you very much for your testimony and in view of the very nature of this thing, and upon the advice that we have had, we are not going to render a decision tonight. We'll take some time; we've all made notes, and we will take some time to study these notes, and I assure you both the proponents and opponents points have been accepted and we will carefully go over them before rendering a decision, yes or no. Our decision is a recommendation to the City Council. In other words, they and they only have the final say. Wendell just reminded me that if any of you wish to put this in writing, it will be open for 10 days and briefs you might wish to submit, stating your position. They, in the same manner, will be considered along with the notes that we have made here tonight. Any further questions?

A question was raised by a citizen living in another area of the City that related to the sewer system with the city water system. He wondered further if new residents and a new problem could come in and receive sewage facilities sooner than he and his neighbors in this area of the City. Mr. Breuer explained the districting process within the city and suggested that he would have to receive an answer to his question from either Wendell or the City Engineer. Then Mr. Breuer declared, "We have an extensive agenda before us tonight, so if you will excuse us, we will proceed to other matters".

Mr. Hooten was recognized by Chairman Earl Breuer. He stated he would like to say for the record that this body will not be meeting and exchanging notes and facts in the form of opinions prior to the time they will make their final decision regarding this matter. Frankly, they should not be approached singularly or individually by people trying to sway their opinions, and that, ladies and gentlemen, is just the way it should run.

The Public Hearing on the Cembellin issue was ended.