

City of Brookings
CITY COUNCIL MEETING MINUTES
City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, August 24, 2020

Call to Order

Mayor Pieper called the meeting to order at 7:00 PM

Roll Call

Council Present: Mayor Jake Pieper, Councilors Brad Alcorn, Brent Hodges, John McKinney and Ron Hedenskog; a quorum present.

Staff present: City Manager Janell Howard, Public Works and Development Services Director Anthony Baron, Planning Tech Lauri Ziemer, Attorney Anne Davies and Deputy Recorder Amber Nalls.

Media Present: None

Others Present: Approximately 50 audience members

Oral Requests and Communications from the Audience

Diana Cooper – 805 Paradise Lane, Brookings, OR addressed Council regarding an update on the Brookings Homeless Task Force.

Machell Carroll – 6577 Lucky Lane #302 Brookings, OR addressed Council regarding an update on the Brookings and Jackson County Homeless Task Forces.

Erin Porter – 615 5th St, Brookings, OR address the Council regarding mental health and homeless during COVID-19.

Beth Barker-Hidalgo – 29316 Smith Lane, Gold Beach, OR addressed the Council regarding the Curry Homeless Coalition and FEMA PA Non-Congregate Shelter grant.

Consent Calendar

1. Approve Council minutes for August 10, 2020
2. Approve Special Council minutes for August 13, 2020
3. Receive monthly financial report for July 2020

Councilor Hodges moved, Councilor Alcorn seconded, and Council voted unanimously to approve the Consent Calendar.

Quasi-Judicial public hearing in the matter of File No. APP -1-20 of the Planning Commission's denial for a Conditional Use Permit, File No. CUP -2 -20 a request for approval of a Conditional Use Permit to establish a 14- unit residential care facility on a .58 acre parcel located at 17212 S. Passley Road; Assessor's Map 4014-36BA, Tax Lot 02200; zoned R-1-6 (Single Family Residential). The applicant/owner is Brett Kemp.

The public hearing was opened at 7:18 p.m. Councilors declared ex parte contact. Councilor McKinney declared he visited the site. Councilor Hedenskog visited the site and had contact with a Planning Commissioner but no discussion on the matter. Councilor Alcorn stated he lives on S. Passley Road and has visited the site. He stated he had a conversation with a neighbor but no discussion was made about the matter. Councilor Alcorn witnessed neighbors circulating a petition but did not sign the petition. Mayor Pieper declared a site visit and noted he had conducted business with the applicant and some members of the audience in the past.

He also disclosed he received an email from the applicant and informed the applicant he could not discuss anything in regards to the matter.

Council Alcorn disclosed he could have a personal bias if property values are discussed with in the hearing due to the fact he owns a home in the neighborhood. This could be a potential conflict of interest. Mayor Pieper asked Councilor Alcorn if this could disallow his participation in the hearing. Alcorn declared no.

Council Alcorn disclosed he may have a conflict of interest because he lives near the applicants parcel. Alcorn stated he is not prejudice in any way and has entered into this hearing with an open mind and will evaluate, discuss, and vote based on the factual record.

Gerald Klaas – 96490 Dawson Rd asked Councilor Alcorn wanting to know if he was familiar with the applicants. Alcorn stated no he has ever met them nor had a conversation with them.

No one objected to the jurisdiction of the City Council to hear this matter.

Staff Reports

Appeal of the Planning Commission denial of a Conditional Use Permit to establish a 14-unit residential care facility at 17212 S Passley

Anthony Baron presented the staff report.

Anthony Baron entered into public record Exhibit A, additional information to his council agenda report and Exhibit B, final order for sub-1-03.

Applicants – Brett and Aga Kemp presented power point presentation.

Anna Curtis – 234 Cypress St. Brookings, OR addressed Council in support of the applicants.

Rachel Ochoa – 719 6th St. Brookings, OR addressed Council in support of the applicants.

Jenny Horvath – 97555 Kimball Hill Rd. Gold Beach, OR addressed Council in support of the applicants.

Charles Cooper – 805 Paradise Ln. Brookings, OR addressed Council in support of the applicants.

James Capon – 919 Easy St. Brookings, OR addressed Council in support of the applicants.

Attorney Garrett West – 823 Alder Creek Drive Medford, OR addressed Council in representing West Cliff Drive residents, in opposition to the applicants.

Victor Ortega – 96511 West Cliff Dr. Brookings, OR addressed Council in opposition to the applicants.

Denise Ortega – 96511 West Cliff Dr. Brookings, OR addressed Council in opposition to the applicants.

Brenda Cox – 17323 Blueberry Dr. Brookings, OR addressed Council in opposition to the applicants.

Debbie Gleason – 17192 S Passley Rd. Brookings, OR addressed Council in opposition to the applicants.

Karen O 'Rear – 96505 West Cliff Dr. Brookings, OR addressed Council in opposition to the applicants. Submitted site photos entered into public record as Exhibit C.

Loren Rings – 96407 Oceanside East Dr. Brookings, OR addressed Council in opposition to the applicants.

Georgeann Rudicel – 17285 Garvin Ct. Brookings, OR addressed Council in opposition to the applicants.

Marco Thorson – 96507 West Cliff Dr. Brookings, OR addressed Council in opposition to the applicants.

Gerald Klass – 96490 Dawson Rd. Brookings, OR addressed Council in opposition to the applicants.

Sandra Geiger – 96422 Oceanside Dr. Brookings, OR addressed Council in opposition to the applicants.

Sara Towne – 96420 Oceanside Dr. East Brookings, OR addressed Council in opposition to the applicants.

Council took a five minute recess

No other interested parties made comments

No staff additional comments

Councilor Hedenskog questioned staff. He asked if the applicants would be required to have a site drainage plan. Anthony Baron replied “yes” when they submit for a building permit.

Applicants gave a brief rebuttal addressing concerns presented.

Council McKinney asked the applicants “what criteria they were going to use for the 14 bed facility as far as bringing in patients?” Applicants replied they will be the elderly and veterans.

Councilor Hedenskog ask the applicant if they are going to have bus transportation for the residents. Applicant replied only personal cars for transportation.

Councilor Hedenskog ask the applicant if they own any other residential facilities. Applicant replied “no.”

Councilor Alcorn asked who pays for the residents, if there is any State funding and what is the business plan if only 20% of the beds are full. Applicant advised various sorts of funding sources are used for costs. He also asked about rapid evacuation plans with resident with limited mobility and protocol? Applicant replied, DHS regulations will be adhered to.

No participant requested additional time to present evidence.

The Applicant did not request additional time to submit written argument and is willing to waive written argument and have a decision made this evening.

Public testimony was closed at 10:03 p.m. on File No. APP-1-20; Cup -2-20.

Council had discussion with each other and staff in regards to the matter.

Councilor Hedenskog moved, Councilor Hodges seconded and Council voted 3-2. Motion carried. Mayor Pieper, Councilor Hodges, and Councilor Hedenskog in favor Councilor Alcorn and Councilor McKinney against, to approve Conditional Use Permit CUP-2-20 with added requirements and conditions:

- 1. Require the road to be filled out on West Cliff Rd to meet the standards of the City Engineer and the Brookings Municipal Code.**
- 2. Restrict emergency vehicle response with no lights, no sirens during off hours.**
- 3. Make a clear statement that the CUP-2-20 is for operating an elderly care facility.**

4. Require a plot plan submitted to the City Engineer to determine if there sufficient onsite turn around this also includes their road that they have to develop.
5. State that this conditional use permit is for 14 beds only or state 14 bedrooms.
6. Fire drills will not be executed on off hours.
7. Require a preliminary drainage plan that meets with the approval of the City Engineer and would include any information about the culvert that is located on the north side of the property.
8. Research the possibility of an agreement with the church for additional parking.

Meeting continued to Aug 31st to refine and revise Final Order conditions of approval.

Remarks from Mayor and Councilors

None

Adjournment


Councilor Hedenskog moved, Councilor McKinney seconded and Council voted unanimously to adjourn the meeting at 11:38 PM.

Respectfully submitted:



Jake Rieper, Mayor

ATTESTED:
this 14th day of Sept. , 2020:



Janell K. Howard, City Recorder